




Brighton & Hove
City Council

Planning Committee

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| Title: | Planning Committee |
| Date: | 7 November 2018 |
| Time: | 2.00pm |
| Venue | Council Chamber, Hove Town Hall |
| Members: | Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morgan and O'Quinn Co-opted Members: Conservation Advisory Group Representative |
| Contact: | Penny Jennings Democratic Services Officer 01273 291065 planning.committee@brighton-hove.gov.uk |

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AGENDA

60 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.

61 MINUTES OF THE PREVIOUS MEETING

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Minutes of the meeting held on 10 October 2018 (copy attached)

62 CHAIR'S COMMUNICATIONS

63 PUBLIC QUESTIONS

PLANNING COMMITTEE

Written Questions: to receive any questions submitted by the due date of 12 noon on 31 October 2018.

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

65 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 BH2018/00868 - King's House, Grand Avenue, Hove-Full Planning 17 - 86

Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points.

RECOMMENDATION – MINDED TO GRANT

Ward Affected : Central Hove

B BH2018/00869 - King's House, Grand Avenue, Hove - Listed Building Consent 87 - 108

Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points.

RECOMMENDATION – GRANT

Ward Affected : Central Hove

MINOR APPLICATIONS

C BH2018/02404- Varndean College, Surrenden Road, Brighton-Full Planning 109 - 126

Relocation of 2no modular classroom blocks and erection of a two storey Science, Technology, Engineering and Mathematics (STEM) centre with associated cycle parking and landscaping alterations (part retrospective)

RECOMMENDATION – GRANT

Ward Affected: Withdean

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- D BH2018/01894- 1A Marmion Road, Hove- Full Planning 127 - 142**
- Application under S73a for variation of condition 2 of BH2015/01278 (Demolition of existing warehouse (B8) and erection of 4no two/ three storey residential dwellings (C3) and offices (B1).) (allowed on appeal) to allow amendments to the approved drawings (part retrospective).
- RECOMMENDATION – GRANT**
Ward Affected: Wish
- E BH2018/00433 -28A Crescent Road, Brighton - Full Planning 143 - 160**
- Variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings.
- RECOMMENDATION – GRANT**
Ward Affected: St Peter's & North Laine
- F BH2018/01687- Garage North East of 28 Holland Mews, Hove- Removal or Variation of Condition 161 - 174**
- Demolition of exiting garage and erection of 1no two bedroom dwelling.
- RECOMMENDATION – GRANT**
Ward Affected: Brunswick & Adelaide
- G BH2018/02638- 4 The Park, Rottingdean, Brighton- Householder Planning Consent 175 - 188**
- Remodelling of existing property incorporating a single storey side extension and creation of a first floor.
- RECOMMENDATION – REFUSE**
Ward Affected: Rottingdean Coastal
- H BH2018/00133 - Land Rear of 1-3 Clarendon Terrace, Brighton- Full Planning 189 - 204**
- Erection of 1no single storey two bedroom dwelling (C3), lowering of ground level and associated works.
- RECOMMENDATION – GRANT**
Ward Affected: East Brighton
- I BH2018/00134 - Land Rear of 1-3 Clarendon Terrace, Brighton - Listed Building Consent 205 - 214**
- Erection of 1no single storey two bedroom dwelling (C3), lowering of ground level and associated works.
- RECOMMENDATION – GRANT**
Ward Affected: East Brighton

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- J BH2018/00659- Blocks E & F Kingsmere, London Road, Brighton - Removal or Variation of Condition** **215 - 226**
- Variation of condition 2 of application BH2016/00254 (Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained.) to allow amendments to approved drawings.
RECOMMENDATION – GRANT
Ward Affected: Withdean
- K BH2018/00149 - Block B, The Priory, London Road, Patcham, Brighton- Full Planning** **227 - 242**
- Erection of additional single storey extension on top of existing building to form 4no two bedroom flats (C3) with associated roof garden, cycle store and parking spaces.
RECOMMENDATION – GRANT
Ward Affected: Patcham
- L BH2018/02296 - Wish Court, Muriel House, Sanders House and Jordan Court, Ingram Crescent West, Hove - Full Planning** **243 - 252**
- Replacement of existing timber and metal balcony balustrading with metal balustrading.
RECOMMENDATION – GRANT
Ward Affected: Wish
- M BH2018/02359 - 3 Meadow Close, Hove - Full Planning** **253 - 268**
- Demolition of existing three bedroom bungalow (C3) and erection of 4 bedroom two storey dwelling (C3).
RECOMMENDATION – GRANT
Ward Affected: Hove Park

66 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

- 67 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** **269 - 272**
- (copy attached).
- 68 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **273 - 276**
- (copy attached).

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- 69 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 277 - 278**
(copy attached).
- 70 APPEAL DECISIONS 279 - 310**
(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.

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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.

PLANNING COMMITTEE

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BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 10 OCTOBER 2018****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Cattell (Chair), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Littman, Marsh, Miller, Moonan, Morgan and Robins

Co-opted Members: Mr J Gowans, CAG

Officers in attendance: Paul Vidler, Planning Manager, Chris Swain, Principal Planning Officer; Stewart Glassar, Principal Planning Officer; David Farnham, Development and Transport Assessment Manager; Andrew Renaut, Head of Transport Policy and Strategy; Annie Sparks, Regulatory Services Manager, Environmental Protection; Tim Jefferies, Principal Planning Officer, Policy, Projects and Heritage; Steve Tremlett, Principal Planning Officer, Policy Projects and Heritage; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE**49 PROCEDURAL BUSINESS****49a Declarations of substitutes**

49.1 Councillor Marsh declared that she was present in substitution for Councillor O'Quinn. Councillor Robins declared that he was present in substitution for Councillor Gilbey. It was noted that Councillor Janio had been scheduled to attend in substitution for Councillor C Theobald but had been unable to do so due to sickness.

49b Declarations of interests

49.2 Councillor Morgan referred to applications A and B, BH2017/02680 and BH2017/02681, St Aubyn's School, 76 High Street, Rottingdean and stated that he had visited the application site when Leader of the Council. Any views given had been general and did not relate to the applications before Committee that day (which had not been submitted then). He confirmed that he had not predetermined the application, remained of a neutral mind and that he would remain present during consideration and determination of the application.

49.3 Councillors Hyde and Miller also referred to applications A and B, BH2017/02680 and BH2017/02681, St Aubyn's School, 76 High Street, Rottingdean, stating that as Ward Councillors they had received correspondence and had been lobbied both by those who objected to the applications and those who supported them, but had not expressed any view and remained of a neutral mind. During the course of discussion both expressed the view that it would be preferable for elements of the s106 contribution particularly for education to be provided to effect improvements to local schools. It was noted that Councillor Miller was a governor at Longhill School, also Councillor Hyde. The Committee were aware of that when making their deliberations and agreed that Local Ward Members be consulted further in respect of where it would be most appropriate for the agreed levels of funding to be allocated.

49c Exclusion of the press and public

49 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.

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

49d Use of mobile phones and tablets

49.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

50 MINUTES OF THE PREVIOUS MEETING

50.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 12 September 2018 as a correct record.

51 CHAIR'S COMMUNICATIONS

51.1 There were none.

52 PUBLIC QUESTIONS

52.1 Two public questions had been received and are set out below:

Question from Mr Dungey

52.3 As Mr Dungey was unable to attend the meeting to ask his question in person the Democratic Services Officer, Penny Jennings, put it on his behalf:

“I would like this question put to the planning committee's next meeting on 10th October. This question is a matter of principle although it has arisen in connection with planning application BH2017/02680.

A duty for highway authorities to improve road safety was included in the Road Traffic Act 1988, and the first guidance on RSAs was published in the mid-1990s. The highways design standard for safety audits on Trunk Roads and Motorways was published as part of the Design Manual for Roads and Bridges (DMRB) as HD19/03.

This question is being raised with the knowledge that the chair of the committee (under a recently introduced amendment to the constitution) may refuse to accept the question to be put to committee. It is understood however that there should be reasonable grounds for such a refusal (which it is hoped – under the openness and transparency objectives in the constitution, would be a) documented and b) shared with the requester.

Does the committee regard Road Safety on Rottingdean High Street itself and the junction with Marine Drive as a material consideration?”

52.4 The Chair, Councillor Cattell, responded in the following terms:

“Road safety impact upon these other roads would be a material consideration were an application to affect them. This is because:

(a) the council has a road safety policy in the form of retained local **plan policy TR7; and**

(b) the National Planning Policy Framework includes various policy on a road safety. In particular –

Paragraph 108 states that, in assessing application it “...*should be ensured that* .

b) safe and suitable access to the site can be achieved for all users”.

*c) any significant impacts from the development on the transport network *in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

Paragraph 109 states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

52.5 The following supplementary question was then put on Mr Dungey’s behalf:

“Will the planning committee regard the increase in traffic which is used to consider impact adequate if the increase used relates solely to the development rather than the cumulative impact of the development and other committed developments using the local network?”

52.6 The Chair, Councillor Cattell, responded in the following terms:

“Current Government Planning Policy Guidance on Transport Plans, Transport Assessment & Statements advises the following in relation to Transport Assessments:-

“It is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e., development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval”.

Accordingly, were a Transport Assessment deemed necessary to support an application, then it would be expected that the impact of traffic from other relevant committed developments would be included in some or all of its component assessments that considered traffic impact at relevant points on the road network. The particular committed developments to be included and the locations on the network to be assessed would typically be considered as part of pre-application discussions to agree the scope of the Transport Assessment - though officers would also typically reserve the right to request further assessments as the exercise progressed and results were made available. As per the Planning Policy Guidance, decisions about which committed developments to include would be informed in part by the degree of certainty about whether they would come forward within the specified 3 year timeframe. This same consideration may also influence the amount of development from a particular application that was included – for example where a hybrid application is granted and there is greater certainty that the portion that received full planning permission will come forward in time than the portion that received only outline planning permission.

National Planning Policy Framework paragraph 109 states that -

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Accordingly, if a committed development that was deemed to be relevant was not included in a traffic impact assessment, then any judgement as to whether this made the impact assessment itself inadequate would depend upon the likely additional impact of the committed development and whether this was sufficient for the overall impact on the road network to be deemed severe.

Question by Ms D Brown

52.7 Ms Brown was invited forward and put the following question:

“When the planning committee considers the opinion of the Highway Authority, will it consider it appropriate to request and discuss the related volume figures and their source to determine whether they agree with the judgement of the officer relating to proportional impact”.

52.8 The Chair, Councillor Cattell responded in the following terms:

“Members of the Planning Committee may ask officers any question or questions, and discuss any matters, they consider relevant to determining the particular application before them.”

52.9 Ms Brown then asked a supplementary question relating to the information which was collected and the basis on which it was assessed. Asking whether when objectors are considering and questioning traffic levels and they differed from the application documentation, would it be appropriate to ask the officer for previously submitted information?

59.10 The Chair, Councillor Cattell, explained that officers were required to carry out assessments using agreed professional industry standards formula and modelling against which all schemes required to be measured. All relevant factors were taken account of when making such assessments.

52.11 **RESOLVED** – That the responses given in response to both questions be noted and received.

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

53.1 **RESOLVED** – There were none.

54 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A BH2017/02680-St Aubyns School, 76 High Street, Rottingdean- Full Planning

Conversion of existing building of Field House and part of its northern extension, Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing sports pavilion, war memorial, water fountain and chapel; demolition of all other buildings and redevelopment to provide a total of 93no new dwellings (including conversions), incorporating the provision of new/altered access from Steyning Road and Newlands Road, landscaping works, car and cycle parking, refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works.

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

Officer Presentation

(2) The Principal Planning Officer, Chris Swain, introduced the application and gave a detailed presentation by reference to photographs, site plans and elevational drawings detailing the proposed scheme and its constituent elements; views across the site from various aspects were also shown. It was noted that two further late representations objecting to the scheme had been received neither raised any new issues which had

not been addressed in the officer report. The officer presentation covered the planning and listed building applications.

- (2) It was noted that the main considerations in determining the application related to the principle of the proposed development including the partial loss of the playing field, financial viability and affordable housing provision, the impacts of the proposed development on the visual amenities of the site and surrounding area, including the Rottingdean Conservation Area and its setting and the impact upon the special architectural and historic significance of the listed buildings located within the site and their setting, the proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, standard of accommodation, ecology and sustainability impacts. A planning brief for the site had been prepared in order to guide the future redevelopment of the former school site following its closure in April 2013. Whilst Planning Briefs did not form part of the Local Development Framework and so could not be given full statutory weight the guidance within the brief had been subject to public consultation and had been approved as a material consideration in the assessment of subsequent planning applications relating to the site.
- (3) The brief had been prepared in partnership with Rottingdean Parish Council and the purpose of the brief had been to provide a planning framework which would bring forward a sensitive redevelopment of the site which also needed to be considered in the context of the presumption in favour of sustainable development. Determining the acceptability of the principle of development on the playing field was also a key consideration. Weighing against the proposal was the partial loss of the playing field where there was a conflict in policy terms (including an objection from Sport England) and the potential heritage harm associated with the redevelopment of the playing field which would erode the visual separation between the development associated with the historic Rottingdean village and the suburban development to the east.
- (4) In relation to the playing field which was currently in private ownership and inaccessible to the public a significant proportion of this space would be made open to the public in perpetuity. Notwithstanding the objection received by Sport England the gradient of the field was such that it did not provide an ideal surface for turf sports. An off-site contribution would also be provided to compensate for loss of the playing field which would be secured via the s106 agreement. It should be noted that the previously refused planning application had not cited loss of the playing field as a reason for refusal.
- (5) It was also acknowledged that loss of part of the playing field would enable a viable policy compliant redevelopment of the campus site to take place which would include the existing vacant listed buildings, this had been confirmed by the District Valuer Service. The proposed use would secure the re-use and conversion of the principal Grade II listed building Field House and the listed cottages, including Rumneys which were currently vacant and were subject to ongoing dereliction and decay. These would be brought back into use which would secure their future conservation. Removal and replacement of the modern buildings in conjunction with the conversions and new builds would significantly improve the site in heritage terms. The Chapel and Sports Pavilion would also be secured and whilst the future use of these retained buildings could not be secured, conditions were recommended regarding repairs to the retained

structures in addition to a conservation management plan in order to ensure that they were restored and preserved. Whilst there would be some impact on the road network this was not considered to be severe, had been assessed and was considered to be acceptable.

- (6) The public benefits from the proposal would include the contribution of 93 residential units towards the city's housing target, 40 % of which would be affordable units. The overall design approach of the development on both the campus and playing field was also considered to be appropriate in height, scale, form, density and materials and other factors including impacts relating to amenity, standard of accommodation, ecology, archaeology, sustainability and land contamination had been assessed and were considered to be acceptable.
- (7) Overall, it was considered that the public benefits of the scheme as a whole were such that they outweighed any harm that would occur due to partial loss of the playing field and the proposed redevelopment. Approval of planning permission was therefore recommended subject to the Secretary of State deciding not to call the application in for determination, the completion of a s106 planning legal agreement and to the conditions and informatives set out in the report and to the amendments and corrections set out in the Late/Additional Representations List.

Public Speakers

- (8) Mr Flanagan spoke on behalf of local objectors detailing their representations. He stated that notwithstanding that Members had received detailed information in respect of the application and had visited the site the proposed scheme was not compliant with the council's own policy and was deficient in many respects. The viability case put forward by the applicants was not accepted and loss of the existing green space would be detrimental and would give rise to overlooking and loss of privacy. The additional traffic which would be generated would exacerbate congestion problems in the local area including the High Street to/from Woodingdean and along the coast road in an area which was far too narrow to take the increased volume which would be placed upon it. Air quality was also an issue, nitrogen dioxide levels were already very high and could only significantly worsen as a result of this scheme.
- (9) Councillor Mears spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. Whilst pleased to see development of the schools frontage which sat on the High Street and was in dilapidated state and had been subject to constant vandalism, she was concerned with the density and overall appearance of the proposed development on the greenfield area of the scheme. It appeared that the scheme would only be viable if a large area of the former playing field was built which was concerning as this could seriously impact on the character of the village. Given the proposed number of units there were concerns about the impact due to additional traffic detrimental in terms of higher levels of pollution and increased congestion as well as impact on the local primary, school, doctors' and dental surgeries which were already oversubscribed.
- (10) Councillor Hyde enquired whether/what arrangements were in place to ensure that the affordable housing was allocated to local people and it was confirmed that lay with another committee and fell outside the responsibilities of the Planning Committee.

- (11) Councillor Bennett enquired regarding arrangements for use of local doctors' surgeries, noting the comments received from the surgery situated in Saltdean, the fact that the practice located in Woodingdean was in the process of closing down.
- (12) Mr Bryant spoke on behalf of Rottingdean Parish Council detailing their general support for the scheme. The proposals to convert the original Field House and retention of other features including the flint boundary wall, historic twitten and Rumney cottages and restoration of the retained buildings were welcomed as was the proposal to make some of the former playing field available for public recreational use. The style and design of the brownfield elements was considered acceptable. There were concerns however in respect of air quality and the potential impact of any increase in vehicular traffic in the High Street.
- (13) Councillor Miller enquired regarding the progress of negotiations with the developers' representatives in relation to the future responsibility for the playing field.
- (14) Councillor Hyde asked whether there was a date by which it was anticipated that this matter would be resolved. It was confirmed that negotiations were on-going and that whilst the Parish Council had concerns in relation to some elements of the scheme as outlined, they were supportive.
- (15) Councillor Morgan enquired as to the status of any agreement reached in relation to future use and availability by the public of the retained playing field should the planning application be agreed. It was confirmed that any agreement reached would be legally binding into the future as would any obligations agreed as part of the s106.
- (16) Mr Allin spoke on behalf of the applicants in support of their application. He stated that the application before the Committee that day had resulted from work in concert with the planning department and sought to deliver 40% affordable housing provision whilst respecting the character setting and heritage elements of the site.
- (17) Mr Gowans, CAG, referred to the garage building located to the left of the Field House enquiring regarding treatment proposed to the roof and, enquiring whether the applicants would be prepared use a pitched roof rather than a flat roof, the former being more in keeping with the character and appearance of that building.
- (18) Councillor Mac Cafferty referred to the number of dwellings proposed on site and whether in view of that thought had been given to whether it would be appropriate to make the development car free, particularly in view of the concerns which had been expressed regarding the volume of traffic which would be generated. Councillor Mac Cafferty also referred to the concerns which had been expressed in relation to air quality and the level of nitrogen oxide emissions which were already very high.
- (19) Mr Allin explained that whilst making the development car free had not been explored specifically, travel plans and traffic management plans had been discussed in some detail, as had the option of introducing car clubs and electric charging points within the site for use by those using electrically powered vehicles.

- (20) Councillor Mac Cafferty stated that he was surprised given the density of the proposed form of development and the availability of public transport nearby that this option had not been explored.
- (21) Councillor Marsh referred to the number of cycle parking spaces to be provided on site and to the number of car parking spaces which also seemed high, enquiring regarding the rationale for that. It was explained that the number of spaces set would exceed the maximum standard and that on-site provision had been set in order to ensure that overspill parking did not occur.
- (22) Councillor Moonan enquired regarding cycle ways access across the site.
- (23) Councillor Littman referred to planting in order to screen the site enquiring regarding arrangements proposed especially along the High Street frontage where they would need to be of sufficient density.
- (24) Councillor Robins sought clarification regarding the circumstances which triggered the requirement that a development be car free, stating that it was his understanding that was considered appropriate when a development was proposed in a Controlled Parking Zone. It was confirmed that was so.

Questions of Officers

- (25) Councillor Littman referred to the previous reasons for refusal seeking confirmation that they had been addressed. It was explained that they had and that in preparing the reports before the Committee that day that they had been incorporated across the two. In considering the current scheme an assessment had been made by the impact of the constituent elements of the scheme overall.
- (26) Councillor Miller referred to the open space/play provision contributions stating that he considered it would be more appropriate for the sum agreed or a greater proportion of it to be used in Rottingdean itself and in closer proximity to the site itself, asking whether it would be possible for that to be done and whether if Local Ward Councillors could be consulted regarding where those monies would ultimately be spent. He had the same view in respect of the provision towards education. Councillor Hyde sought confirmation in respect of the same issues. It was confirmed that advice had been sought regarding the sums to be included/requested as constituent elements of the s106 legal agreement. Whilst the overall sums to be provided were determined using an agreed formula, Local Ward Councillors could be consulted and consideration could be given to the sums within the overall allocated figure, if it was permitted/practicable to do so.
- (27) Councillor Hyde stated her preference would be for money to be provided to a local charity PARC which provided play equipment locally and towards provision at the nearby Stanley Deason Leisure Centre and Improvements at St Maragaret's, which was the local LEA school and which to her knowledge had a number of significantly undersized classrooms which would benefit from improvement. Councillor Miller concurred in that view stating that he considered that a proportion of the Education contribution should also go towards provision at Longhill School, the local LEA

secondary school. It was noted that although Councillor Miller that was a governor of Longhill School that did not constitute a declarable or prejudicial interest.

- (28) Councillor Hyde enquired regarding the rationale for inclusion of comments received from Hove Civic Society in the officer report, as they did not have any locus in the Rottingdean area. It was explained that comments received were included and Members could see where they had originated from.
- (29) Councillor Hyde pointed out that dropped kerbs had recently been installed in proximity to the frontage of the site and it was confirmed that the where monies were allocated within the transport/traffic management allocation could be amended accordingly. Councillor Hyde also referred to the provision of "live time" boards stating that the locations at which these were proposed were not the most appropriate siting for them, requesting whether consideration could be given to alternative locations. The Development and Transport Assessment Engineer, David Farnham, explained that this could be looked at. The Legal Adviser to the Committee, Hilary Woodward, confirmed that contributions sought would need to be assessed in accordance with the Council's developer contributions' guidance and monies allocated to an agreed formula but that subject to that proviso whether there could be any flexibility around the allocations made could be explored.
- (30) Mr Gowans, CAG, referred to the garage proposed to the south wing and requested to see drawings showing that structure which in his view appeared to be at variance with that of the neighbouring building. The Principal Planning Officer, Policy, Projects and Heritage, Tim Jefferies, referred to the amendments which had been made during the course of the application confirming that the materials had yet to be agreed, that the proposed structure was not considered to be harmful to the setting of the conservation area and that it was considered that a pitched roof would be more prominent in that location.
- (31) Councillor Moonan sought confirmation regarding how parking was to be distributed throughout the site and in respect of access to the playing field area. Further to her earlier question in relation to cycle arrangements it was confirmed that there would be full accessibility across the site for cyclists and that the arrangements to be put into place would be secured by condition.
- (32) Councillor Littman enquired whether it would be possible to encourage provision of all-weather pitches.
- (33) Councillor Mac Cafferty queried whether the proposal was policy compliant or, contrary to SU9, stating that he had grave concerns in relation to the amount of vehicle parking to be provided on site and the impact that the commensurate increase in vehicular activity would have on the neighbouring road network when it was acknowledged that air quality was already an issue. He failed to see how what was proposed would not affect the area negatively, enquiring regarding any independent assessment which had been carried out. He also asked why the developer had not been encouraged to make the development car free, he referred to the fact that this had been pressed for on other major developments. The Regulatory Services Manager, Environmental Protection, Annie Sparks explained that a thorough assessment had been carried out by her Senior Technical Officer which had taken account of local conditions and

national guidance. Modelling had been carried out on that basis and, the proposed mitigation measures were considered to be acceptable.

- (34) The Legal Adviser to the Committee, Hilary Woodward, confirmed that under current legislation, car free developments could not be sought unless a proposed development fell within an existing Controlled Parking Zone. As this development failed to meet that test the applicants could not be required to meet that requirement.

Debate and Decision Making Process

- (35) Councillor Hyde stated that she had found consideration of this application which was located in her own ward very difficult. She was aware of strong views both in favour of and in opposition to the scheme. Having visited the site she was aware that it had deteriorated significantly since she had visited in conjunction with the previous application. A number of the listed buildings were now close to being derelict, the site had been subject to acts of arson and vandalism and the proposed scheme would ensure their renovation and use. The scheme would provide much needed housing for local people and would provide an open space use which would be available for public access. Whilst the current space was larger, it was not available to the public. Councillor Hyde did not consider it would be appropriate for this out of town development to be car free considering that to do so would give rise to unacceptable levels of overspill parking. The site had remained empty since the school had closed and was deteriorating rapidly. On balance she considered that the benefits of the scheme outweighed any detrimental impact and she would be voting in support of the officer recommendation.
- (36) Councillor Morgan concurred that there were a number of factors to weigh up in determining the application. Whilst he had some concerns about traffic generated by the site which would undoubtedly be of a greater volume than when it was a school, he considered that was a broader issue to be addressed as was the allocation for funding for education and open spaces and impact on the local doctors' surgeries; the proposed conditions and terms of the s106 needed to be applied robustly. The proposed development would provide much needed housing and had been sympathetically designed and would restore the listed buildings on site; the real time bus signage was also welcomed, on balance he would be voting in favour of the application.
- (37) Councillor Littman stated that it was very much a matter of balance considering that it was clear that a great deal of work had been carried out in order to overcome the previous reasons for refusal. Whilst there were some issues remaining to be addressed the protection of local heritage assets and housing provision were welcomed and he felt able to support the application.
- (38) Councillor Miller stated that the application before the Committee that day was significantly different from that which had previously been refused. The buildings on site had deteriorated greatly during that period and would continue to do so if not attended to. Whilst he had concerns about air quality issues in the area, that was not caused by locally generated traffic and the imposition of a Controlled Parking Zone, or making the development car free would exacerbate rather than remedy that. The mix of units was welcomed as was the involvement of Rottingdean Parish Council. The

availability of the albeit reduced green space for public use where that was not currently so was also positive. Councillor Miller was also pleased to note that approval of materials and finishes would be referred back for approval by the Chair, Deputy Chair and Opposition Spokesperson's and that the Local Ward Councillors would be advised/consulted further in relation to where s106 monies would be allocated; he would be voting in support.

- (39) Councillor Cattell, the Chair, commended the scheme and the hard work which had taken place in bringing forward this application and the efforts made to counter any negative impacts. She had been shocked by the level to which the buildings on site had deteriorated, including the listed pavilion which was currently weed choked and would be restored as would Field House and the other listed buildings on site. In its current condition the site benefitted no-one. The percentage of affordable housing to be provided and public open space use would be positive.
- (40) A vote was taken and in a vote of 9 to 1 by the 10 Members of the Committee who were present Minded to Grant planning permission was granted.

- 54.1 **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 the Secretary of State deciding not to call the application in for determination, a Section 106 agreement to secure the Heads of Terms and subject to the Conditions and Informatives set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 16 weeks from the date that the Secretary of State decides not to call in the application the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report. This permission is also subject to the additional conditions and informatives set out below and in the amendments and corrections set out in the Additional/Late Representations List.

S106 Heads of Terms

Open space contribution should be £64,606.94, rather than £291,502.30.

Additional Head of Terms - Walkways Agreement

Conditions

Alterations to Conditions 10, 22, 23, 37, 38, 39 and 42 and additional Condition 48 as in Late List.

Additional Condition 49:

Notwithstanding the details shown on the drawings hereby approved, no development above ground floor slab level of the bin store to the west of the front elevation of Field House shall take place until elevational details of the bin store have been submitted to and approved in writing by the Local Planning Authority. The bin store shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

Informatives

Additional Informative 13:

Condition 19 requiring the approval of samples of external materials will be determined by the Head of Planning following consultation with the Planning Committee Chair, Deputy Chair and Opposition Spokespersons.

MINOR APPLICATIONS

B BH2017/02681-St Aubyns School, 76 High Street, Rottingdean - Listed Building Consent

Conversion of existing buildings of Field House and part of its northern extension. Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing sports pavilion, war memorial, water fountain and chapel, demolition of all other buildings and alterations to boundary flint wall along Steyning Road and the Twitten.

- (1) It was noted that this application had been subject to a site visit prior to the meeting.
- (2) A vote was taken and the 10 Members present when the vote was taken voted unanimously that Listed Building permission be granted.

54.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** Listed Building Consent subject to the conditions and informatives also set out in the report.

C BH2018/00341-295 Dyke Road, Hove - Outline Planning Application

Outline application with some matters reserved for the erection of 1no single dwelling (C3).

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

Officer Presentation

- (2) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to photographs, site plans and indicative drawings, including the location of the proposed access way in relation to the existing building. The existing frontage had been re-aligned in order to protect mature trees which provided screening which also respected neighbouring dwellings. The proposed development would be located on the site of the existing swimming pool at a distance from the existing dwelling and had been sited on this large plot such that it was considered that it would not harm neighbouring amenity. The Committee were being asked to agree the principle of the development and access arrangements with all other matters reserved.
- (3) The proposed driveway would result in a more intensive use of an area of the site which was currently underutilised as it would provide the only vehicle and pedestrian access to the proposed new dwelling. However, for one additional house it was not considered such to warrant refusal of the application. The proposed access

arrangements were therefore considered acceptable and approval of outline planning permission was therefore recommended.

Questions of Officers

- (4) In answer to questions by Councillor Littman it was confirmed that there were a number of similar back-land developments in the vicinity of the, if permission was given for this development it was not considered that it would set a precedent.
- (5) Councillor Hyde enquired regarding the properties nearby which had been re-developed and which had similar access arrangements. It was confirmed that that nos 285, 287 and 289 had received similar treatment.
- (6) Councillor Bennett enquired regarding the height, layout and scale of the proposed development. It was explained however, that as the Committee were being asked to agree the principle of development and access arrangement in granting outline permission the precise form of development remained to be determined. It was confirmed in answer to further questions by Councillor Bennett that a bungalow could be built on the site dependant on any subsequently submitted plans. Details were also requested to show the precise location of developments built in the rear gardens of other properties nearby. Councillor Bennett stated that she was concerned that a string of similar developments had been erected to the rear of existing properties in that location which was altering on the character of the area and the neighbouring street scene.
- (7) Councillor Cattell stated that having attended the site visit she was concerned that the proposed development would be permanently in shade, given that the existing swimming pool was located in a sheltered part of the site and was surrounded by trees. It was explained that final details of landscaping of the site were a reserved matter and would need to be agreed.

Debate and Decision Making Process

- (8) A vote was taken and on a vote of 8 to 1 with 1 abstention, the 10 Members present at the meeting voted that outline planning permission be granted.

57.3 **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.

D **BH2018/02184, 30 Roedean Crescent, Brighton - Removal or Variation of Condition**

Application for Variation of Condition 1 of application BH2017/01742 (Erection of a single storey rear extension, first floor rear extension & creation of lower ground floor room under existing rear terrace. Roof alterations to include raising ridge height to create additional floor, rear balconies, revised fenestration & associated works. Alterations include new landscaping, widening of existing hardstanding & opening with new front gates) to permit amendments to approved drawings for alterations including

removal & relocation of doors to garage and front elevation, removal of external staircase, revised balustrade height and cladding materials.

Officer Presentation

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to elevational drawings, photographs and site plans which highlighted works which had been carried out and differences between the previously approved and proposed schemes. Permission was being sought to vary Condition 1 of BH2017/01742 and related solely to the changes to the drawings to the proposed development and these proposed alterations were part of the officer presentation.
- (2) The overall appearance of the proposal would not be significantly different to that of the approved scheme and the relationship between the proposed dwelling and the neighbouring properties and the wider street scene would be similar to that of the approved scheme. The proposed changes would reduce any impact of the scheme on neighbouring amenity. Overall, alterations made to the originally approved plans were considered to be minor, would not harm the character or appearance of the proposed development, were considered acceptable and approval was therefore recommended.

Debate and Decision Making Process

- (3) A vote was taken and the 10 Members who were present voted unanimously that planning permission be granted.

58.4 **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** planning permission subject to the Conditions and Informatives also set out in the report also to include the following amendments:

Condition 1 to be amended to include:
 details of slate tile to be provided;
 amended location and block plan 108A;
 comparative heights plan 20.

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

55.1 There were none.

56 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

57 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

58 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

59 APPEAL DECISIONS

59.1 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 5.40pm

Signed

Chair

Dated this

day of

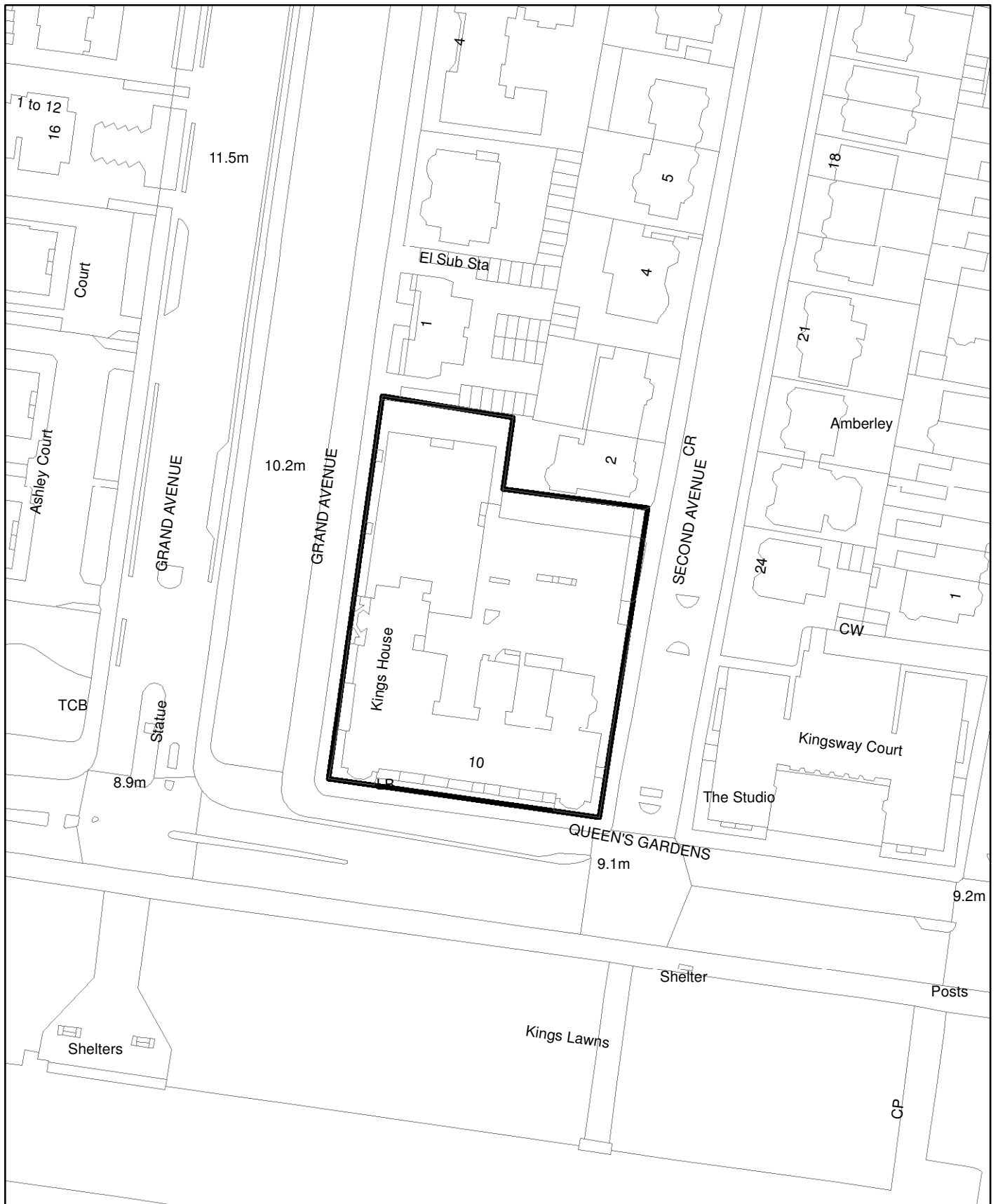
ITEM A

**Kings House, Grand Avenue
Hove**

**BH2018/00868
Full Planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/00868 Kings House Grand Avenue Hove



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|--------------------------|
| <u>No:</u> | BH2018/00868 | <u>Ward:</u> | Central Hove Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Kings House Grand Avenue Hove BN3 2LS | | |
| <u>Proposal:</u> | Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points. (Amended Description) | | |
| <u>Officer:</u> | Luke Austin and Jonathan Puplett | <u>Valid Date:</u> | 20.03.2018 |
| <u>Con Area:</u> | The Avenues | <u>Expiry Date:</u> | 19.06.2018 |
| <u>Listed Building Grade:</u> | Listed | <u>EOT:</u> | |
| | Building Grade II | | |
| <u>Agent:</u> | Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE | | |
| <u>Applicant:</u> | Mortar Nova Grand Avenue LLP 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 be **Minded to Grant** planning permission subject to the expiry of the re-consultation period expiring on the 2nd of November 2018 and no new planning considerations arising, and 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 27th of February 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

S106 Heads of Terms

- Affordable Housing: Provision of 28 units on site comprising 15 rent units and 13 shared ownership, and a contribution of £265,492 towards off-site provision. On-site affordable housing to be ready for occupation prior to 50% occupation of private residential accommodation.
- Review Mechanism of Viability
- A contribution of £152,765 towards education.
- A contribution of £463,743 towards open space and recreation provision.
- A contribution of £51,300 to the Council's Local Employment and Training Strategy and a Construction Training and Employment Strategy including a

commitment to using 20% local employment during the demolition and construction phases of the development.

- A residential Travel Plan covering a period of 5 years incorporating targets to be agreed with the Local Highway Authority. The Plan should be supported by a variety of incentive measures including but not limited to:
 - Subsidised passes/membership of public and communal transport services for one or more years, including Bus services within Brighton & Hove, The Brighton & Hove Bike Share Scheme, Enterprise Car Club;
 - A voucher for £150 to be redeemed against the purchase of a bicycle (one voucher per dwelling);
 - The creation of a Bicycle User Group, including initiatives for “buddying” of less confident cyclists for a few trips, publicity, and social rides;
 - Arranging “doctor bike” maintenance sessions with a teaching element;
 - Free cycle training;
 - Personalised travel planning for residents;
 - Provision of maintenance stands together with pumps and basic tools within the cycle store;
 - Residential travel packs;
 - The provision of information about sustainable transport options in sales/marketing material for the development;
 - An artistic component / element as part of the proposed scheme to the value of £60,000.

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 | (08)001 | P1 | 19.03.2018 |
| Existing & Proposed Grand Avenue (West) Street Elevation | (08)010 | P3 | 29.06.2018 |
| Existing & Proposed South Elevation | (08)011 | P3 | 29.06.2018 |
| Existing & Proposed Second Avenue (East) Street Elevation | (08)012 | P4 | 24.08.2018 |
| Existing & Proposed North Site Elevations | (08)013 | P3 | 29.06.2018 |
| Proposed North/East Site Elevations. Alternative Outrigger Design | (08)015 | P1 | 22.03.2018 |
| Proposed Site Plan | (08)050 | P1 | 22.03.2018 |
| Proposed Site Sections AA - BB | (08)070 | P1 | 22.03.2018 |
| Proposed Site Sections CC- DD -EE | (08)071 | P1 | 22.03.2018 |
| Proposed Site Section FF | (08)072 | P1 | 22.03.2018 |

| | | | |
|--|---------|----|------------|
| Proposed Underground Car Park | (08)080 | P3 | 05.10.2018 |
| Proposed Kings House Basement Plan | (08)100 | P3 | 05.10.2018 |
| Proposed Kings House Ground Floor plan | (08)101 | P3 | 05.10.2018 |
| Proposed Kings House First Floor plan | (08)102 | P2 | 05.10.2018 |
| Proposed Kings House Second Floor plan | (08)103 | P2 | 05.10.2018 |
| Proposed Kings House Third Floor plan | (08)104 | P2 | 05.10.2018 |
| Proposed Kings House Fourth Floor plan | (08)105 | P2 | 05.10.2018 |
| Proposed Kings House Fifth & Sixth Floor plan | (08)106 | P2 | 05.10.2018 |
| Proposed Kings House Sixth Floor & Roof plan | (08)107 | P2 | 05.10.2018 |
| Proposed Kings House Detail Roof Sections | (08)160 | P1 | 22.03.2018 |
| Kings House Balcony Study | (08)262 | P4 | 01.08.2018 |
| Kings House Rear Window Study Detail | (08)264 | P1 | 22.03.2018 |
| Kings House Proposed Basement Windows to Lightwell | (08)267 | P1 | 22.03.2018 |
| Existing and Proposed South Elevation Showing Revised Entrance Proposals | (08)269 | P1 | 24.08.2018 |
| Kings House Refurbishment Room Interior Strategy | (08)500 | P2 | 24.08.2018 |
| Kings House Refurbishment Room Interior Strategy | (08)501 | P1 | 19.03.2018 |
| Kings House Refurbishment Room Interior Strategy | (08)502 | P2 | 24.08.2018 |
| Kings House Refurbishment Room Interior Strategy | (08)503 | P2 | 24.08.2018 |
| Proposed Grand Avenue Block Floor Plans & Roof Plan | (08)200 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block Lower Ground Floor Plan | (08)210 | P1 | 22.03.2018 |

| | | | |
|--|-------------------------|-----|------------|
| Proposed Grand Avenue Block Ground & First Floor Plans | (08)211 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block Second & Third, Fourth & Fifth Floor Plans | (08)212 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block Sixth, Seventh & Eighth Floor Plans | (08)213 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block Ninth Floor Plan & Roof Plan | (08)214 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block West Elevation | (08)250 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block North & South Elevation | (08)251 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block East Elevation | (08)252 | P1 | 22.03.2018 |
| Proposed Second Avenue Block Plans & Roof Plans | (08)300 | P1 | 22.03.2018 |
| Proposed Second Avenue Block Plans & Roof Plans | (08)310 | P1 | 22.03.2018 |
| Proposed Second Avenue Block East & West Elevation | (08)350 | P2 | 29.06.2018 |
| Proposed Second Avenue Block North & South Elevation | (08)351 | P1 | 22.03.2018 |
| Land Contamination – Desk Study Report | GE17010 – DSRv2VB180302 | 2.0 | 19.03.2018 |
| Hard and Soft Landscaping | RCo 227 / 01 | 03 | 19.03.2018 |
| Landscaping Masterplan | R&Co / 227 / Fig 01 | 01 | 19.03.2018 |
| Sustainable Energy Report | 17107 | P3 | 19.03.2018 |

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.

Amenity

3. Other than the balcony areas and terraces identified on the approved plans, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton and Hove Local Plan.
4. Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at 1-metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
5. Prior to first occupation of the development hereby approved, full details of the proposed external lighting scheme, including lamps proposed for the main entrances on the Southern elevation, are required to be submitted for approval by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.
Reason: To ensure the satisfactory preservation of this listed building, to protect neighbouring amenity, and to comply with policies QD25, QD27, HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
6. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, inter alia,:
- (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, businesses and elected members to ensure that they are all kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (v) Details of hours of construction including all associated vehicular movements;
 - (vi) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated

measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;

(vii) A plan showing construction traffic routes;

(viii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on one neutral weekday and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;

(ix) An audit of all waste generated during construction works.

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

Heritage / Design / landscaping

7. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that two new build blocks on the site hereby approved are commenced within a period of 6 months following commencement of demolition.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

8. 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 and Hove City Plan Part One.

9. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any

trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

11. Other than demolition, no development of any part of the development of Kings House 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:

- a. Bricks and mortar
- b. Coping and pier caps
- c. Airbricks
- d. Cladding for mansards, dormers and flat roof
- e. Rooflights
- f. Materials for the northern boundary walls
- g. Aluminium balcony balustrade panels
- h. Glass and framing for outrigger roof balustrades

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

12. No development of the new buildings on Grand Avenue and Second Avenue, above ground floor slab level shall take place until samples of materials to be used in the construction of the external surfaces of the development of those new build elements have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick and roofing materials;
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering;
- c) Samples of bricks, coping and pier caps of the boundary walls;
- d) Details of all hard surfacing materials;
- e) Details of the proposed window, door and balcony treatments;
- f) 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 and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

13. Other than demolition, the development hereby permitted shall not be commenced until a method statement for the works to remove the concrete infill from the former ground floor entrances and the reinstatement of steps, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include provision for initial investigations of the infill sections, to gather evidence of any surviving original stair construction or materials, the findings of which to be provided to the Local Planning Authority along with detailed proposals for their reinstatement. Any original structure and materials found are to be re-used unless otherwise agreed by the Local Planning Authority. The repair/reconstruction of the steps shall not take place until details for the step structures, dividing wall and railings have been submitted to and agreed by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
14. Other than demolition, the development hereby permitted shall not be commenced until large scale elevations, masonry and joinery details for the Second Avenue fire escape entrance have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
15. Other than demolition, the development hereby permitted shall not be commenced until profiles and material samples of the proposed brickwork, coping and pier caps for the proposed boundary wall in Second Avenue have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
16. Other than demolition, the development hereby permitted shall not be commenced until details of the design and materials for the proposed airbricks have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
17. Other than demolition, the development hereby permitted shall not be commenced until joinery details for all proposed new windows and external doors in the existing Kings House building (including cill and reveal profiles and depths, and large scale details of the proposed replica front doors in addition to comparative details of the existing doors to be matched, as appropriate), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

18. Prior to first occupation of the development hereby approved, details of the proposed location and appearance of the dry riser inlet box have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

19. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed CHP plant installation and flue route through the building, including floorplans of each level the route crosses through and all relevant section drawings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

20. 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 HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

Transport

21. Notwithstanding the submitted details, other than demolition the development hereby permitted shall not be commenced until a Vehicular Parking Scheme that includes full details of:

- a) the number, location and layout of general car and motorcycle parking spaces, disabled parking spaces and parking spaces with active and passive electric vehicle charging points;
- b) how all types of parking will be allocated to residents;
- c) how electric vehicle charging points are to be made available, including bringing any with passive provision into active use; and
- d) doors and other access and management measures to the basement car park, including to the access ramp from Second Avenue, to provide safe and secure access has been submitted to and approved in writing by the Local Planning Authority. The parking and facilities shall be laid out and constructed in accordance with the approved details and made available for use prior to the first occupation of the development, and shall

thereafter be maintained and managed and be available for use at all times in accordance with the approved scheme.

Reason: As the parking including disabled parking spaces shown on the submitted drawings is not of an acceptable standard a revised proposal is required to ensure that satisfactory facilities for the parking of vehicles including disabled parking are provided, and to comply with retained Local Plan policies TR14, supplementary planning document SPD14, to encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions, to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

22. Notwithstanding the submitted details, other than demolition the development hereby permitted shall not be commenced until a Cycle Parking Scheme that includes full details of:

- a) how stores and other facilities will be accessed;
- b) the types of stands that will be provided;
- c) how the stands and facilities will be laid out;
- d) doors to stores and other security arrangements; and
- e) bike maintenance facilities has been submitted to and approved in writing by the Local Planning Authority. The parking and facilities shall be constructed in accordance with the approved details and made available for use prior to the first occupation of the development, and shall thereafter be maintained and managed and be available for use at all times in accordance with the approved scheme.

Reason: As the cycle parking shown on the submitted drawings is not of an acceptable standard a revised proposal is required 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.

23. Prior to any of the residential units hereby approved being sold or occupied, a scheme shall be submitted to the Local Planning Authority for approval to provide that-

(a) the residents of 154 flats within the approved development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit, and;

(b) The residents of the remaining 15 flats shall be eligible for a maximum of one resident's parking permit per flat.

The approved scheme shall be implemented prior to first occupation of the development and shall remain as such thereafter.

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 and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One and SPD14: Parking Standards.

24. The development hereby approved shall not take place until a highway scheme setting out full details of the following works:

- (a) extinguish the redundant vehicle crossover on Second Avenue to the existing surface car park and reinstate this as footway;
- (b) extinguish the redundant vehicle crossover on Grand Avenue leading to an existing garage and reinstate this as a footway with a dropped kerb for ease of loading and unloading containers and receptacles from service and delivery vehicles;
- (c) provide further new dropped kerbs on Second Avenue, Grand Avenue and Queen's Garden in the vicinity of pedestrian accesses into the development for ease of loading and unloading containers and receptacles from service and delivery vehicles
- (d) remove the existing access ramp and steps on Grand Avenue and reinstate the footway; and
- (e) amend existing or introduce new Traffic Regulation Orders and/or carry out all highway works necessary to facilitate the above;

have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

Sustainability / air quality

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

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

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

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

27. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed solar photovoltaic panel arrays have been submitted to and approved in writing by the Local Planning Authority. The approved solar photovoltaic panel arrays shall be installed in their entirety and shall be operational prior to the first occupation of the new build blocks hereby approved. The approved solar photovoltaic panel arrays shall remain operational thereafter.

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

28. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed Combined Heat and Power (CHP) system have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed in its entirety and shall be operational prior to the first occupation of the development hereby approved. The approved system shall remain operational thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, and to minimise any harmful emissions which may result, to comply with policy SU9 of the Brighton and Hove Local Plan and policy CP8 of the Brighton and Hove City Plan Part One.

Access

29. Other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of eight units which form part of the approved scheme, which are in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). These eight units shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

Nature conservation / enhancement

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

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

Environmental Health

31. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study ref. GE17010 – DSRv2VB180302 V.2 submitted on the 19th of March 2018, in accordance with BS 10175:2011+A1:2013;

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

32. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition 29 (b) that any remediation scheme required and approved under the provisions of condition 29 (b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Refuse/ recycling

33. 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 and Hove Local Plan, policy CP8 of the Brighton and Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Drainage

34. Other than demolition, the development hereby permitted shall not be commenced until a detailed design and associated management and

maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 19th March 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 and Hove Local Plan.

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

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton and 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 they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway.
3. The applicant is advised that, to ensure the overall proposals for parking within the basement are coordinated, approval of the information required under conditions 21 and 22 (Vehicular Parking Scheme and Cycle Parking Scheme) should be provided in a single application.
4. The applicant is advised that the scheme required to be submitted by Condition 23 should include the registered addresses of all the units within the completed development; confirmation of which 15 addresses will be eligible for a maximum of one resident's parking permit per flat; an invitation to the Council as Highway Authority to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers and occupiers of the availability of parking permits or otherwise.
5. Southern Water has advised that there is a decommissioned water main within the site. Should the water main be found during construction works the applicant should contact Southern Water Services before any further works commence on site. Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer

now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

6. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

2. SITE LOCATION AND APPLICATION DESCRIPTION

Kings House is a prominent Grade II listed building on Hove Sea Front, facing south across Hove Lawns. It is within The Avenues Conservation Area. The Queen Elizabeth statue within Grand Avenue to the west is listed as is number 24 Second Avenue to the east.

The building was built as a terrace of 7 houses between 1871 and 1874. The westernmost houses were soon after converted to Princes Hotel, along with the rest of the building in due course. Thereafter it was requisitioned by the Government during wartime; was used as the Headquarters of the South Eastern Electricity Board; and latterly, by Brighton and Hove City Council.

The modern northern extension to Kings House was built in the 1980s. It was last in use as an open-plan office over five storeys connected to the main building of Kings House through a glazed link.

While of significant townscape merit within The Avenues Conservation Area, in more recent years the building has been further eroded of original features, most notably windows, entrances, balconies and a 2 storey wing formerly fronting Grand Avenue, all of which affect the significance of the building.

The application site is 0.53 hectares and currently contains Kings House to the south part fronting onto Queens Gardens with Kingsway beyond and Kings Lawns beyond that; the modern 1980s extension to the west part fronting onto Grand Avenue with its open gardens; ground-level open car park to the east part fronting onto Second Avenue.

The design of the application scheme has evolved during pre-application discussions and during the course of the application, in light of the response from the Design Review Panel, Officer advice, pre-application advice from Members, and as a result of various consultee responses especially the Heritage Officer.

The application proposes the demolition of the modern northern extension and link building, the conversion of the main building of Kings House to residential dwellings, alterations to the listed building including upward extensions of the three historic

outriggers, and the erection of two new blocks of flats. This represents a site-wide change of use from B1 office use to C3 residential for the provision of 169 dwellings.

The proposed 10-storey building fronting Grand Avenue would contain 72 dwellings. The proposed 6-storey building fronting Second Avenue would contain 28 dwellings. Both buildings would be of similar in style making use of locally distinct yellow gault brick for the main elevations with more contemporary grey panel accents. Balconies would be formed of steel and glass balustrades.

To Kings House, two additional storeys (plus roof terraces) are proposed to each of the three rear outriggers. Only visible from Second Avenue, the first level of each additional storey would be of matching brickwork with the second additional storey formed of dark grey metal cladding in a mansard-roof form. Small dormers are proposed to the rear main roof slope with conservation rooflights to the front. All fenestration would be returned to historically appropriate timber sash format.

The existing below ground car park is proposed to be extended to provide a total of 80 car parking spaces including 11 disabled spaces accessed via the existing basement ramp. The basement will also provide access to cycle spaces for residents (the final number and location of which to be secured by condition), refuse and recycling storage. Cycle spaces are proposed to the front and rear of the development which would provide visitor cycle parking.

A new low level glazed link building will provide a public entrance to the development on Grand Avenue. Landscape areas to the rear of Kings House and between the proposed two new buildings will form a communal garden and courtyard area incorporating areas of coastal planting, seating and hard landscape circulation.

Amended drawings were received in August 2018 and a new public consultation has been undertaken which expires on the 2nd November 2018. New balcony details were proposed as well as other details to address initial objections by the Heritage Officer.

In regard to affordable housing, the original application submission stated that no affordable housing could be provided.

Following discussions with the applicant, and independent viability assessment, it has been determined that the development can provide affordable housing in the form of 15 rent units and 13 shared ownership, and a contribution of £265,492 towards off-site provision, without threatening the viability of the scheme. This is now proposed; the affordable units would be delivered in the proposed Second Avenue block.

3. RELEVANT HISTORY

BH2018/00869 - Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points. Under Consideration.

BH2005/06638 - Replacement of existing sash windows with timber sashes including opening up of bricked up window openings. Approved - 01/02/2006.

BH2005/06005 Listed Building Consent for internal alterations to form new meeting rooms out of basement stores, opening up of 9 bricked up openings and installation of new sash windows. Approved - 01/02/2006.

3/93/0471 (F) and **3/93/0472** (LB) - Change of use from headquarter offices personal to Seaboard PLC to Class B1 offices. Approved - 19/10/1993.

3/79/0416 and **3/79/LB0015** - Alterations to existing building, demolition of number 1 Second Avenue, existing garage and two-storey office wing, erection of a five-storey office extension (plus basement and plant room) including social club, canteen and parking for 144 cars. Approved - 30/08/1979.

Pre-application advice

The application submission follows the Applicant seeking and obtaining pre-application advice from Officers, Members and Design Panel. This advice has informed the formulation of the application submission.

4. REPRESENTATIONS

Seventy Five (75) letters have been received objecting to the proposed development **for the following reasons:**

- The parking assessment methodology is inaccurate
- Peak times for parking are within the summer months during the daytime / mid – late evening
- The existing parking is highly constrained
- There will be impacts on local residents during construction
- There is no clear commitment to affordable housing
- This will not address the housing crisis
- The proposal is of an inappropriate size
- The development will be detrimental to the setting of Kings House
- Increased traffic
- Increased disruption
- The existing building and extension should be renovated and converted
- Loss of light
- Loss of outlook
- Inadequate parking
- Where will tradesman park?
- The area is already high density
- The existing ground level carpark should be retained
- The flats are targeted for wealthy incomers – not locals
- Overdevelopment
- Overcrowding
- Increased crime
- Loss of daylight
- Overbearing
- The existing building should be converted to flats

- The new build it of little architectural merit
- Not environmentally sustainable
- The proposal will set a precedent for further infill development
- The new block will dominate Kings House
- Locals schools and GP's cannot cater for the additional residents
- Loss of light
- Loss of value to local flats
- No benefit to local residents
- Collection services will not be able to access the site
- The development should be restricted to four stories
- Loss of sea view
- This will impact the whole south side of One Grand Avenue
- The gap between Kings House and properties to the north is an established feature
- Contrary to HE3, HE6 and CP15
- Lack of wheelchair units
- Lack of affordable units
- Additional pollution from high level of cars
- The development should be car free
- There is not enough tree planting / landscaping on site
- The development should not rely on hove lawns for amenity space
- Overlooking from north facing balconies on upper levels
- Noise from service lift and air vent
- Smell / noise from refuse area
- Impact on highway safety
- Inaccurate car ownership statistics
- Inaccurate daylight / sunlight assessment
- No social housing
- The development will damage a tourist attraction
- The 40% affordable housing should have been a condition of the sale of the building
- The design is too modern
- The development does not BRE sunlight / daylight guidance
- The floor heights do not relate to adjacent buildings
- Unsympathetic material finish
- Loss of local sightlines
- The design is unbalanced
- The existing building is more appropriate
- The Grand Avenue building should be one storey lower
- Car parking is likely to be inadequate
- The development should provide one parking space per resident
- Likely to be disruption from construction
- The building is too high
- Insufficient parking
- Design is not in keeping
- Overlooking / loss of privacy from roof terraces
- The frosted balustrades to the outriggers are not in keeping
- The roof terraces will be crowded with furniture
- The roof terraces are too modern
- Lack of turning point within the road

- Should be car free
- Construction traffic will cause disruption
- The bedrooms do not meet space standards
- The design is lazy
- The Second Avenue block is of low quality
- The development is contrary to the NPPF and local policy
- The public Consultation was poor

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

- Welcome the prospect of additional housing
- The development makes use of a brownfield site
- Contributions should be sought for local schools and cycle lane improvements
- The design is positive
- The design is in keeping with the local area
- Affordable housing and parking must be managed

A **petition** has been received with **Two Hundred and Eight (208)** signatures with the following undersigned request;

The developer, Mortar Nova Grand Avenue Ltd substantially increases the number of parking spaces to be built at their King's House development. Brighton and Hove City Council Planning Committee therefore must require a substantial increase in parking provision as a condition of granting the application. Furthermore, we request that the development is designated 'car free' so that the new residents have no entitlement to local on-street resident parking permits.

Councillor Wealls has provided two comments on the proposed development. Copies of the comments are attached.

Councillor Moonan objects to the proposed development. A copy of the objection is attached.

Peter Kyle MP has provided the following comments on the proposed development:

- In favour of more housing in Hove
- There is concern that the Second Avenue design is not in keeping with the street
- 74 car parking spaces is not enough for 169 flats
- There does not seem to be the required number of wheelchair accessible units
- No affordable housing element
- Overlooking / loss of privacy to 2 Second Avenue
- Concerns regarding the service lift and potential noise impact
- Request that a noise impact study is carried out

The Hove Civic Society has commented on the proposed development:

- We believe that the scheme would bring some clear planning benefits, including a significant contribution to overall housing supply and a much-needed refurbishment of the listed King's House exterior. Naturally we welcome these.
- The scheme should also make a good overall improvement to the streetscape on three (East, South & West) sides - particularly the King's House block and the sensitive approach used for the proposed new block on Second Avenue.
- The proposed new block on Grand Avenue would also be a streetscape improvement compared with the 1980s block it would replace. We think the design approach of the facades generally works satisfactorily, but there are features which could be improved - for example, the somewhat random placing of balcony detail is a distraction from the overall form.
- We have more substantial concerns about the internal layout of the blocks, in particular a worry that rooms in the most inward areas of the Grand Avenue, and in the 'outrigger' areas of King's House, will feel enclosed and oppressive.
- And obviously we are disappointed with the situation where no affordable housing is being put forward as part of the scheme. We note the viability summary submitted with the application, with a general commitment to "working with the Council" - but the local community will obviously want to see the Council acting to secure a genuinely good outcome from this process.

The Brighton Society supports the proposed development. Comment summarised as follows:

The Brighton Society considers that this proposal will result in an overall enhancement of the Hove seafront, to the Listed King's House itself, and to The Avenues Conservation Area within which the site is located.

The new buildings proposed in Grand Avenue and Second Avenue are acceptable in terms of scale, proportion, architectural modelling, detailing and materials.

As the scheme has developed in the period since the initial consultations, we now feel much happier that these proposals will result in an overall enhancement to the area – which is of course one of the key criteria in evaluating whether new buildings in Conservation Areas are acceptable or not.

5. CONSULTATIONS

External Consultees

Historic England: No objection

The proposed new building on Grand Avenue is taller than that which it replaces, but of a similar scale to One Grand Avenue to its north. There would certainly be a change in the setting of King's House, and to the wider Conservation Area, but we acknowledge

that buildings within the CA are varied in both design and scale, and the wide open streets assist in accommodating changes of this order without causing great harm.

On Second Avenue, a new building would be lower, and infill a gap on the street frontage. Although opposite grade II listed buildings, there would not be a great crowding effect resulting from the new building. Raising the height of the 'outriggers' would alter the historic form of the listed building, but it is not uncommon for service wings to be adapted in this way, and similar extensions have occurred elsewhere in the locality. There would also be some benefit arising from enlivening the street scenes of Grand Avenue and Second Avenue which would offset some of the harm associated with a more dense form of development here.

We do not object to the proposals affecting the interior of King's House, but think that certain matters of detail remain to be agreed, such as the treatment of new joinery in communal areas, and installation of safety bars to historic stairs.

CAG Conservation Advisory Group: Object:

The Group recommends refusal. The Group recognises that this proposed development is the most significant and sensitive for the historic Hove sea front since Kingsway Court was built in the 1970s therefore what is eventually proposed on this site has to be worthy to fit into this existing impressive building landscape. Whilst welcoming the proposed conservation and restoration to the listed King's House, the Group believes the negative issues the proposed new builds facing Grand Avenue and in Second Avenue have produced, outweigh the positives gained from the restorations of King's House.

The conservation report is most thorough, which demonstrates good detailed restoration proposals for King's House. The Group supports the re-instatement of staircases, and other internal features; front entrance doors where proposed; the repair of simulated stone copings; original fenestration design and the reconstruction of the balconies to their origin state. Also it would have no objection to the extensions upwards to the outriggers other than to the east end outrigger, which would have an effect on the street scene looking south down Second Avenue. Materials have to be very carefully chosen to achieve the match and colour of the existing building.

The Group agrees with the demolition of the Grand Avenue extension but feels the proposed replacement is too high and bulky and that it misses an opportunity to present a star quality replacement.

Although the building is proposed to be separated from King's House, its size and closeness do not allow it to be subservient to King's House and to the vertical visual thrust of its two Italianate towers. The new building will breach the roof line considerably as seen both from the Junction of Grand Avenue and Church Road to the north and also from Hove Lawns to the south. The indecisive nature of the vertical design also does not fit well with its neighbours.

The proposed new building facing Second Avenue, whilst of acceptable scale and massing is not of sufficient quality of contemporary design and does not sit well with

other buildings in Second Avenue which are all from the 1870s. A building of similar style should be considered.

County Ecologist: Comment

The proposed development is unlikely to have a negative impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows (to be secured by condition).

Southern Water: Comment

No development should take place within the minimum clearances around identified pipework routes. There may be decommissioned pipework within the site which if identified during construction works requires further consultation with Southern Water. Details of surface and foul water drainage should be secured by planning condition.

Sussex Police: Comment

Standard security measures are recommended and this advice has been provided to the applicant.

Internal Consultees

Planning Policy Team (comments on the scheme as originally submitted):
Comment

The submission does not contain all the supporting information that was provided at the pre-application stage specifically the Cushman and Wakefield Planning Review and Marketing Material that is cited in the Supporting Statement. This should be submitted for assessment as part of the application.

Further clarification should be sought from the applicant given the submission of additional more recent commercial advice – The Fludes report (October 2017) - included in the Affordable Housing Viability Assessment which suggests a different opinion on the quality and attractiveness of the building for continued office use then set out in the Supporting Statement.

Subject to the comments of the Housing Strategy Team the proposed dwelling mix for this scheme could be improved upon by a better balance of two and three bedroom properties in the overall mix to more fully accord with Policy CP19.

The applicant should indicate if the proposed housing units meet the requirements of Brighton and Hove Local Plan Policy HO13 Lifetime and Accessible Housing.

The applicant should clarify whether affordable housing will be provided as part of the scheme. The Affordable Housing Viability Assessment, assumptions and conclusions should be subject to independent scrutiny by the District Valuer.

Further comments 19/11/2018 following submission of additional information and finalised affordable housing proposal:

The general level of affordable housing proposed is now supported as it has been verified as the maximum viable by the DVS. In regard to the options which were set out the viability assessors reports:

1. The entire Second Avenue Block- 13x 1-bed flats, 15x 2-bed flats as affordable with a 55%/44% split – 15 rent units and 13 shared ownership units, plus a contribution of £265,492 for off-site provision.
2. The entire Second Avenue Block- 13x 1-bed flats, 15x 2-bed flats as affordable with a 71%/29% split – 20 rent units and 8 shared ownership units, with no contribution.
3. The entire Second Avenue Block- 13x 1-bed flats, 15x 2-bed flats as affordable with a 55%/44% split – 15 rent units and 13 shared ownership units, plus 2 shared ownership units in the Grand Avenue block.

The second option would be preferable as it represents a 100% on site deliver of affordable housing and would provide a higher proportion of rental units.

Housing Strategy Team (comments on the scheme as originally submitted):
Object

Object as no affordable housing is proposed.

Details of wheelchair housing provision should be provided and to fully accessible at first letting/sale. Tenure of affordable wheelchair housing should be agreed (Preference for Affordable rent over Shared Ownership).

Further comments following submission of finalised affordable housing proposal:

The 17% provision is well below the 40%, but significantly above the original 0% originally offered by the developer and has been confirmed by DVS. The preference of the Housing Team would be DVS option 2 - the entire Second Avenue Block including 13x 1-bed flats, 15x 2-bed flats as affordable with a 71%/29% split – 20 rent units and 8 shared ownership units.

Heritage Officer: Comment

The Heritage Officer has provided detailed comments on an ongoing basis throughout the design development of this scheme. The latest position is to agree to most details subject to various criteria and conditions as attached to this report.

The comments of the Heritage Officer are summarised as follows:

- The pre-planning development of the scheme has resulted in positive changes in scale and design approach to the new-build, and amendments to proposed alterations to Kings House.
- The conversion of Kings House will enhance the evidential and aesthetic value of the asset and will enliven the street frontage. The reinstatement of chimney pots, basement steps and window openings, replacement of existing aluminium windows with timber (some conjecture accepted) and the removal of clutter from the main rear elevation are all acknowledged improvements, and along with the proposed re-use of the building for the purpose it was originally intended are considered to be in accordance with the requirements to 'sustain or enhance the significance of the heritage asset' as set out in the National Planning Policy Framework.
- The orientation of the internal layout to better reflect the buildings origins as a row of 7 houses is achieved by reinstating the spine walls between the units and using the original locations of the reflected staircases as the positions for the circulation cores (lift in place of stairs on one side). This layout is not followed on the ground floor, however no further erosion of historic planform is proposed either.
- General support for returning windows to original format although evidence of the exact detailing of the original windows is unclear.
- Reservations over disguising the lift overrun structures with false chimneys but accepted on balance as the original chimneys have been removed from the rear.
- Removal of modern extension will visually separate Kings House from the rest of the site and improve its setting.
- The Grand Avenue new build is still considered to be taller than desirable, however the re-design of this block through the pre-planning process has resulted in a slightly lower building. Its design acknowledges traditional vertical proportions with the double height brick openings, whilst confidently avoiding pastiche. The texture created by the variations in balcony projection and brick detailing add subtle but essential qualities that must not be lost in the implementation of the scheme.
- The set-back of the upper floors has been increased and the proposed materials for these levels improved since the original proposal, and the resulting excess height above Kings House is considered less harmful in views from Grand Avenue however the aim for Kings House to retain its prominence in the street scene is not considered to have been achieved from some vantage points where the upper floors do not appear recessive and the impact of the new building does not benefit from the reduced footprint (compared to the existing extension).
- The decorative metal panels proposed for the top of the first and second floor balustrades and around the top of the third floor bays are considered acceptable.
- Entrance lamps acceptable.

Further comments following submission amended details proposal:

Revised door and balcony details have been submitted which are considered acceptable.

The addition of lamps to the main south elevation entrances are considered acceptable subject to further detail.

Additional fire escape details to be reserved by condition.

The alignment of the existing balustrade wall at the back of the pavement would prevent the full reinstatement of the sets of entrance steps that will not lead to new entrances under the proposed scheme; the Heritage Team seeks confirmation that this has been considered and how it will be resolved where the intention is to retain this boundary wall.

The proposal to include the decorative stone lintels above the new fire escape entrance in Second Avenue should be included on drawing 012 P3. Large scale details for this entranceway can be conditioned.

Full justification for the proposed water repellent coating for the historic brickwork is required, along with information confirming the degree to which the breathability of the fabric will be retained, and the effect such coating will have on the colour or finish of the bricks following application of the product.

Revised internal details that remove reference to lowered ceiling perimeters and downlighters and mezzanine area are required.

The following matters can be secured by condition:

- A method statement for the works to remove the concrete infill from the former ground floor entrances and the reinstatement of steps.
- A large scale elevation and masonry and joinery details for the Second Avenue fire escape entrance.
- Full details of the lamps proposed for the main entrances on the Southern elevation.
- Profiles and material samples of the proposed brickwork, coping and pier caps.
- Details for all proposed new windows and external doors
- Details of design and materials for the proposed airbricks.
- Large scale design and joinery details for new internal flat entrance doors.
- Details of the proposed location and appearance of the dry riser inlet box.

Further comments following the submission of further details:

No objection subject to suggested conditions.

Environmental Health Officer: Comment

The submitted desktop study identifies that further site investigation is required. Land contamination conditions are therefore recommended.

The ventilation system air intake will be on the courtyard side of the closest residential windows to the car park ventilation outlet. The car park ventilation system will be low volume when in everyday usage (as compared to emergency operation in the event of a fire) and should not pose a noise nuisance or air quality hazard to passers-by or residents in the vicinity of the outlet. A condition controlling noise from the ventilation system should therefore be applied.

Air Quality Officer: Comment

The proposed development is not predicted to increase traffic congestion, emissions or have an adverse impact on local air quality. The site and sea front have clean air quality with prevailing ventilation and favourable dispersion conditions. The site is suitable for healthy residential use.

No objection subject to the following measured secured by condition:

- 50% of the parking on site with ducting ready for electromotive charging points.
- CEMP condition: HGV routings shall minimise journey distance through the AQMA. Especially avoid the A259 in Portslade, Preston Circus and Valley Gardens.
- Combined Heat and Power plant shall have Selective Catalytic Reduction to minimise NOx emissions and a flue termination above tallest building in accordance with the clean air act.

Transport (comments on the scheme as originally submitted): Comment

Before determination of the application, various elements of cycle parking and accessible car parking must be addressed.

Subject to satisfactory resolution of these issues, and the application of a number of obligations and conditions to mitigate the impact of the development and to support the use of sustainable modes of transport by new residents, the Transport Team raises no objection.

Conditions to Include a cycle parking scheme, a car park management plan, a construction traffic management plan in addition to a travel plan and a scheme to control parking permits to be secured via a legal agreement.

Further comments following the submission of additional information / amended proposals:

This application has been subject to a thorough assessment of transport impact, with particular attention given to risks of associated with potential overspill parking on surrounding streets. This has led the applicant to revise their proposals on several occasions. Whilst there are still several areas that remain deficient, particularly internal

car and cycle parking arrangements, the Highway Authority is satisfied that these could now be remedied by condition. Consequently, it would not wish to oppose Approval subject to various conditions and obligations being attached, including:

- A condition to secure further details of internal cycle parking facilities, notwithstanding the plans permitted. This is necessary to address access, security and inclusivity deficiencies within the proposed scheme. This may have knock on implications for the design of car parking within the basement.
- A condition to secure further details of the proposed internal car parking arrangements, including blue-badge holder and electric vehicle charging point spaces. This is necessary to address deficiencies in the proposed scheme relating to the layout of disabled parking spaces. Both this and the possible need to reallocate space to cycle parking are likely to result in a small further reduction in proposed 80 on-site car parking spaces.
- An agreement (with a Section 106 agreement) removing the entitlement of the overwhelming majority of units within the development to on-street parking permits, except for blue-badge holders. In order to prevent on-street parking occupancy exceeding acceptable thresholds, that entitlement will be retained for 15 identified units only. They will be limited to a maximum of 1 permit each.
- A condition to secure a Car Parking Management Plan explaining how on-site parking, including accessible spaces and those with electric vehicle charging points, will be allocated to residents and how arrangements will be communicated to residents.
- An agreement (with a Section 106 agreement) to provide a Travel Plan to encourage sustainable travel by residents. This should be supported by various incentive measures including subsidised tickets/membership of public and communal transport services.
- A condition to carry out various minor highway works to modify existing and proposed accesses to the development.

Education: Comment

In this instance the Education Authority we will not be seeking a contribution in respect of primary education as we have sufficient primary places in this area of the city for the foreseeable future. We will however be seeking a contribution in respect of secondary and sixth form education of £152,764. 60 if this development was to proceed. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.

Sustainable Drainage: Comment

Support subject to a detailed maintenance plan of the sustainable drainage on the site to be submitted before construction can commence.

Economic Development: Comment

The proposed loss of a significant amount of office floorspace is regrettable; the application submission however sets out a number of mitigating circumstances which should be taken into account.

A contribution towards the Local Employment Scheme and a Local Employment Strategy including a commitment to 20% local labour should be secured through legal agreement.

Sustainability: Comment

The heating solution for the Grand Avenue and Kings House developments is by way of a gas-fired CHP and boiler district heating system. This is welcomed, as are the references to CIBSE and the ADE Code of Practice.

It is regrettable that the Second Avenue building is not connected to the district heating scheme, as policy CP8 (and emerging policy DM46 of City Plan Part 2) require developers to look outside the immediate site boundary to ensure that all buildings benefit from access to low-carbon heat. The development still meets the 19% CO2 reduction due to the installation of solar PV.

6. MATERIAL CONSIDERATIONS

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:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA1 The seafront

- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- CP5 Culture and tourism
- 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
- CP18 Healthy city
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE1 Listed buildings
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD03 Construction and Demolition Waste
- SPD09 Architectural Features
- SPD11 Nature Conservation and Development
- SPD14 Parking Standards

8. CONSIDERATIONS and ASSESSMENT

The main considerations in the determination of this application relate to the principle of development including the total loss of the B1 office use, the proposed provision of market and affordable housing units, the impact of the conversion of the listed Kings House on its significance, the impact of the design on the character and appearance of the conservation area and setting of surrounding listed buildings, impact on street scene and wider views, neighbouring amenity, sustainable transport impacts including parking demand, landscaping, ecology/biodiversity and contribution to other objectives of the development plan.

Background

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

The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of Development

The principle of development in this case primarily relates to the loss of office use on an unallocated employment site, a use protected by City Plan Part One Policy CP3. The proposed development would see the employment use lost in its entirety, to be replaced by residential development.

Loss of existing use

The current lawful use of the site is as offices (Use Class B1(a)). There is also a surface and underground car park as an ancillary facility to the office use. The site contains 11,870 sqm (127,700 sqft) (gross internal area) of office premises comprising the converted Grade II Listed Building and the 1980s extension to the north.

The Brighton and Hove Employment Land Study 2012, a background evidence study supporting the City Plan Part One, identifies a shortfall of high quality office accommodation over the plan period and strongest demand for accommodation up to the 460 sq m in size, although there is also demand for move on accommodation for local businesses.

A lack of office space will constrain the city's ability to retain its businesses as they grow and expand. Protecting existing office space is therefore important to help meet future business needs and supplement the delivery of new office space.

In addition, a healthy office space market for the city requires a vacancy rate which facilitates businesses moving to new premises when required e.g. in relation to expansion, with minimum delay.

A lack of available office space, which businesses can identify and move to within a reasonable timescale, can act as a deterrent to new businesses arriving / starting up in the city, and existing businesses remaining in the city. A lack of supply can also lead to rising rental charges which can also act as a deterrent and make the city less competitive with other nearby locations.

The Employment Land Study 2012 identified forecast growth requirements of 112,240 sq m to 2030. This is required as additional provision to the existing stock in the city. It is therefore critical that the existing stock in the city is protected where appropriate.

A further threat to meeting this objective is the permitted development rights which were introduced in May 2013, which grant permission for changes of use from office to residential use, subject to a prior approval process. The prior approval process only allows the Council to consider a restricted list of considerations; this list does not include an ability to consider the loss of the office use and its impact upon the provision of employment space in the city. The Council introduced an Article 4 Direction in March 2016 which restricts these rights being enacted in the central core of Brighton; such rights still apply outside of this area and have been enacted in a number of locations across the city since their introduction in 2013.

The result of these rights is that notwithstanding the protections the Article 4 Direction and local Planning Policies afford office uses, and those developments which have come forward in the city which do include new office floorspace, year on year the city is seeing a net loss of office floorspace, rather than the net increase required to contribute to the forecast growth requirements of 112,240 sq m to 2030, as set out within the Authority Monitoring Report for Non-Residential Development for 2016-2017.

The most recent available data suggests vacancy rates are currently very low at 3.5% of total stock, whilst this demonstrates a healthy demand for office space in the city; such a low vacancy rate can in fact restrict movement in the market as set out above. Rental charges are at a record high and are projected to continue to steadily rise, in part due to the restricted availability of suitable office space on the market. Again this is a demonstration of the healthy demand for office space in the city vs the available supply, but such high and rising rental charges can impact upon the city's ability to compete with other nearby locations.

Overall, the need to protect the existing stock in the city, where possible and appropriate, remains acute, as does the need to bring new office space forward in new development. The Council's efforts to achieve these objectives will continue to be compromised to some extent by the permitted development rights which apply outside of the Article 4 area.

In the case of the King's House site a change of use through permitted development is not possible, as these rights do not apply to sites which contain listed buildings. Any proposed change of use must therefore be considered with regard to the overall situation in the city, and relevant local and national planning policies and guidance.

City Plan Part One Policy CP3 sets out that the loss of existing office space will not be permitted for the reasons set out above; to protect the city's existing stock of office as a baseline to which new office floorspace should be added across the plan period. Exceptions to this policy position will only be permitted where certain circumstances apply.

It is a requirement that as part of any proposal involving the loss of office space that the premises be demonstrated, through evidence submitted by the applicant, to be

redundant as office space, and incapable of meeting the need of alternative employment uses. In the context that office demand across the city remains high, and availability is restricted.

Paragraph 4.39 of CP3 sets out a rationale for assessing whether a site is redundant as office space, and unsuitable for modern employment uses. The application submission includes a case as to why they consider the loss of office floorspace to be justified. This case is considered having regard to the criteria set out in Policy CP3 below.

a) Location of the site

The application submission sets out that that-

Kings House is a prominent seafront site set within close proximity to Hove Town Centre which comprises a mixed commercial area characterised mainly by upper floor office accommodation and small scale employment in mews off Church Road. Kings House is unusual in this context as it forms a substantial standalone office block in an area comprising predominantly residential uses. Whilst the site is in a relatively central location with good transportation links, it is not part of the Brighton centre where most larger office premises are located, and is not in itself part of an established office location.

This description is considered accurate. The location is central, but ideally so. The site is well served by some transport links but is set away from railway stations. It does appear that an office use / uses could potentially function successfully, as has been the case in the past. The limitations of the location are however accepted.

b) Quality of the existing building

The application submission includes an assessment of the quality and internal layout of the existing office premises. The assessment indicates that the Grade II Listed building may not be attractive to modern office users given the small cellular nature of the layout which is governed by the historic fabric of the building. The majority of existing offices to the south of the main corridor are restricted in layout and do not benefit from level access due to the offset mezzanine levels to the rear. The accommodation within the original section of the building is indicated to be low specification and dated.

The submission indicates that the modern extension to the rear is of better quality than the traditional part of the building, providing open floorplates of 700 sq m, however it is dated and also in need of upgrade and improvements to bring it up to modern day office standard. It is stated that the works required would include new heating/cooling systems.

This description of the quality of the existing buildings is considered accurate. Both the historic building and the modern block to the north would require significant works to bring them up to the standards expected in the current market. Were such works to be carried out the accommodation in the historic building would still be limited by its layout.

c) Site/ floor layout

The Grade II Listed Building comprises a single main core, with accommodation spread over five main floors with upper levels within the towers. It is accepted that the arrangement of the original Victorian structure does not lend itself to modern office requirements which would impact on market interest of the site as an office use. Current demand is angled towards more flexible open plan working spaces and there are also difficulties with adaption of the Grade II Listed Building to be DDA compliant for future office users.

The modern block to the north of the site offers more flexibility with an open plan floor plate, which could facilitate occupation by one company or by a number of companies through internal subdivision. The potential for such occupation is however limited to some extent by the works required to bring this building up to modern standards.

d) / e) / f) Accessibility / Other uses in the neighbourhood/ Proximity to public transport

As identified within the application submission, Kings House is a standalone office block located away from the main Church Road within a predominantly residential area. The site is also located away from the city's core office location and is not particularly well connected by rail with the nearest station (Hove) approximately 0.8 miles away.

As detailed above it is accepted that the site is ideally located for an office use as it is set away from the established core office area within Brighton, and away from both Brighton and Hove Station. The site location does however have a number of strengths; the relative proximity of Hove and Brighton centre, and an attractive seafront location and outlook, would set the site apart from many other office sites which could, for example be in out of town locations, set away from established centres and their amenities, without such attractive elements as proximity to a seafront and an open outlook towards it. The site is also well located in terms of bus and cycling routes with numerous bus stops nearby and the adjacent A259 / cycle path / promenade beyond.

In terms of access to main vehicular routes in an out of the city, the site has immediate access to the A259 for east/west routes into and out of the site, routes north are not as convenient as some travel through the city is required to get to the A23 and A27, this is however characteristic of many city centre office spaces in the city.

g) Costs of refurbishment set against future value an office use

The Cushman and Wakefield marketing report 2015 provided as evidence by the applicant indicates that the refurbishment required would include replacement of the outdated and inefficient heating and ventilation systems, replacement of deficient windows and a general upgrading of staff facilities such as toilets and kitchens. This has been quantified at a cost of circa £5million which is not considered viable by the applicant when set against the future value for employment use.

As identified above, it is accepted that significant works and expenditure would be required to update both the historic and modern building to a standard required by modern office occupiers. Whether such works would be considered viable by a freeholder or future occupant would to some extent be dictated by the length of ownership / occupation intended, and the terms upon which rental was offered / the required works were to be funded.

It is accepted that costs in the region of £5million would take a considerable period to see a return delivered. It is however clear that demand for office space is at present very high, and given the current limited availability of office in the city, which is projected to continue, and the record high rental charges, which are projected to continue to steadily rise, it does appear likely that a return on the costs of such works would be delivered in due course.

It remains unclear whether these circumstances make the purchase and operation of the site for office use untenable. The site has been purchased with the intention of a residential redevelopment and is therefore not currently available to the open market as an office use.

h) The length of time the site has been vacant

Kings House was last occupied by the council and was vacated in October 2016. As detailed above, the site has been purchased with the intention of a residential redevelopment and is therefore not currently available to the open market as an office use.

i) Marketing history of the site

The supporting information provided by the applicant provides evidence which demonstrates that Kings House was on the market from September 2014 - July 2017 and actively marketed between September 2014 – April 2015 and April 2017 – July 2017 by Cushman and Wakefield on behalf of the council.

In September 2014 a comprehensive marketing brochure was advertised in the Estates Gazette, Cushman and Wakefield's website and other commercial property websites. The brochure was also sent to all 986 members of the Office Agents Society. The property was offered freehold as a whole and no guide price was set. The site was marketed for continued office use, although the document indicated the potential for alternative uses (e.g. residential) subject to the relevant planning permissions, indicating that evidence of the redundancy of the existing use would be required. 145 enquiries were received but none related to office use. The feedback provided was that the location and nature of the building was not attractive for offices. All of the interest generated was for a change of use and redevelopment with the vast majority seeking a residential use.

In February 2015 a revised marketing brochure was issued which considered alternative uses as well as continued office use which resulted in an additional 53 enquiries. A formal bidding process commenced in April 2015. None of the bids were for continued office use. This was followed by extensive negotiations with the preferred bidder, however, the council decided in March 2017 to remarket the property with a refreshed marketing brochure which broadened the range of prospects and highlighted the potential of the site for redevelopment in addition to continued office use. This further marketing also failed to generate any interest from office occupiers or investors prepared to upgrade the building for modern office use.

At this time Cushman and Wakefield concluded that the location of the building and nature of the accommodation are no longer appealing as modern offices.

It is noted that the Fludes Commercial Report submitted in support of the application (October 2017) included in the Affordable Housing Viability Assessment offers a different opinion on the quality and attractiveness of the building for continued office, including the following conclusions:

‘- Brighton city centre is the best office location. Central Hove, to include, Kings House is the next best location;

- If Kings House were retained and refurbished as office accommodation we would be optimistic of the letting prospects.’

Overall, it is clear that while marketing of the site included marketing its potential as an ongoing office use, the site’s potential for redevelopment as alternative uses including residential has formed part of the marketing strategy. It appears that as the interest which the marketing attracted related to alternative uses including residential, the marketing became more focussed on this potential as time went on.

It does appear that the site has the potential for continued office use; this is confirmed in part by the Applicants’ own submission in the form of the Flude report. Such use would however be reliant upon significant refurbishment works being carried out, a factor which will act as a deterrent to future owners and/or occupiers. The marketing which has been carried out suggests that at this time there was very limited interest in continued office use of the site. This real world experience is given weight, alongside the assessment of the theoretical potential for employment use. It is not however clear how any marketing efforts for continued office use were impacted upon by the concurrent marketing for alternative uses such as residential.

j) Vacancy rates for office uses in the City

As detailed above, overall vacancy rates remains low at approximately 3.5% of total stock. Demand is high and availability is low. Rental charges are at a record high and are projected to rise steadily for the foreseeable future. Changes of use to residential through permitted development rights outside of the Article 4 Area will continue to impact upon the office stock of the city.

k) Whether the change of use is the only practical way of preserving the Grade II Listed Building

A conversion of the historic building to a residential use is not the only practical way of preserving it.

However, a residential use does represent a viable use of the site which would see initially, a large scale refurbishment and restoration, and looking forward, would ensure the ongoing occupancy of the building where individual owners, and the freeholder(s) would have a vested interest in the upkeep and maintenance of the building. Any future alterations would be subject to the requirement for Listed Building Consent which would ensure that such works would be appropriate in nature. The Council also has strong Enforcement powers relating to listed buildings should any breaches of such restrictions occur.

The resultant scenario would therefore in some regards be of benefit to listed building and its ongoing preservation.

Were the Council to seek to retain the use of the building as office, by refusing applications for alternative uses such as that which is proposed, which could potentially be justified given the acute need to retain office space and deliver a net increase of office space in the city, this would create the potential for a period of vacancy. Given the lack of interest shown in reactivating the office use of the building during previous periods of marketing a period of vacancy does appear likely in this scenario. Furthermore the works which a future office occupier would seek to carry out are not known at this point and some impact upon the historic character and importance of building could result.

The proposed use therefore arguably provides a greater degree of certainty as to the future of the building and its ongoing maintenance. It has not however been demonstrated that this is the only practical way of preserving the Grade II Listed Building

In summary, a number of factors have been identified which are effectively limitations of the potential of the site for ongoing employment use. The location is central, but ideally so. A seafront location and an attractive and open aspect could help to attract new office occupants. The site is well served by some transport links but is set away from railway stations. The internal layout of the listed building is not suited to modern employment use and these problems would be difficult to resolve. The modern open plan extension is more suited to employment use but would require relatively significant upgrades to fully meet the requirements of modern office occupants.

Furthermore, the site has in the past been marketed, in part for ongoing office use, and no interest was shown for such a use. The effectiveness of this marketing may however have been limited by concurrent marketing for alternative uses such as residential.

Notwithstanding these limitations, and the fact that the site has not been available to the open market for office use since its purchase for residential redevelopment, the marketing does carry some weight as suggests that the proposition of the ongoing operation of office use on the site was not appealing to potential purchasers at this time. Ongoing efforts to retain the site in its current lawful use as offices could see a period of vacancy which would not be welcome in listed building terms as the historic building could fall into disrepair and would not undergo the sort of repair and restoration which is proposed under the application scheme.

As an overall assessment, the case put forward in regard to the loss of employment use does raise material issues and addresses the criteria of Policy CP3 to some extent, and the need to secure an ongoing viable use of the listed building is acknowledged, however the proposed development would result in a significant loss of office floorspace, at a point in time where the city faces significant challenges meeting its objectives in providing employment floorspace to meet current and projected demand.

The situation is therefore balanced. It is considered that the loss of employment use in this case could potentially be supported, and whether approval should be given rests

upon an overall planning assessment of the scheme including an assessment of the benefits which the proposed scheme would deliver.

The Proposed Residential Use

The proposed replacement use in this case is the provision of 169 residential units comprising 50 one-bedroom flats, 116 two-bedroom flats, and 3 three-bedroom flats. 28 affordable units are proposed comprising 13 one-bedroom flats and 15 two-bedroom flats. Of these affordable units, 15 would be rental units and 13 shared ownership. These units would be housed within the new build block fronting Second Avenue, which would in its entirety be affordable units, 28 in total. In addition a contribution of £265,492 towards off-site provision is proposed.

As with employment floorspace, there is an acute need for housing in the city. Whilst residential sites in the city face less threat from alternative uses, as changes away from residential are at the present time uncommon, the current and projected demand for housing in the city requires the ongoing identification and delivery of housing across the city during the plan period.

At present the city has a housing delivery target, approved by Government at the time of the adoption of City Plan Part One, which is significantly below its objectively assessed need. Site allocations at the time of the Plan adoption indicated that the city had a viable supply of sites to deliver housing which would meet this target across the plan period through a defined delivery trajectory. At a recent appeal however the Inspector found the Council's rationale for believing that this on target delivery would continue over the next five years to be lacking, therefore the Council has accepted at present that it cannot demonstrate a viable housing land supply position.

As a summary, at the time of the plan adoption, it was accepted that the need for housing, and affordable housing in particular, was acute, and that due to the restrictive circumstances of the city, it would not be possible to meet the needs of the city therefore a significantly lower target was set and accepted by Government. As present, it is projected that even that lower target may not be met due to limited delivery during this phase of the plan period.

In this context, the need for housing developments, and in particular those which include affordable housing provision, to come forward is arguably even more acute than at the time of the plan's adoption. The presumption in favour of sustainable development currently applies as set out in paragraph 11 of the revised NPPF published in July 2018. This applies a 'tilted balance' in favour of granted permission for sustainable development unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is therefore clear having regard to the overall circumstances the city faces at this time that new developments for housing will in general be supported, unless significant

adverse impacts can be identified which outweigh the benefits of the specific housing provision which is proposed. In addition, given the limited delivery which has come forward / is coming forward during this phase of the plan period, it is of critical importance at this time that housing developments meet local policy requirements in regard to affordable housing.

Affordable Housing and Viability

For schemes of 15 units or more Policy CP20 sets out that 40% of the proposed units should be affordable, and should be of a tenure mix that is reflective of current needs. The Council's Affordable Housing Brief (AHB) defines this as a mix of 55% rental units and 45% shared ownership units. In the case of the application scheme of 169 units, this would equate to an affordable housing provision of 68 units; 37 for rent and 31 shared ownership.

Other than the lack of a housing supply position, the City Plan policies are in general considered to be up to date, being adopted in March 2016, and have been viability tested. Therefore the requirements within said policies should not threaten the viability and deliver of developments in the city.

That said, it is Government policy that the provision of affordable housing should threaten the overall viability and delivery of a development scheme.

In regard to planning obligations such as affordable housing the revised NPPF (paragraph 57) states that:

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Following the publication of the revised NPPF, Government guidance re viability was updated. This guidance states that:

It is the responsibility of site promoters to engage in plan making, take into account any costs including their own profit expectations and risks, and ensure that proposals for development are policy compliant. It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance.

Government's guidance on these key inputs includes an explanation of how land value should be defined for the purposes of viability assessment:

To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. This approach is often called 'existing use value plus' (EUV+).

In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage and provide evidence to inform this iterative and collaborative process.

There are cases where an 'Alternative Use Value' can be considered. The consideration of such uses should be limited to those uses which have an existing implementable permission for that use. In this case, no other use has planning permission, and local planning policy seeks to protect the existing lawful use of the site as offices. Therefore consideration of an Alternative Use Value would not be appropriate in this case.

Whilst Government's current policy and guidance regarding viability has been published during the course of the consideration of this planning application, this does not alter the fact that significant weight must be attached to this policy and guidance which is now being applied nationally by all Local Planning Authorities. This guidance is welcome as it provides some certainty as to how Government expects viability to be considered at plan making and decision making stages of the planning process.

Key elements of this current policy and guidance in regard to the current application include:

- The need for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land.
- The definitive policy that under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.
- The presumption that where policy is up to date and has been viability tested, that policy compliant schemes will be viable (i.e. that in the case of the application site a

scheme comprising 40% affordable units is assumed to be viable), and in that context the requirement for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

- The requirement for all viability information to be publicly accessible, simple and transparent.
- The need for the applicant's viability case to be based upon and refer back to the viability assessment that informed the plan; and the requirement for the applicant to provide evidence of what has changed since then.
- The requirement that land value be established based upon the existing use of the site (i.e. office in this case) plus a premium.

In this case, notwithstanding the fact that Policy CP20 is considered up to date, and in fact housing need has become more acute than at the time of the policy's adoption due to limited delivery in this phase of the plan period, and the fact that the City Plan was viability tested at the point of examination, the applicant considers that a site specific viability assessment is required.

The developer's justification for this need, which should refer back to the viability assessment that informed the plan and explain, and provide evidence of, what has changed since then, is that some of the assumption figures which were utilised in the City Plan viability assessments have changed since this time, e.g. build costs.

The site is protected as an ongoing office use through City Plan Policy and is not therefore allocated for housing. Therefore the viability of the specific site for housing delivery was not assessed at the time of the Plan's adoption. The applicant considers that the following site specific requirements should be given weight in assessing the viability of the site for housing development:

- Upgrade of existing historic fabric;
- Retention of staircases in current position together with principal internal walls;
- Replacement of all windows with traditional sliding sash casement in keeping with the Listed Building. Traditional purpose made joinery required;
- Retention of and upgrades to balconies;
- Opening up of the entrance on Grand Avenue to provide level access;
- Improvement works to roof space - re-roofing of slate and traditional lead roofs;
- Reinstatement of chimneys/chimney pots;
- Requirement for centralised heating and power;
- The use of specific materials including gault brick;
- Reinstating of doors in the original locations/positions.

As detailed above, it is Government Policy that when a viability assessment is submitted at application stage, in the context that policy compliant schemes (i.e. in this case a provision of 40% affordable housing) are assumed to be viable, the weight to be given to said viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

In this case, some evidence has been submitted to demonstrate that relevant viability assumptions have evolved since the assessment of the City Plan carried out in 2014. The case put forward is however primarily site specific, in the context set out above that the site itself, being protected for employment use, was not viability testing for housing development on a site specific basis as part of the formulation of the City Plan.

In the case of the application site the Council considers that it is reasonable for site specific issues to be given due weight. The viability information submitted and the assumptions behind it are transparent, and have been subjected to independent assessment and scrutiny. In this context the viability assessment submitted is given weight and could potentially justify the acceptance of a provision of affordable housing below that which the policy provides, which is 40% or in this case 68 units; 37 for rent and 31 shared ownership.

The viability assessment originally submitted by the Applicant set out that the development could not provide any affordable units. This raised great concern as it represented such a significant departure from the general situation which was assessed as viable at the time of the plan's adoption, namely that a provision of 40% should be viable. Through independent assessment and scrutiny of this viability assessment, the Applicant's position is now that it would be viable for the scheme to include 28 units; 15 rent units and 13 shared ownership, and a contribution of £265,492 towards off-site provision.

Having taken full account of the viability assessment submitted, and the detailed scrutiny of this information by independent assessors, Officers consider that this position does represent the maximum affordable housing of the required tenure mix that can be delivered without threatening the viability and delivery of the proposed development.

The comments of the Housing Team and Planning Policy Officer are noted, in that a higher proportion of rental units would be preferred rather than the mix which is proposed plus a financial contribution. The applicant has however stated that a greater proportion of rental units over the policy requirements would result in a less appealing development for Registered Providers to engage with. The concerns of Registered Providers are given weight as it is of importance that a Provider engages with the scheme and willingly delivers the units proposed. Recent experience has shown that it can be challenging securing willing Providers to engage with the delivery of development schemes in the city. Therefore whilst the proposed affordable contribution does not result in all provision on site, which is preferred in policy CP21, it is acceptable in this case.

Overall, it is the view of Officers that the provision of affordable housing proposed can be supported due to the weight which can be given to the viability assessment submitted in the current policy framework set out by Government. The circumstances which are set out in the assessment are site specific and attaching weight to these matters does not set a precedent which would threaten the Council's ability to seek to secure the affordable housing requirements set out in Policy CP20 at other sites across the city.

Proposed Housing Density and Unit Size Mix

City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited brownfield land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets a list of other criteria. These in synopsis are: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.

The development is 318 dph, which is a greater density than One Grand Avenue immediately to the north at 244 dph, and less than Kingsway Court to the east at 367 dph. There are also a number of high rise residential blocks further north and to the west of Grand Avenue. There are however a number of low-rise flat conversions in the vicinity of the application site and overall it is considered that the proposed building would be in keeping with the prevailing character of the area with regard to density, scale and form. The density of development proposed will make good use of the site and deliver a significant number of housing units in an appropriate sustainable location.

Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Policy

CP19 sets out an indication of projected demand:

A demographic analysis of the demand/ need for homes in the city over the plan period indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); 24% for 1 bedroom properties and 11% for four-plus bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively); while for affordable housing the majority of the requirement is likely to be for one and two bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.

The development overall proposes:

- 50 x 1-bedroom flats (29.6%)
- 116 x 2-bedroom flats (68.6%)
- 3 x 3-bedroom flats (1.8%)

Therefore the mix of units is skewed towards one/two-bedroom units in comparison to the overall needs of the city. However, as a flatted development the scheme would be expected to deliver a greater proportion of smaller units (in the same way a scheme of houses would be expected to deliver a greater proportion of larger units). Furthermore the layout of the flats within the historic building are to some extent dictated by the existing layout.

The proposed affordable provision would include the following mix:

- 13x 1-bedroom flats (46.4%)
- 15x 2-bedroom flats (53.6%)

Whilst this is not in accordance with the Council's affordable housing brief which sets out 30% one-bedroom, 45% two bedroom and 25% three bedroom units, it is representative of the overall mix of the development which as detailed above is skewed towards smaller units with very few three bedroom units. Officers also give some weight to the fact that a three bedroom unit, all of which are located within the historic listed building, is likely to attract a considerable price and would not therefore be ideally suited to the demand typically associated with affordable housing such as key workers on limited incomes.

Overall the proposed density and unit's size mix are considered to be acceptable.

Visual Impact / Heritage

The application site relates to King's House; a Grade II Listed five storey building with projecting towers up to seven storeys to the south-west corner of the building. The existing building is set on a prominent corner plot which effectively squares off Grand Avenue and Kingsway to the south; acting as a landmark which contributes positively to the surrounding Avenues Conservation Area. Grand Avenue itself is unusual within the conservation area as it includes a number of modern high rise residential blocks of various, interspersed with traditional low rise buildings, whilst the prevailing character of the remaining conservation area comprises predominantly low rise traditional residential buildings. Kings House itself includes a modern 5 storey extension which constructed in the 1980s to facilitate the conversion and refurbishment of the building into office accommodation.

Grand Avenue, although heavily developed, retains an open environment due to the wide street in addition to the lawn area to the east of the main road and the building line set-back of the blocks to the west, creating a pleasant and welcome relief in contrast to the high density blocks to either side. The building is also set back from the Kingsway to the south as it separated from the road by a narrower street – Queens Gardens.

The stretch of Kingsway on which the south elevation of Kings House fronts onto includes a number of varied forms and heights of building from the 10 storey modern Kingsway Court to the east and the four and a half storey traditional detached buildings fronting onto Kings Gardens to the west of Grand Avenue.

Grand Avenue includes a number of listed buildings, including the application site itself and a nine storey residential block (4 Grand Avenue) in addition to a number of three storey residential buildings to the north-east corner and a group of four grade II listed buildings set on the south-west corner. As identified above, the street scene is varied and includes a number of high density and high rise developments within close proximity to the application site.

The application seeks permission for the conversion of the existing Kings House building into residential flats, involving external alterations and extensions, in addition to the demolition of the existing modern extension to the rear and the construction of a

10 storey replacement block of flats with a 6 storey block fronting onto Second Avenue. The specific alterations and proposals are assessed in detail below.

During the assessment of the application a number of amendments have been sought in order to address Heritage concerns including revised entrance steps and boundary wall treatment to King's House, revised balcony details, revised external doors in addition to other minor adjustments and internal alterations.

Kings House

The design of the scheme has evolved extensively from the early pre-application proposals. The applicant took account of the comments of the Design Review Panel in particular in relation to the design of the two new buildings having a stand-alone character. The overall design concept is therefore to focus on key design characteristics found within Kings House and the surrounding conservation area and draw them together in a coherent and contemporary proposal.

On Kings House itself, external alterations to the street frontages are relatively minor restorative works including the replacement of the later, unsympathetic metal windows for original style timber sash windows. This is a significant enhancement to the listed building. Works are proposed to restore elements of the historic balconies as well as open up the basement level of residential accommodation. Some limited lighting is proposed to the entrances and rooflights are proposed to the southern roofslope.

There are more substantial alterations to the side and rear elevations. Small dormers are proposed and more significantly, the three 'outriggers' are proposed to be raised by two storeys each. This would substantially alter the historic form of the listed building. As demonstrated by the submitted Heritage Statement, it was not uncommon for service wings to be adapted in this way, and similar extensions have occurred elsewhere in the locality. There was also some local precedent for similar dormers. There may be some benefit arising from enlivening the street scenes of Grand Avenue and Second Avenue which would offset some of the harm associated with a more dense form of development here.

The main impact of the alterations on the appearance of the listed building would be visible from the east on Second Avenue, where the extended easternmost outrigger will be clearly visible. This approach would be acceptable, providing suitably matching bricks are used to the first new level with sympathetic materials to the mansard top floor. The roof terrace is harder to justify but given the set-in will be difficult to see other than in glimpsed views from ground level. Inter-visibility between the roof terraces and rear windows of Kings House has been avoided through the use of privacy screens, and ensuring the relevant terraces are tied to the nearest flats in the main building.

New Build – Grand Avenue / Second Avenue Blocks

The proposed development on Grand Avenue comprises a 10 storey modern block with an incremental set-back to the two uppermost storeys. The new building on Second Avenue be six storeys in height and would infill a gap on the street frontage currently occupied by an open-air car park which is visually detrimental to the appearance of the conservation area. The block would be 6 storeys in height and, like the grand avenue block, would have a set-back to the upper storey.

The primary palette is the locally distinct yellow gault brick for the main elevations with more contemporary grey panel accents. Balconies are formed of steel and glass balustrades and the top two stories of the Grand Avenue block (and top single storey of the Second Avenue block) are a lighter-weight 'penthouse' style level. Some criticism was levelled at the pre-application design for not having a sufficient set-back in these upper floors resulting in a top-heavy appearance clearly visible from street level. Whilst the final design has resulted in top storeys which are certainly not hidden from views at street level, the design proposed reduces the visual impact of the bulk and apparent weight to some extent, through the use of some set-backs, and the positioning of balconies and materials which would appear lighter as viewed against the sky.

The southern upper levels of the Grand Avenue block nearest to the western elevation of Kings House has an unusual design feature, extending the lighter materials from the upper two floors down to cover the top four floors on the side. Whilst disrupting the symmetry of the building itself, the applicant has attempted to reduce the competition for visual dominance with Kings House at the nearest point on this elevation.

One key characteristic of the conservation area is the bay-rhythm of the Victoria properties, including Kings House, which features bay windows interspersed with flat elevations of often narrower proportions. The design of both buildings references this with the spacing of balconies and secondary windows. The balcony balustrades alternate from left to right as viewed vertically up the building from floor to floor which adds interest and reduces the perception of a homogenous block. Brick header details form horizontal line-breaks in the elevation too which further reduces the visible mass of the elevations.

The Grand Avenue block would adjoin the traditional Kings House building via a single storey glazed link at ground floor level providing an entrance lobby and concierge area for future residents and visitors. Furthermore there would be a single storey substation and refuse transfer area to the north of the building. The glazed link and substation would somewhat disrupt and dilute the opportunity for a clear separation between the new and old buildings and would reduce the primacy of the new Grand Avenue building as a building in its own right. The glazed link would however provide an effective functional entrance to the development and would be sufficiently set back from the building line and the substation is of modest scale and relatively minor; thereby retaining visual separation between the three different buildings and would be an improvement to the setting of Kings House in comparison to the existing situation.

The proposed new building on Grand Avenue is taller than the block it replaces, but would be of a similar scale to One Grand Avenue to the north. There would certainly be a change in the setting of King's House, and to the wider Conservation Area. As identified above, Grand Avenue is an unusual road within the conservation area in that most buildings are reasonably modern, and the street scene is characterised by multiple tall buildings. This existing situation lends itself to the insertion of contemporary tall buildings without causing significant harm to the character of the conservation area in the way as may be the case elsewhere.

The Second Avenue block would effectively infill the open plot whilst respecting the adjacent plots and their respective building lines, plot widths / depths. The proposed height would match that of the outrigger extensions to the Kings House building which would address the differing heights and forms of Kings House and 2 Second Avenue. The proposal would also include a proposed front boundary wall which would be set on the same line as that of 2 Second Avenue to north, whilst continuing through the new proposed eastern entrance gate to the boundary wall of Kings House. This would create a well-defined plot and would effectively tie the building into the street scene and curtilage of the listed building.

The proposed buildings do not incorporate the fine level of detail of the historic buildings in the conservation area but would provide a more characteristic and sympathetic addition to the street scene than the existing 1980s extension on the site.

Regard is given to the Supplementary Planning Guidance note 15 on Tall Buildings. SPG 15: Tall Buildings sets out guidance for development which is 18m or taller and/or significantly greater in height than surrounding development. As indicated above the site includes two blocks; a 10 storey building fronting onto Grand Avenue with a ridge height of 30m (31m including the lift overrun) and a six storey building fronting onto Second Avenue with a ridge height of 17.5m (19m including the lift overrun).

The design and heritage policies of the City Plan and the retained Local Plan provide the relevant local policy guidance. City Plan policy CP12 seeks to raise development densities where appropriate, and directs higher densities towards the areas identified for tall buildings.

The policy guidance on tall buildings emphasises the importance of the design and it is possible for tall buildings to integrate successfully with their surroundings, if they are designed sensitively with regard to the local context.

The Design and Access Statement and the Tall Buildings Statement submitted in support of the application set out in detail the context of the site and the design process and describe how the proposal would sit in the wider landscape. The submissions include a number of strategic views that indicate how the building would appear from key vantage points in the area. The strategic views were chosen in consultation with the Heritage Officer at pre-application stage.

Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site. The applicant submission includes a detailed assessment of the scale of buildings within the area. To west of the site there are five residential blocks, all of which are 11 storeys. Immediately to the north of the site is One Grand Avenue which comprises a further 11 storey residential block.

The proposed scheme with two separate blocks at multiple levels is considered to represent an appropriate form of development at this site, as the proposal would allow views through the site in the gaps between the blocks and would also respect the historic plot widths within the vicinity. The upper levels of the blocks have been designed with a set back and flat roof form to add visual relief to the elevations and to

act as a compromise the scale of the proposal in relation to the adjacent properties on Second Avenue and the Grade II Listed Building.

Overall it is considered that the development would sit well in the street scene and as a contemporary design would make a positive contribution to the character of the wider area whilst paying respect to the listed building and conservation area. The proposed landscaping and boundary treatment will add significant quality to the appearance of the scheme. The visual impact of the scheme would be acceptable and would comply with local and national planning policies which seek to secure a high standard of design.

Heritage Impact

The Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their setting and any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (para.193, NPPF).

Paragraph 196 states, 'Where a development proposal 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, where appropriate, securing its optimum viable use.'

Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para. 200 NPPF).

The existing 1980s extension is detrimental to the character of the conservation area due to its substantial size combined with dated architecture and use of uncharacteristic materials in relation to the surroundings. The removal of this building alone would conserve both the conservation area and setting of Kings House and new buildings could enhance the heritage assets providing that they are of a higher quality than the existing situation.

Although the design of the proposed development is considered to be acceptable in this context, the modern appearance and scale will cause at least some harm to the setting of Kings House. Given the balance of removing the existing building this resulting harm is considered to be "less than substantial" and NPPF paragraph 196 is engaged, requiring an assessment of public benefit balanced against the heritage harm.

With regards to public benefit arising, the benefits are set out below:

- Increasing the supply of housing within the city including affordable housing
- Sustainable development of the site
- Removal of the 1980s extension
- Removal of harmful features and reinstatement of traditional features to the listed building
- Returning the principle elevation of Kings House onto Kingsway
- Improvement to the fabric and setting of the listed building
- Significant public realm improvements

It is acknowledged that harm is identified on site in terms of the scale of the building in relation to the listed building in addition to the visual presence within the conservation area. The identified harm is less than substantial however still holds significant weight. As identified above, in this case there are a number of public benefits of significant magnitude associated with the proposed development and overall it is considered that the identified harm would not warrant refusal in this case.

Impact on Neighbouring Amenity

The site is set within a predominantly residential area with a high number of residential dwellings within close proximity. The closest neighbouring dwellings to the site are:

- 1 Grand Avenue (11 storey residential block of 32 flats)
- 2 Grand Avenue (4 storey residential block of 13 flats)
- 4 Grand Avenue (9 storey residential block of 56 flats)
- 2 Second Avenue (3 storey building containing 8 residential flats)
- 3 Second Avenue (3 storey building containing 9 residential flats)
- Exton House 4 Second Avenue (a 3 storey building containing 11 residential flats)
- 23 Second Avenue (3 storey building containing 9 residential flats)
- 24 Second Avenue (3 storey building containing 9 residential flats)
- Kingsway Court (11 storey residential block of flats)
- Ashley Court (11 storey residential block of 67 flats)

The buildings in situ at present, in form of the historic main building and the modern addition behind have an existing relationship with neighbouring properties where the bulk of the application site building cause some overshadowing and enclosing impact. The proposed new build block on Grand Avenue is however taller than the extension it would replace, and the block proposed on Second Avenue would be sited on the existing car park area and therefore represents an introduction of additional bulk. Furthermore the introduction of a large number of residential windows, glazed doors and balcony areas results in a potential for increased overlooking of neighbouring properties.

The Proposed New Build Blocks

Scale bulk and overshadowing

As set out above the proposed Grand Avenue block is taller than the existing modern extension, but is in fact of a reduced depth. The scale and bulk of this building would impact upon the side windows of One Grand Avenue immediately to the north, and on the buildings and gardens of properties to the east on Second Avenue. It is however

considered that adequate spacing would be retained to ensure that the new building would not have an overbearing impact.

The proposed Second Avenue block is sited alongside no. 2 Second Avenue and would introduce a new bulk which would impact upon side and rear windows and garden areas. As with the Grand Avenue block, this new building does respect the general pattern of development in this area, with large buildings sited alongside one another fronting onto the north/south roads. As such introducing such buildings in this arrangement is keeping with the area. Neighbouring occupiers can expect to look out towards large buildings in this pattern.

It is acknowledged that as this area of the site is currently a car park; neighbouring occupiers benefit from additional light and view through this space, which is a scenario that would change as a result of the proposed development. The resultant situation is however considered to be appropriate given the character of the surrounding area.

In regard to sunlight and daylight, the application submission includes a detailed sunlight and daylight report which set out that most of the windows and gardens which would be affected would still gain sunlight and daylight levels which accord with BRE guideline. A small number of windows would suffer harm which would result in a scenario below BRE guidelines. These guidelines do not however set a level below which harm would be caused which would necessarily warrant the refusal of planning permission; windows falling below a guideline warrant further consideration. These windows and the impacts upon them are considered below.

The submitted report demonstrates that several of the windows serving 2/3 Second Avenue, 24 Second Avenue, Ashley Court and Kingsway Court would experience additional overshadowing in comparison to the existing situation.

Within the basement level of 2 Second Avenue, two windows to the southern side elevation would fail the vertical sky component (VSC) test. Both of these windows are side facing and serve a kitchen. At ground floor level, two further windows would also fail the VSC test; one of which serves a bedroom and the other serves a kitchen. At first floor level two further windows would also fail the VSC test and both of these serve bedrooms. All of the affected windows are located within the southern side elevation of no. 2 Second Avenue, which is located approximately 11m from the proposed new Second Avenue Block. The submitted report indicates that these six windows would have their VSC reduced from the existing values ranging from 20.06 - 31.75 to resultant values of 8.78 – 20.87.

Only one other of the assessed windows would fail the vertical sky component test, which relates to a ground floor bedroom window within Kingsway Court which is set approximately 30m from the Second Avenue Block. The report indicates that this window would have its VSC reduced from the existing values of 6.40 to a resultant value of 4.31. None of the windows serving the flats within One Grand Avenue failed the tests carried out.

These resultant figures represent a reduction in comparison to the existing situation of more than 20%, and are resultant figures below 27% for a total of 7 windows. These

reductions are beyond the current guidelines set out by BRE (Littlefair, P. (2011) *Site Layout Planning for Daylight and Sunlight A Guide to Good Practice* Second Edition).

The Annual Probable Sunlight Hours analysis sets out that both of the basement windows and one of the first floor windows of no. 2 Second Avenue mentioned above would receive lower level of sunlight as a result of the proposed development. All of the resultant figures would be a reduction of greater than 20% both annually and within winter months.

The analysis also sets out one ground floor and one first floor living room window within 24 Second Avenue would receive a reduction of greater than 20% of annual probable sunlight hours within winter months.

Furthermore, the analysis indicates that two ground floor bedroom windows within Ashley Court would reduction of greater than 20% both annually and within winter months and a further five bedroom windows at second, third and fourth levels would receive a greater than 20% reduction within winter months. A total of 12 windows would fail the Annual Probable Sunlight Hours tests Annual Probable Sunlight Hours set out by BRE guidelines.

Finally, the analysis indicates that the tested garden areas would experience a reduction of light levels; however the gardens would still receive 2 hours of sunlight on 21st March, in accordance with BRE guidelines

Overall in regard to overshadowing and daylight, it is acknowledged that an increased impact will occur to several local residential buildings, however taking into account all factors, including the benefits which the proposed development would deliver, it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.

Overlooking

In regard to overlooking, the proposed windows and balconies fronting on to Grand Avenue and Second Avenue, i.e. the front windows of the new blocks, will face out onto the roads, will not cause harmful overlooking. The windows and balconies to the northern elevations of the new blocks and to the rear of the Grand Avenue block, will cause some overlooking of the side windows of One Grand Avenue, and the side and rear windows and Garden of 2 Second Avenue. The result relationships will impact upon the sense of privacy some neighbouring residents will benefit from. However as detailed above the proposed development is in keeping with the pattern of development in the area, the site is in a central location where large buildings are characteristic and a level of overlooking is to be expected. Overall it is considered that the resultant relationships would be appropriate.

The proposed conversion of the historic Building

The proposed conversion to residential will in most respects not have a harmful impact upon neighbouring amenity, as the building is well spaced from existing neighbouring residential uses, and in general existing window openings will be utilised. The proposed new dormers and rooflights would not cause harmful overlooking. The proposed roof terrace areas to the rear are set away from existing neighbouring

residential uses; it is considered that harmful overlooking and noise disturbance would not result.

Interrelationship between buildings with the site

The proposed development will result in some overlooking between properties due to the arrangement of the site and spacing between the elements of the scheme. It is however considered that adequate spacing would be provided, and furthermore any future occupiers will be aware of the arrangement involved prior to making a decision to reside within the development.

Noise Impact

The proposal would include a service lift located adjacent to the northern boundary which has the potential to generate noise impact to the neighbouring residential properties. In order to address these concerns, maximum noise levels emitted from the service lift and all other machinery / plant shall be secured by condition.

Summary

The proposed development would have an impact on amenity. Additional overshadowing and overlooking would be caused. The light and views currently available through the section of the site which is at present open car park would be lost. It is however considered that the result scenario and relationships would be in keeping with the pattern of development in the immediate area, and the relationships between buildings which would result are acceptable given the location of the site is central and a degree of enclosure and overlooking caused by larger buildings is expected.

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

Standard of Accommodation for Future Occupiers

As detailed above, the proposed mix of unit sizes is considered to be acceptable having regard to the type of development which is proposed. The proposed affordable housing element provides a compliant tenure mix and whilst the units proposed are all one-bedroom and two-bedroom, this is considered acceptable as set out above.

All of the bedrooms and living room/kitchens of the proposed flats would benefit from adequate natural light levels and quality of outlook. In regard to outdoor amenity space, 110 of the flats either benefit from roof terrace or a balcony space. A communal garden area to the centre of the site is also proposed. Cycle storage is at street level and at basement level; as detailed above revised details are required to ensure that an adequate standard of cycle parking is secured. Vehicular parking and Refuse and recycling storage are proposed at basement level.

It is acknowledged that the outlook from the basement level units would be confined to light wells set below ground however this is scenario which is common across the city and the depth of the light wells is considered sufficient to allow acceptable levels of light and outlook. The light wells would also provide external amenity space for the future occupiers.

In regard to access standards, two lifts are proposed within the Grand Avenue block, one lift within the Second Avenue block and three lifts within Kings House; allowing access to all residential units proposed. Eight wheelchair units are proposed, at least three of which would be affordable units, and all other units in the new build blocks would be required to comply with Optional Building Regulations standards for access.

In regard to floorspace, all of the proposed affordable units comply with Government's minimum space standards (Technical housing standards – nationally described space standard - March 2015).

4 of the one-bedroom market units are below Government's minimum size for a one-bedroom flat with double bedroom (50m²) by 3-6m².

1 of the two-bedroom market units is below Government's minimum size for a two-bedroom flat with double bedrooms (70m²) by 7m².

It is disappointing that all of the units do not meet Government's minimum size, the Council does not however, at this time, have an adopted policy requiring strict compliance with these minimum sizes and as such there is some flexibility. The sub-standard units are also housed in the listed building where unit layouts are constrained by the layout and historic nature of the existing building.

In this case the application proposes 169 residential units including 28 affordable units, furthermore all of the affordable units comply with Government's minimum size standards. These matters weigh in favour of the proposal and considered overall, having regard to the benefits of the proposed scheme, a number of market units falling below minimum size does not in this case warrant the refusal of planning permission.

Overall therefore it is considered that the proposed development would provide an acceptable standard of accommodation / amenity, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Transport

The potential impact proposed use as 169 residential units has been considered with regard to the impact a re-activation of the existing office use of the site and its buildings could have. Overall it is considered that the proposed development would not result in a net increase in trip generation in comparison to the existing use. The profile of trips will however change significantly.

An office use would in general attract trips to the site in the morning, and out of the site in the evening. Visitor trips would also occur throughout the day. Typically this activity would occur Monday to Friday although weekend operation of an office use can also occur. In terms of vehicular parking demand, this would in part be met within the basement car park. There would also be a demand for pay and display parking on street in the vicinity of the site, and car parks nearby such as the multi-storey car park on Norton Road would be likely to see increased demand.

The residential use proposed would be likely to see parking demand peak at evenings and weekends, when many residents who use their vehicles to commute to work would

be at home. Again visitor demand for on-street pay and display spaces would result. The proposed residential use therefore has greater potential to create demand for on-street parking at times when demand is greatest from other residents within the vicinity of the site.

The proposed development includes an enlarged basement car park with parking for 80 vehicles. Cycle parking is proposed at street level, in the basement car park, and in a number of basement level rooms below the listed building.

Given the level of vehicular parking proposed (80), and the number of residential units proposed (169), the proposed development has the potential to create significant additional demand for on-street parking in the vicinity of the site. Having regard to the parking surveys submitted by the applicant, and the overall levels of parking permit uptake across Controlled Parking Zone N, it has been assessed that if a maximum of 15 residents parking permits were issued in association with the proposed development, a harmful situation would not result.

This is an unusual situation as normally where overspill demand would be harmful; all the addresses within a development would be restricted from access to residents parking permits. In this case a maximum 15 could have access to one permit per address and a condition is recommended which requires the submission of a scheme to ensure that no further permits would be issued.

Whilst a number of discussions have taken place with the applicant and amended car park layouts and cycle parking layouts have been submitted, the proposed provision remains deficient. The proposed disabled parking bays do not have the required clearance to either side to meet current guidance. The proposed cycle parking at basement level is convoluted and reliant on stacked racks which are not ideal in terms of accessibility for all. The spacing around the proposed stands is insufficient to allow easy access. Overall the car park and cycle parking layouts require further work, and in the interests of moving the application forward it has been decided that it would be most appropriate to secure acceptable details by way of planning condition as discussions to date with the applicant have not resulted in suitable proposals being put forward.

It is acknowledged that resolving these problems may result in a reduction in the number vehicular parking spaces within the basement car park. A reduction would not be objected to as the needs for appropriate disabled spaces and cycle parking provision which is genuinely usable, convenient and secure, are considered to take priority over the objective to maximise vehicular parking spaces within the basement.

In addition it is recommended that the following be secured by condition-

- Details of electric vehicle charging points
- Details of security measures / any gates or shutter access proposed
- Removal of redundant vehicular crossover, ramped and stepped accesses.
- Instatement of required dropped kerbs

A full scheme of travel plan measures is recommended to be secured through s106 legal agreement, for approval by the Council prior to first occupation. The plan should cover a 5 year period, incorporating targets to be agreed with the Local Highway

Authority. Monitoring reports considering progress against targets and necessary actions, evidenced and supported by TRICS SAM surveys, should be provided at 1, 3 and 5 years. The Plan should be supported by a variety of incentive measures including but not limited to:

- Subsidised passes/membership of public and communal transport services for one or more years, including Bus services within Brighton & Hove, The Brighton & Hove Bike Share Scheme, Enterprise Car Club;
- A voucher for £150 to be redeemed against the purchase of a bicycle (one voucher per dwelling);
- The creation of a Bicycle User Group, including initiatives for “buddying” of less confident cyclists for a few trips, publicity, and social rides;
- Arranging “doctor bike” maintenance sessions with a teaching element;
- Free cycle training;
- Personalised travel planning for residents;
- Provision of maintenance stands together with pumps and basic tools within the cycle store;
- Residential travel packs;
- The provision of information about sustainable transport options in sales/marketing material for the development;

Overall, subject to the conditions and s106 recommendations set out above, which include measures to address the deficiencies in the applications submission, the proposed development is considered to be acceptable in regard to transport impact.

Sustainability

The proposed development incorporates measures to make efficient use of energy in the form of solar photovoltaic arrays atop the two new build blocks which are proposed, and a Combined Heat and Power (CHP) generation installation. Full details of these measures, their installation and retention and ongoing function are recommended to be secured by condition.

It is regrettable that the Second Avenue building is not connected to the district heating scheme, as policy CP8 (and emerging policy DM46 of City Plan Part 2) require developers to look outside the immediate site boundary to ensure that all buildings benefit from access to low-carbon heat. Whilst a communal system would be more appropriate, the development would meet the 19% CO₂ reduction due to the installation of solar PV and the residential units proposed would all need to meet optional building regulations standards for energy and water; these standards are recommended to be secured by planning condition.

The lack of communal heating system within the Second Avenue block does not warrant refusal of the application.

Ecology

Given the location, nature and scale of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest or on any protected species.

The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include green biodiverse roofs, the incorporation of species of known wildlife value in the landscaping scheme and the provision of bird boxes. Advice on appropriate species is available in Annex 7 of SPD11. Bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows. A condition is recommended to this effect.

Environmental Health / Land contamination

A desktop study has been submitted which indicates the need to for further on site investigation. This investigation and any works which are subsequently identified as necessary are recommended to be secured by condition. A condition is recommended restricting the noise output of the plant associated with the development; the ventilation system proposed in association with the basement car park and the proposed Combined Heat and Power (CHP) generation installation.

Air Quality

Whilst the site is within an Air Quality Management Zone (AQMA) air quality in this immediate location whilst part of the AQMA is not in fact of great concern given the open nature of the site; open to the seafront to the south and to a particularly wide road to the west. No net increase in trip generation is predicted as a result of the development, given the existing office use of the site. Some soft landscaping is to be secured as part of the development which will have some positive impact upon air quality. As detailed above a number of measures are to be secured to encourage use of sustainable transport modes, and those residents without access to an on-site parking space nor a residents parking permit will be discouraged from private car ownership.

A Combined Heat and Power (CHP) generation installation is proposed with a flue which will expel at chimney height through a false stack atop the historic building. The Air Quality Officer has assessed the scheme as a whole and is in general supportive of the proposed development. CHP is not an encouraged solution within AQMA's, however the installation proposed is deemed to be acceptable subject to the installation including Selective Catalytic Reduction to minimise NOx emissions. It is recommended that full details of the proposed installation including such measures be secured by condition.

9. CONCLUSION

9.1 The proposed development would provide 169 residential units including a provision of 28 affordable units with a policy compliant tenure mix. The standard of accommodation the proposed units would provide is good in most cases and acceptable in all cases. The majority of the units would benefit from external amenity space, a communal garden area, basement car parking and cycle parking.

9.2 The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary

building into the street scene and would have a positive visual impact whilst paying respect to the Grade II Listed Building.

- 9.3 The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure
- Disabled parking and cycle parking provision, and travel plan measures;
 - Details / method statements of the refurbishment of the listed building;
 - Compliance with energy and water consumption standards and access standards;
 - Solar photovoltaic panel array and solar thermal heating system;
 - Ecological improvements;
 - Contributions towards educational provision, open space / sports provision, and the Council's Local Employment Scheme.
- 9.4 The scheme would result in the loss of the office use of the site which is regrettable. The potential of the site for ongoing employment use is however limited by the costs involved in refurbishment of the buildings up to an appropriate standard, the implications of the historic layout of the listed building for modern office use in addition to a lack of interest from potential occupiers as an employment use.
- 9.5 The proposed new buildings would cause some harm to the setting of the historic listed building, although substantial heritage benefits would also be delivered. The proposed new buildings would have some negative impact upon neighbouring amenity, however the resultant scenario would be in keeping with the pattern of development in the immediate area and overall the harm which would be caused does not warrant the refusal of planning permission.
- 9.6 Overall, whilst the proposed scheme would result in some harm, and the loss of office space is of particular concern in the current climate, it is considered that the scheme would deliver substantial benefits including; a significant delivery of housing including on site affordable housing, in addition to significant public realm improvements and restoration of the Grade II Listed Building. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

10. EQUALITIES

- 10.1 The new build element of the scheme would be required to comply with optional access standards by condition, and 8 wheelchair accessible units would be provided at least 4 of which would be affordable units.

11. DEVELOPER CONTRIBUTIONS

11.1 S.106 Agreement

The contributions required would be allocated and spent as follows:

- A contribution of £152,765 towards education (Blatchington Mill and Hove Park Schools).
- A contribution of £463,743 towards open space and recreation provision. To be allocated as follows:
 - Children and Young People play space £11,831.82 towards Hove Kingsway and/or St Anns well Gardens and/or Hove Park and/or Aldrington Recreation Ground and/or Hove Lagoon
 - Amenity Green Space £13,134.31 towards Hove Kingsway and/or Palmeira Square and/or St Anns well Gardens and/or Hove Park and/or Aldrington Recreation Ground and/or Hove Lagoon
 - Outdoor sports facilities £13,134.31 towards Hove Kingsway Sports facilities and/or Aldrington Recreation Ground.
 - Parks and Gardens £163,817.13 towards Hove Kingsway and/or St Anns well Gardens and/or Hove Park and/or Aldrington Recreation Ground and/or Hove Lagoon
 - Natural and Semi-Natural open space £73,387.72 towards St Anns well Gardens and/or Hove Park and/or Aldrington Recreation Ground and/or Hove Lagoon
 - Allotments £16,063.89 towards water/infrastructure improvements and development of unlettable plots at The Weald and/or North Nevill and/or Rowan Avenue allotments
 - Indoor Sport £73,598.00 towards facilities at King Alfred and/or Portslade Sports Centre
- A contribution of £51,300 to the Council's Local Employment and Training Strategy.
- An artistic component / element as part of the proposed scheme to the value of £60,000.

11.2 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 provision of affordable housing which addresses the requirement of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. 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 contrary to policies DA5, CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

4. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.

Gareth Giles

From: Veronica Symons
Sent: 08 May 2018 10:31
To: Gareth Giles; Nicola Hurley
Subject: Objection to Kings House application

Wasn't sure if you had seen this

V

From: Clare Moonan
Sent: 04 May 2018 4:21 PM
To: Planning Applications; Liz Hobden
Subject: Objection to Kings House application

Dear Planning Committee members

I am writing to object to the King House development, application numbers BH2018/00868 and BH2018/00869, on the grounds outlined below.

My objections are based on the significant feedback I have received from residents. I was present at two very well attended residents meeting from both Second and Grand Avenues where I was able to listen to residents' concerns, and also I have had direct correspondence with individual residents. Before I outline my concerns, I will add that I do not object to the development of the site in principal and in particular I welcome the plans for the listed Kings House building.

My reasons for objection are:

1. The level of affordable housing

The developers are proposing 0% affordable housing. Bearing in mind that our Brighton and Hove policy is for all development of this size to have 40% affordable, this is totally unacceptable. We have very high levels of housing need in the city and in the Central Hove area. A development of this size should provide its share of much needed affordable housing to meet the needs of all local residents, not just those who can afford the very high prices that these properties will be sold for.

2. Parking

The development is situated in Controlled Parking Zone N. This zone moves through periods of having, and not having, a waiting list and the demand for parking is very high. Although currently there is no waiting list, if all the properties were to obtain parking permits the pressure on the surrounding areas would be unmanageable. The increased demand for spaces would cause displacement throughout the N zone, which covers many blocks, and would be a considerable inconvenience and unacceptable disruption to residents. The additional burden of cars will also add to

traffic congestion and pollution in the area. The proposed 80 spaces that are planned for the development should be sufficient and the remaining properties should be car free. Consideration should also be given to changing some of the nearby pay and display areas to controlled parking only, as during the summer there is significant pressure put on local parking from visitors to the sea front.

3. Bulk and scale of the two new blocks on both Second and Grand Avenues.

In principle, the proposal for two new blocks is welcomed as it will provide much needed additional housing. However, the height, bulk and scale are overbearing and out of keeping with the surrounding properties. Both blocks should be lowered to bring them more in proportion with the neighbouring properties and also to make them clearly subservient to the grade two listed Kings House, which should be the clear architectural focus for the bottom of the block. There is also quite limited space between the blocks which creates a closed in and overbearing feel.

4. Street scene and conservation area

The development is in the middle of The Avenues conservation area, with Second Avenue in particular having an important and historic street scene. The improvement to the listed Kings House is very welcome and will enhance the conservation area. However, the designs of the two new block are totally out of keeping with the local areas and will do little to enhance the neighbourhood or the conservation zone. In addition, the design of the new blocks is such that the floor levels are not the same as the neighbouring properties and therefore they will look awkward and unsympathetic.

5. Loss of light and overlooking

Due to the close and overbearing nature of the two new blocks, several adjoining properties (in particular 2 Second Ave and 1 Grand Ave) will have a loss of light and will be overlooked. Both of which are material planning considerations.

6. Type of units proposed

I believe the proposed development does not include the recommended number of three bedroom properties and also there are no wheel chair accessible properties. In both these regards the development is not policy compliant.

I hope as a Planning Committee you will take into account the above objection and the strength of feeling among the local community, and amend the developers plans accordingly. This site has much to offer the local community and the city but this should not be at the expense of the character of the area and the quality of life of the local residents.

Regards,

Cllr Clare Moonan

Labour and Co-operative Councillor for Central Hove ward

Gareth Giles Esq
Planning Department,
Brighton & Hove City Council,
Hove Town Hall,
Norton Road,
Hove,
BN3 3BQ

3rd May 2018

Dear Mr Giles,

Planning Application: BH2018/00868 at King's House, Hove

Please note my objection to the above development and my comments below. I have consulted widely in Grand Avenue and the Central Hove Ward part of Second Avenue, and my comments reflect the sincere concerns of neighbouring residents.

I would like to be clear that, whilst I do support the conversion of the site to residential use, I request that Planning Committee members consider the scale of the new blocks to be constructed to the north of the original listed building and their impact on the amenity of neighbouring properties at One Grand Avenue and in Second Avenue. It is the scale, height, massing and proximity to neighbouring buildings which is of primary concern to neighbours. There is also significant concern that the proposed new buildings have little architectural merit in such a prime site and a Conservation Area.

The ten storey block in Grand Avenue is significantly higher than the northern 'tower' of the retained listed building, and therefore is overbearing and harms the setting of the retained listed building. It is of similar height to One Grand Avenue, and will have a significant negative impact on the access to light and therefore the amenity of residents at the south elevation of One Grand Avenue.

The six storey block in Second Avenue is not at all in keeping with the height and massing of the existing villas in this conservation area, where generally the height of properties reduces as they move toward the sea. This new block dramatically breaks this and should be reduced by one or two stories. It should also be moved further back from the street.

It is especially disappointing that the Brighton & Hove massing study (March 2015) suggested potential for an 11 storey block to be sited in Grand Avenue, and that 196 units

could be delivered. I am unclear whether there was any member involvement in determining whether such massing were appropriate, but it has clearly set the parameters around which developers have worked.

At prior consultation meetings with the developers I have made clear my view that the block designs are of little architectural interest and are largely utilitarian. This is a missed opportunity to enhance the street scene in both Grand Avenue and Second Avenue.

Residents at 2 and 3 Second Avenue have expressed concern that the blocks are too close to the existing Second Avenue properties for the scale being proposed. The proposed building will dominate these original properties and the introduction of balconies to the east elevation will overlook No. 2 and No. 3 Second Avenue. This will have a negative impact on privacy and is in breach of Local Plan policy QD27.

Residents have noted that the location of the service lift and air intake valve near the site's northern boundary may have noise implications for No. 2 and No. 3 Second Avenue and which needs to be addressed.

Please note the overwhelming neighbouring resident concerns regarding inadequate provision of parking at the proposed development. The proposal includes a total of 80 parking spaces, only 6 of which are 'accessible'. The development is sited in the Key Public Transport Corridor cited in SPD 14. Maximum parking standards in the Key Public Transport Corridor are as follows;

1-2 beds 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors

3-4+ beds 1 space per dwelling plus 1 space per 2 dwellings for visitors.

The development proposes 166 one and two bedroom flats, allowing 166 spaces, plus 3 three bedroom properties, allowing 4.5 spaces. Therefore the planned provision of only 80 spaces is significantly less than half that allowed by SPD14.

The proposed development is situated in Zone N. Although there is currently no waiting list, it is close to capacity. SPD14 enables planners to determine that developments may be car free, and I request that this condition is imposed, so that no residents of the new development are entitled to on-street CPZ parking permits.

Access to parking is from Second Avenue, which will increase traffic flow along a residential street, negatively impacting the amenity of neighbouring residents.

CP19 Housing mix demonstrates the Council's concern regarding insufficient 3 bedroom property development in the city. The proposed concentration of two bedroom units in this development runs contrary to this.

I welcome the developer's commitment to work with the Council to deliver the largest possible proportion of affordable housing to reflect local housing need and expect that the Council will challenge the submitted Viability Assessment which demonstrates there is no capacity for affordable housing.

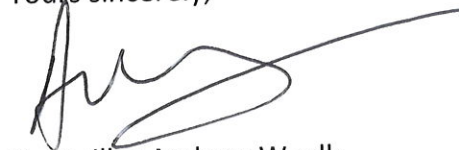
There is significant concern within the community regarding the disruption which will be inevitably caused during construction. It would be particularly helpful if the Council's Planning Department would impose meaningful limits regarding delivery times and contractors' vehicles access and parking so as to minimise this negative impact.

Residents have expressed concern that Grand Avenue becomes the primary access route during demolition and construction. It is clear that there cannot be an access road over the grassed land outside King's House; this is precious local green space. In addition, please ensure that the grassed area cannot be used for parking, lorries, or cranes as the space is used by the local community extensively and must not be spoiled.

Please can I be advised as soon as possible the likely date the application will be considered by Planning Committee as I would like to attend and speak.

Thank you for your consideration of the concerns raised in this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Wealls', with a long horizontal flourish extending to the right.

Councillor Andrew Wealls

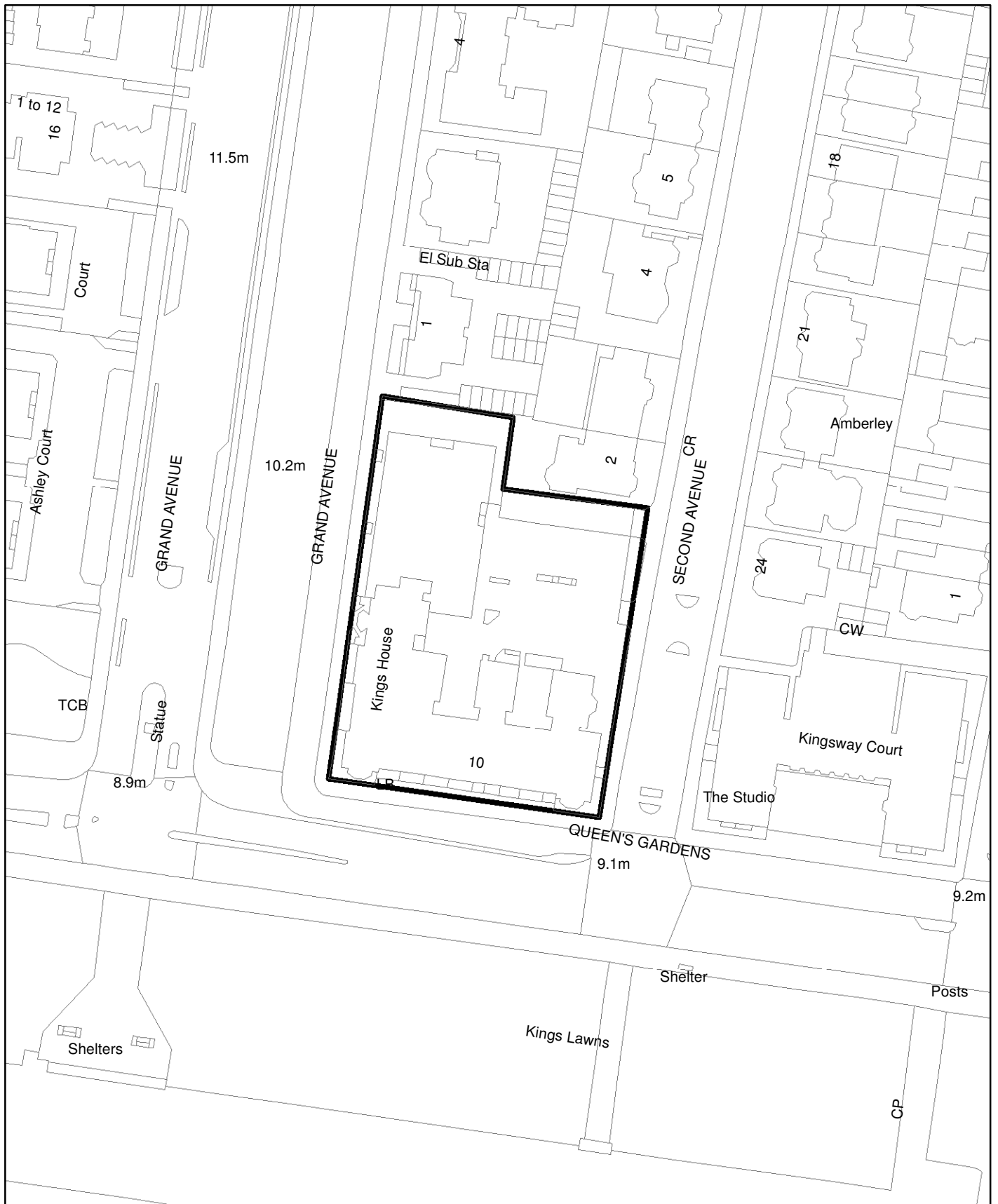
ITEM B

**Kings House, Grand Avenue
Hove**

**BH2018/00869
Listed Building Consent**

DATE OF COMMITTEE: 13th December 2017

BH2018/00869 Kings House Grand Avenue Hove



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|--------------------------|
| <u>No:</u> | BH2018/00869 | <u>Ward:</u> | Central Hove Ward |
| <u>App Type:</u> | Listed Building Consent | | |
| <u>Address:</u> | Kings House Grand Avenue Hove BN3 2LS | | |
| <u>Proposal:</u> | Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points. (Amended Description) | | |
| <u>Officer:</u> | Luke Austin and Jonathan Puplett | <u>Valid Date:</u> | 20.03.2018 |
| <u>Con Area:</u> | The Avenues | <u>Expiry Date:</u> | 15.05.2018 |
| <u>Listed Building Grade:</u> | Listed Building Grade II | | |
| <u>Agent:</u> | DowsettMayhew Planning Partnership 63a Ship Street Brighton BN1 1AE | | |
| <u>Applicant:</u> | Mortar Nova Grand Avenue LLP 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** Listed Building Consent subject to the following Conditions and Informatives:

Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that two new build blocks on the site hereby approved are commenced within a period of 6 months following commencement of demolition.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

3. Other than demolition, no development of any part of the development of Kings House 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:
 - a. Bricks and mortar
 - b. Coping and pier caps
 - c. Airbricks
 - d. Cladding for mansards, dormers and flat roof
 - e. Rooflights
 - f. Materials for the northern boundary walls
 - g. Aluminium balcony balustrade panels
 - h. Glass and framing for outrigger roof balustrades

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

4. Other than demolition, the development hereby permitted shall not be commenced until a method statement for the works to remove the concrete infill from the former ground floor entrances and the reinstatement of steps, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include provision for initial investigations of the infill sections, to gather evidence of any surviving original stair construction or materials, the findings of which to be provided to the Local Planning Authority along with detailed proposals for their reinstatement. Any original structure and materials found are to be re-used unless otherwise agreed by the Local Planning Authority. The repair/reconstruction of the steps shall not take place until details for the step structures, dividing wall and railings have been submitted to and agreed by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

5. Other than demolition, the development hereby permitted shall not be commenced until large scale elevations, masonry and joinery details for the Second Avenue fire escape entrance have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One

6. Other than demolition, the development hereby permitted shall not be commenced until profiles and material samples of the proposed brickwork, coping and pier caps for the proposed boundary wall in Second Avenue have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

7. Other than demolition, the development hereby permitted shall not be commenced until details of the design and materials for the proposed airbricks have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
8. Other than demolition, the development hereby permitted shall not be commenced until large scale design and joinery details for new internal flat entrance doors and room doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
9. Prior to first occupation of the development hereby approved, details of the proposed location and appearance of the dry riser inlet box have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
10. Other than demolition, the development hereby permitted shall not be commenced until joinery details for all proposed new windows and external doors in the existing Kings House building (including cill and reveal profiles and depths, and large scale details of the proposed replica front doors in addition to comparative details of the existing doors to be matched, as appropriate), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
11. Prior to occupation of the property full details of the lamps proposed for the main entrances on the Southern elevation are required to be submitted for approval by the Local Planning Authority.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. This decision is based on the drawings listed below:

| Plan Type | Reference | Version | Date Received |
|---------------------|-----------|---------|---------------|
| Location Plan | (08)001 | P1 | 19.03.2018 |
| Existing & Proposed | (08)010 | P3 | 29.06.2018 |

| | | | |
|---|---------|----|------------|
| Grand Avenue (West) Street Elevation | | | |
| Existing & Proposed South Elevation | (08)011 | P3 | 29.06.2018 |
| Existing & Proposed Second Avenue (East) Street Elevation | (08)012 | P4 | 24.08.2018 |
| Existing & Proposed North Site Elevations | (08)013 | P3 | 29.06.2018 |
| Proposed North/East Site Elevations. Alternative Outrigger Design | (08)015 | P1 | 22.03.2018 |
| Proposed Site Plan | (08)050 | P1 | 22.03.2018 |
| Proposed Site Sections AA - BB | (08)070 | P1 | 22.03.2018 |
| Proposed Site Sections CC- DD -EE | (08)071 | P1 | 22.03.2018 |
| Proposed Site Section FF | (08)072 | P1 | 22.03.2018 |
| Proposed Underground Car Park | (08)080 | P3 | 05.10.2018 |
| Proposed Kings House Basement Plan | (08)100 | P3 | 05.10.2018 |
| Proposed Kings House Ground Floor plan | (08)101 | P3 | 05.10.2018 |
| Proposed Kings House First Floor plan | (08)102 | P2 | 05.10.2018 |
| Proposed Kings House Second Floor plan | (08)103 | P2 | 05.10.2018 |
| Proposed Kings House Third Floor plan | (08)104 | P2 | 05.10.2018 |
| Proposed Kings House Fourth Floor plan | (08)105 | P2 | 05.10.2018 |
| Proposed Kings House Fifth & Sixth Floor plan | (08)106 | P2 | 05.10.2018 |
| Proposed Kings House Sixth Floor & Roof plan | (08)107 | P2 | 05.10.2018 |
| Proposed Kings House Detail Roof Sections | (08)160 | P1 | 22.03.2018 |
| Proposed Kings House Balcony Study | (08)262 | P4 | 01.08.2018 |
| Kings House Rear Window Study Detail | (08)264 | P1 | 22.03.2018 |
| Kings House Proposed Basement Windows to Lightwell | (08)267 | P1 | 22.03.2018 |
| Existing and Proposed South Elevation Showing Revised | (08)269 | P1 | 24.08.2018 |

| | | | |
|--|---------|----|------------|
| Entrance Proposals | | | |
| Kings House Refurbishment Room Interior Strategy | (08)500 | P2 | 24.08.2018 |
| Kings House Refurbishment Room Interior Strategy | (08)501 | P1 | 19.03.2018 |
| Kings House Refurbishment Room Interior Strategy | (08)502 | P2 | 24.08.2018 |
| Kings House Refurbishment Room Interior Strategy | (08)503 | P2 | 24.08.2018 |
| Proposed Grand Avenue Block Floor Plans & Roof Plan | (08)200 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block Lower Ground Floor Plan | (08)210 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block Ground & First Floor Plans | (08)211 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block Second & Third, Fourth & Fifth Floor Plans | (08)212 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block Sixth, Seventh & Eighth Floor Plans | (08)213 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block Ninth Floor Plan & Roof Plan | (08)214 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block West Elevation | (08)250 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block North & South Elevation | (08)251 | P1 | 22.03.2018 |
| Proposed Grand Avenue Block East Elevation | (08)252 | P1 | 22.03.2018 |

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|--|---------|----|------------|
| Proposed Second Avenue Block Plans & Roof Plans | (08)300 | P1 | 22.03.2018 |
| Proposed Second Avenue Block Plans & Roof Plans | (08)310 | P1 | 22.03.2018 |
| Proposed Second Avenue Block East & West Elevation | (08)350 | P2 | 29.06.2018 |
| Proposed Second Avenue Block North & South Elevation | (08)351 | P1 | 22.03.2018 |

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Kings House is a prominent Grade II listed building on Hove Sea Front, facing south across Hove Lawns. It is within The Avenues Conservation Area. The Queen Elizabeth statue within Grand Avenue to the west is listed as is number 24 Second Avenue to the east.
- 2.2 The building was built as a terrace of 7 houses between 1871 and 1874. The westernmost houses were soon after converted to Princes Hotel, along with the rest of the building in due course. Thereafter it was requisitioned by the Government during wartime; was used as the Headquarters of the South Eastern Electricity Board; and latterly, by Brighton and Hove City Council.
- 2.3 The modern northern extension to Kings House was built in the 1980s. It was last in use as an open-plan office over five storeys connected to the main building of Kings House through a glazed link.
- 2.4 While of significant townscape merit within The Avenues Conservation Area, in more recent years the building has been further eroded of original features, most notably windows, entrances, balconies and a 2 storey wing formerly fronting Grand Avenue, all of which affect the significance of the building.
- 2.5 The application site is 0.53 hectares and currently contains Kings House to the south part fronting onto Queens Gardens with Kingsway beyond and Kings Lawns beyond that; the modern 1980s extension to the west part fronting onto Grand Avenue with its open gardens; ground-level open car park to the east part fronting onto Second Avenue.
- 2.6 The design of the application scheme has evolved during pre-application discussions and during the course of the application, in light of the response from the Design Review Panel, Officer advice, pre-application advice from Members, and as a result of various consultee responses especially the Heritage Officer.

- 2.7 The application proposes the demolition of the modern northern extension and link building, the conversion of the main building of Kings House to residential dwellings, alterations to the listed building including upward extensions of the three historic outriggers, and the erection of two new blocks of flats. This represents a site-wide change of use from B1 office use to C3 residential for the provision of 169 dwellings.
- 2.8 The proposed 10-storey building fronting Grand Avenue would contain 72 dwellings. The proposed 6-storey building fronting Second Avenue would contain 28 dwellings. Both buildings would be of similar in style making use of locally distinct yellow gault brick for the main elevations with more contemporary grey panel accents. Balconies would be formed of steel and glass balustrades.
- 2.9 To Kings House, two additional storeys (plus roof terraces) are proposed to each of the three rear outriggers. Only visible from Second Avenue, the first level of each additional storey would be of matching brickwork with the second additional storey formed of dark grey metal cladding in a mansard-roof form. Small dormers are proposed to the rear main roof slope with conservation rooflights to the front. All fenestration would be returned to historically appropriate timber sash format.
- 2.10 The existing below ground car park is proposed to be extended to provide a total of 80 car parking spaces including 11 disabled spaces accessed via the existing basement ramp. The basement will also provide access to cycle spaces for residents (the final number and location of which to be secured by condition), refuse and recycling storage. Cycle spaces are proposed to the front and rear of the development which would provide visitor cycle parking.
- 2.11 A new low level glazed link building will provide a public entrance to the development on Grand Avenue. Landscape areas to the rear of Kings House and between the proposed two new buildings will form a communal garden and courtyard area incorporating areas of coastal planting, seating and hard landscape circulation.

3. RELEVANT HISTORY

BH2018/00868 - Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points. Under Consideration.

BH2005/06638 - Replacement of existing sash windows with timber sashes including opening up of bricked up window openings. Approved - 01/02/2006.

BH2005/06005 - Listed Building Consent for internal alterations to form new meeting rooms out of basement stores, opening up of 9 bricked up openings and installation of new sash windows. Approved - 01/02/2006.

3/93/0471 (F) and **3/93/0472** (LB) - Change of use from headquarter offices personal to Seeboard PLC to Class B1 offices. Approved - 19/10/1993.

3/79/0416 and **3/79/LB0015** - Alterations to existing building, demolition of number 1 Second Avenue, existing garage and two-storey office wing, erection of a five-storey office extension (plus basement and plant room) including social club, canteen and parking for 144 cars. Approved - 30/08/1979.

4. REPRESENTATIONS

4.1 Thirty Six (36) letters have been received objecting to the proposed development **for the following reasons:**

- Traffic issues during construction
- Parking issues on completion
- Loss of light
- Could affect foundations of local listed properties
- There are existing parking pressures
- Lack of onsite parking provision
- Loss of outlook
- Increase in cars in the area
- Overdevelopment
- Noise disturbance
- Overlooking
- Increased crime
- Out of character
- Negative impact to locality
- Overbearing
- Access issues
- Construction traffic should be carefully managed
- Lazy design
- Harm to conservation area
- Low quality design
- Public engagement was poor
- Parking survey inaccurate
- Length of construction time / empty site
- Why can't the existing building be converted?
- Further conditions are required to mitigate impact
- Short term lets should be avoided
- The new blocks are too tall
- Impact on local medical and care facilities
- Loss of property value
- No affordable housing
- Overcrowding
- Flats will not be affordable for locals

- Lack of three bedroom flats
- Overbearing to listed building
- Uninspiring design
- Building works should be limited to week days only
- Contrary to City Plan Part One
- Lack of outdoor space for future occupiers
- Flats face internally with lack of light and views
- Second Avenue block fails to accord with streetscene
- Noise impact from refuse / recycling

4.2 **Two (2)** letters have been received providing the following comments in relation to the proposed development:

- Disruption is a concern
- Work noise and congestion
- Impact on local services
- How long will construction last?
- Will there be enough parking?
- Noise impact to neighbours

4.3 **Peter Kyle MP** has provided the following comments on the proposed development:

- In favour of more housing in Hove
- There is concern that the Second Avenue design is not in keeping with the street
- 74 car parking spaces is not enough for 169 flats
- There does not seem to be the required number of wheelchair accessible units
- No affordable housing element
- Overlooking / loss of privacy to 2 Second Avenue
- Concerns regarding the service lift and potential noise impact
- Request that a noise impact study is carried out

5. **CONSULTATIONS** External Consultees

5.1 **Historic England:** No objection

The proposed new building on Grand Avenue is taller than that which it replaces, but of a similar scale to One Grand Avenue to its north. There would certainly be a change in the setting of King's House, and to the wider Conservation Area, but we acknowledge that buildings within the CA are varied in both design and scale, and the wide open streets assist in accommodating changes of this order without causing great harm.

On Second Avenue, a new building would be lower, and infill a gap on the street frontage. Although opposite grade II listed buildings, there would not be a great crowding effect resulting from the new building. Raising the height of the

'outriggers' would alter the historic form of the listed building, but it is not uncommon for service wings to be adapted in this way, and similar extensions have occurred elsewhere in the locality. There would also be some benefit arising from enlivening the street scenes of Grand Avenue and Second Avenue which would offset some of the harm associated with a more dense form of development here.

We do not object to the proposals affecting the interior of King's House, but think that certain matters of detail remain to be agreed, such as the treatment of new joinery in communal areas, and installation of safety bars to historic stairs.

Internal Consultees

5.2 Heritage Officer: Comment

The Heritage Officer has provided detailed comments on an ongoing basis throughout the design development of this scheme. The latest position is to agree to most details subject to various criteria and conditions as attached to this report.

The comments of the Heritage Officer are summarised as follows:

- The pre-planning development of the scheme has resulted in positive changes in scale and design approach to the new-build, and amendments to proposed alterations to Kings House.
- The conversion of Kings House will enhance the evidential and aesthetic value of the asset and will enliven the street frontage. The reinstatement of chimney pots, basement steps and window openings, replacement of existing aluminium windows with timber (some conjecture accepted) and the removal of clutter from the main rear elevation are all acknowledged improvements, and along with the proposed re-use of the building for the purpose it was originally intended are considered to be in accordance with the requirements to 'sustain or enhance the significance of the heritage asset' as set out in the National Planning Policy Framework.
- The orientation of the internal layout to better reflect the buildings origins as a row of 7 houses is achieved by reinstating the spine walls between the units and using the original locations of the reflected staircases as the positions for the circulation cores (lift in place of stairs on one side). This layout is not followed on the ground floor, however no further erosion of historic planform is proposed either.
- General support for returning windows to original format although evidence of the exact detailing of the original windows is unclear.
- Reservations over disguising the lift overrun structures with false chimneys but accepted on balance as the original chimneys have been removed from the rear.
- Removal of modern extension will visually separate Kings House from the rest of the site and improve its setting.
- The Grand Avenue new build is still considered to be taller than desirable, however the re-design of this block through the pre-planning process has

resulted in a slightly lower building. Its design acknowledges traditional vertical proportions with the double height brick openings, whilst confidently avoiding pastiche. The texture created by the variations in balcony projection and brick detailing add subtle but essential qualities that must not be lost in the implementation of the scheme.

- The set-back of the upper floors has been increased and the proposed materials for these levels improved since the original proposal, and the resulting excess height above Kings House is considered less harmful in views from Grand Avenue however the aim for Kings House to retain its prominence in the street scene is not considered to have been achieved from some vantage points where the upper floors do not appear recessive and the impact of the new building does not benefit from the reduced footprint (compared to the existing extension).
- The decorative metal panels proposed for the top of the first and second floor balustrades and around the top of the third floor bays are considered acceptable.
- Entrance lamps acceptable.

5.3 Further comments following submission amended details proposal:

Revised door and balcony details have been submitted which are considered acceptable.

The addition of lamps to the main south elevation entrances are considered acceptable subject to further detail.

Additional fire escape details to be reserved by condition.

The alignment of the existing balustrade wall at the back of the pavement would prevent the full reinstatement of the sets of entrance steps that will not lead to new entrances under the proposed scheme; the Heritage Team seeks confirmation that this has been considered and how it will be resolved where the intention is to retain this boundary wall.

The proposal to include the decorative stone lintels above the new fire escape entrance in Second Avenue should be included on drawing 012 P3. Large scale details for this entranceway can be conditioned.

Full justification for the proposed water repellent coating for the historic brickwork is required, along with information confirming the degree to which the breathability of the fabric will be retained, and the effect such coating will have on the colour or finish of the bricks following application of the product.

Revised internal details that remove reference to lowered ceiling perimeters and downlighters and mezzanine area are required.

The following matters can be secured by condition:

- A method statement for the works to remove the concrete infill from the former ground floor entrances and the reinstatement of steps.
- A large scale elevation and masonry and joinery details for the Second Avenue fire escape entrance.
- Full details of the lamps proposed for the main entrances on the Southern elevation.
- Profiles and material samples of the proposed brickwork, coping and pier caps.
- Details for all proposed new windows and external doors
- Details of design and materials for the proposed airbricks.
- Large scale design and joinery details for new internal flat entrance doors.
- Details of the proposed location and appearance of the dry riser inlet box.

5.4 Further comments following the submission of further details:

No objection subject to suggested conditions.

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
CP15 Heritage

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

HE1 Listed Building Consent
HE4 Reinstatement of original features on Listed Buildings
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:
SPGBH11 Listed Building Interiors

Supplementary Planning Documents:
SPD09 Architectural Features

8. CONSIDERATIONS & ASSESSMENT

- 8.1 In association with the proposal set out in the concurrent Full Planning Application, Listed Building Consent is sought for the demolition of the existing office extension fronting Grand Avenue and the conversion of main building fronting Queens Gardens from office to form 69 residential flats with associated alterations and extensions, in addition to the erection of a 10 storey block of 72 flats on Grand Avenue and a 6 storey block comprising 28 flats on Second Avenue.
- 8.2 Many of the issues raised by third party objectors in response to this Listed Building Consent application relate only to the concurrent Full Planning Application and are not material considerations in the determination of this Listed Building Consent Application. The main considerations therefore in the determination of this application relate to, whether the proposed works and alterations would have a harmful impact on the historic character, architectural setting and significance of the Grade II Listed Building.

8.3 Policy

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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (para.193, NPPF).

Paragraph 196 states, 'Where a development proposal 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, where appropriate, securing its optimum viable use.'

Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para. 200 NPPF).

Section 16(2) of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires special regard to be given to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. The Council's statutory duties regarding Listed Buildings and their settings, as set out in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, are reflected in the heritage

policies HE1, HE2, HE3 and HE4 of the Brighton & Hove Local Plan and policy CP15 of the City Plan Part One.

8.4 Heritage Significance

The heritage assets to be considered in this application are the grade II listed building (Kings House) neighboring grade II listed buildings (1- 4 Kings Gardens; 4,6,8,9,10, & 11 Grand Avenue; War Memorial and Statue of Queen Victoria Grand Avenue and 4,21 & 24 Second Avenue), the neighboring locally listed heritage assets (Grand Avenue Mansions and Kings Lawns) and The Avenues Conservation Area.

Kings House was originally built as a terrace of 7 houses between 1871 and 1874. The westernmost houses were converted to a hotel soon afterwards and this use eventually spread across the whole terrace with later conversion and alteration for use as offices with consequent impact on the interiors. The Heritage Statement submitted with this application includes a thorough account of the origins of the area and development of Kings House, including references to other works by the same architect.

In more recent years the building has been further eroded of original features, most notably windows, entrances, balconies and a 2 storey wing formerly fronting Grand Avenue, all of which affect the significance of the building.

The Heritage Statement also includes a comprehensive assessment of the level of significance to be attached to Kings House, and The Heritage Team agrees with the conclusion that the evidential, historic and aesthetic value of the exterior of the original part of Kings House is medium to high, and its communal value is assessed as medium.

The interior is considered to be medium – low aesthetic value and the document includes a useful representation of the relative significance of individual internal features, which is largely limited to the original internal walls and surviving parts of internal staircases, which are to be used as the basis for the new staircases. It also reveals the history to the original use and occupancy, which could indicate that the building may not have ever had lavish interiors. The 1980s office extension is assessed as neutral/detracting.

Due to the 20th century blocks of flats now present in Grand Avenue the heritage statement considers the aesthetic value of the conservation area to be harmed, however the Heritage Team considers that these detracting elements do not impact the whole conservation area and would give greater weight to the survival of the majority of historic buildings of this estate, including many listed buildings a large number of which are in the setting of Kings House.

8.5 The Conversion of Kings House

The original Kings House building would be converted to 69 residential flat involving separating the building from the existing extension which would be demolished as part of the proposal. The overall approach taken to the conversion of Kings House to residential use is to re-create the terrace form by reinstating 2 of the main entrances previously removed from the south elevation

and reopening basement accesses thereby returning a rhythm to frontage. This arrangement will enhance the evidential and aesthetic value of the asset and will revitalise the street frontage.

Externally, the development would also involve the reinstatement windows to the north elevation of the North-west tower and additional glazing bars would be added to the proposed sliding sash windows. Both proposals would add visual interest which is currently lacking from the main elevations which is welcome, subject to appropriate details.

The reinstatement of chimney pots, basement steps and window openings, replacement of existing aluminum windows with timber and the removal of clutter from the main rear elevation are all acknowledged improvements, and along with the proposed re-use of the building for the purpose it was originally intended are considered to be in accordance with the requirements to 'preserve or enhance the character of the conservation area' as required by the Planning (Listed Building and Conservation Areas) Act 1990.

Decorative metal panels are also proposed for the top of the first and second floor balustrades and around the top of the third floor bays are considered acceptable. The addition of lamps at the main entrances on the south elevation is also considered appropriate, subject to further detail in due course.

The analysis of historic photos is inconclusive regarding the original window pattern for Kings House, however the research into other Knowles buildings demonstrates that the window types often vary between floors, and although individual levels of these buildings tend to be relatively uniform, it is considered that the proposed introduction of casement door access to some (but not all) of the openings at the balcony levels would be acceptable. It is noted that the alignment of the door positions creates a rhythm that is in keeping with the terraced house form.

To the rear elevation, two storey extensions with roof terraces are proposed to each of the three outriggers. The design of the extensions to the outriggers has been revised during the pre-planning process. The bulk of the outriggers when viewed from Second Avenue has been improved by the re-design of the top level as a mansard form, and the impact is similar to other nearby terraces fronting Kingsway. The glazed balustrades to the roof terraces would add visual clutter to the roofscape, however they have been set behind the mansard roof which would assist in reducing their impact. Overall, the proposed arrangement is considered acceptable.

Internally, the building would be converted to 69 residential units set over all floors with a relocation of stairwells, installation of new lift shafts and the installation of new cycle parking facilities within the basement. The orientation of the internal layout to better reflect the buildings origins as a row of 7 houses is achieved by reinstating the spine walls between the units and using the original locations of the reflected staircases as the positions for the circulation cores. This layout is not followed on the ground floor; however no further erosion of

historic planform is proposed either. The prioritization of the principle rooms at the front of the building, where subdivision is limited, is welcomed.

Whilst there are reservations over disguising the lift overrun structures with false chimneys, this is considered preferable to bold, honest protrusions and is therefore accepted in this instance, particularly as the original chimneys have been removed from the rear.

During the assessment of the application a number of amendments have been sought in order to address Heritage concerns including revised entrance steps and boundary wall treatment to King's House, revised balcony details, revised external doors in addition to other minor adjustments and internal alterations.

8.6 Demolition / Construction of New Build Blocks

The proposal seeks consent for the demolition of the existing rear extension and the construction of a new build ten storey block fronting onto Grand Avenue, in addition to a six storey block fronting onto Second Avenue.

The existing extension to Kings House is substantial and although modern, appears dated and is unsympathetic to the listed building. The proposal would involve the removal of the extension and the reinstatement of the rear elevation of Kings House. The main listed building would be adjoined to the new Grand Avenue block via a lightweight glazed link set well back from the frontage. As a result, Kings House would be visually separated from the rest of the site which would improve its setting and would also better reflect the original estate plan.

The proposed Grand Avenue new build is considered to be taller than desirable, however the re-design of this block through the pre-planning process has resulted in a slightly lower building which is more refined and pays respect to the listed building and setting. The proposed design acknowledges the traditional vertical proportions with the double height brick openings, whilst avoiding a pastiche design. The texture created by the variations in balcony projection and brick detailing add subtle but essential qualities which are welcomed.

The set-back of the upper floors and the proposed alternative material is considered appropriate as the proposed excess height above Kings House would be less obvious in views from Grand Avenue as a result. Although the design of the proposed development is considered to be acceptable in this context, the modern appearance and scale will cause at least some harm to the setting of Kings House.

The Second Avenue building comprises a six storey block of flats, set within the existing rear carpark area. Whilst the block would be slightly taller 2 Second Avenue to the north, the proposal would effectively infill the open plot whilst respecting the rear outrigger of Kings House, and the respective building lines, plot widths / depths of adjacent plots. The proposal would also include a proposed front boundary wall which would be set on the same line as that of 2 Second Avenue to north, whilst continuing through the new proposed eastern entrance gate to the boundary wall of Kings House. This would create a well-

defined plot and would effectively tie the building into the streetscene and curtilage if the listed building.

As identified above, there would be some harm to the setting of the listed building in terms of the proposed scale and form of the proposed new building blocks. It is however considered that there are a number of heritage benefits associated with the development as set out below:

- Removal of the 1980s extension
- Removal of harmful internal / external features and reinstatement of traditional features to the listed building
- Returning the principle elevation of Kings House onto Kingsway
- Improvement to the fabric and setting of the listed building
- Significant public realm improvements

It is acknowledged that harm is identified on site in terms of the scale of the building in relation to the listed building in addition to the visual presence within the conservation area. As identified above, in this case there are a number of heritage benefits associated with the proposed development and therefore the identified harm would not warrant refusal in this case.

Overall it is considered that the development would sit well its context and as a contemporary design would pay respect to the listed building. The proposed landscaping and boundary treatment will add significant quality to the appearance of the scheme. The proposed design and visual appearance of the external alterations to Kings House in addition to the design, scale, finish and massing of the new build blocks is considered acceptable and would preserve the special interest of the Grade II Listed Building on site.

8.7 Conclusion

The proposal would retain the special architectural and historic significance of this important Grade II Listed Building and its setting. Officers consider that the demolition of the extension and erection of the new blocks is acceptable and proportionate. The proposal would provide for a viable long-term use of the listed building (reverting back to its original historic residential use).

It is considered that the proposed conversion, alterations and new build extensions would not adversely affect the special architectural and historic character and appearance of the building or its setting, or result in irreversible loss of historic fabric and there would be a number of heritage benefits associated with the proposal. This is subject to a number of specific conditions that would secure, amongst other matters, material samples, a detailed method statement for the removal of concrete to ground floor entrances, large scale elevations of masonry and joinery details, internal door details, dry riser inlet details and details of the proposed front entrance lamps to the southern elevation of Kings House. The proposal is therefore compliant with policies HE1 and HE2 of the Brighton and Hove Local Plan, policy CP15 of the City Plan and the National Planning Policy Framework.

9. EQUALITIES

9.1 No implications identified.

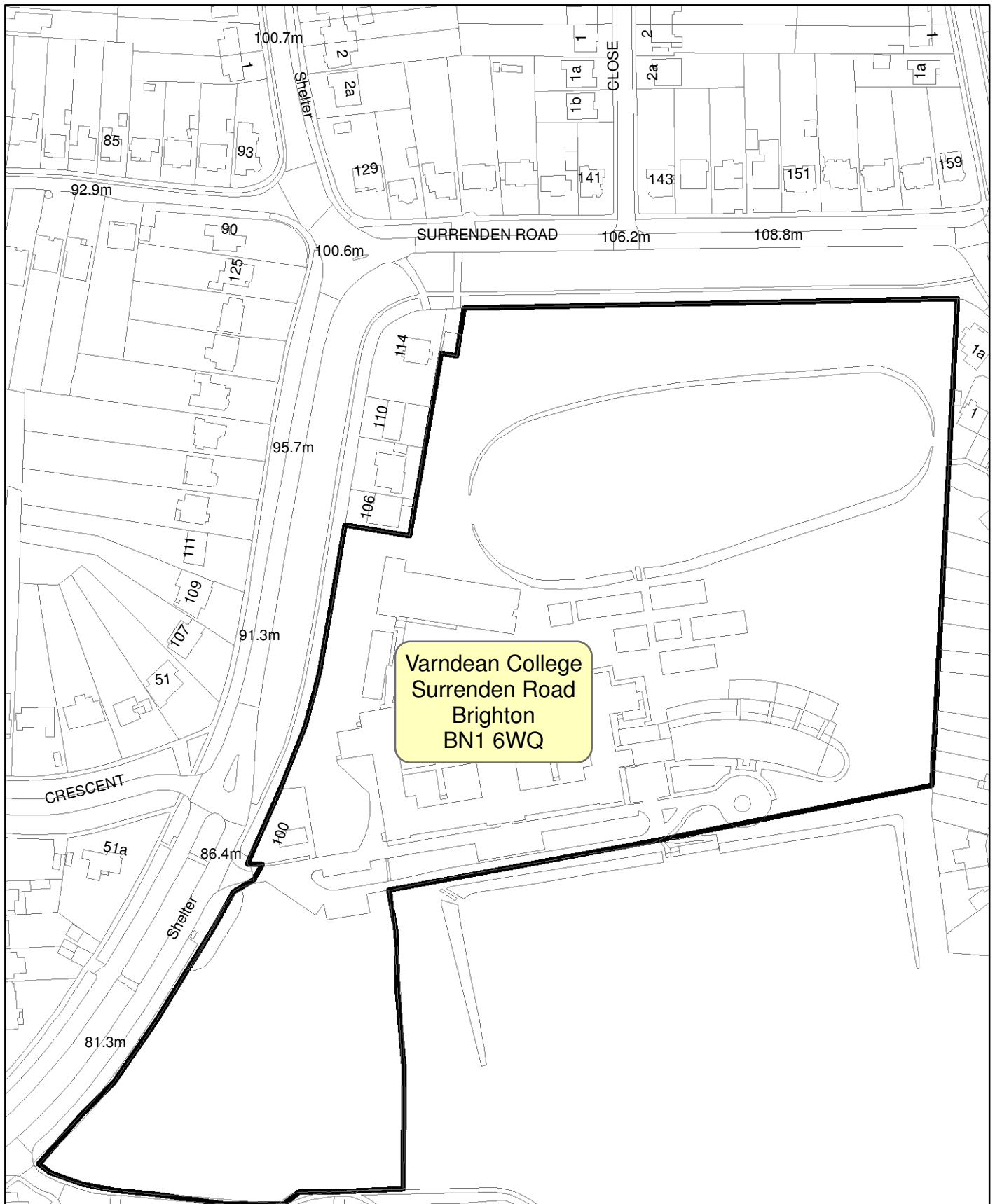
ITEM C

**Varndean College
Surrenden Road
Brighton**

**BH2018/02404
Full Planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/02404 Varndean College Surrenden Road



Scale: 1:2,015

| | | | |
|--------------------------------------|---|-------------------------------|----------------------|
| <u>No:</u> | BH2018/02404 | <u>Ward:</u> | Withdean Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Varndean College Surrenden Road Brighton BN1 6WQ | | |
| <u>Proposal:</u> | Relocation of 2no modular classroom blocks and erection of a two storey Science, Technology, Engineering and Mathematics (STEM) centre with associated cycle parking and landscaping alterations (retrospective) | | |
| <u>Officer:</u> | Sonia Gillam, tel: 292265 | <u>Valid Date:</u> | 15.08.2018 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 10.10.2018 |
| <u>Listed Building Grade:</u> | | <u>EOT: 21/11/2018</u> | |
| <u>Agent:</u> | NTR Planning Clareville House 26-27 Oxendon Street London SW1Y 4EL | | |
| <u>Applicant:</u> | Varndean College Surrenden Road Brighton BN1 6WQ | | |

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and are **Minded to GRANT** planning permission subject to no objection from Sport England and 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 | 957.18.03 | C | 27 July 2018 |
| Site Layout Plan | 957.18.04 | A | 27 July 2018 |
| Sections Proposed | 957.18.10 | C | 27 July 2018 |
| Sections Proposed | 957.18.100 | B | 27 July 2018 |
| Elevations Proposed | 957.18.110 | C | 27 July 2018 |
| Elevations Proposed | 957.18.120 | D | 27 July 2018 |
| Site Layout Plan | 957.18.20 | C | 27 July 2018 |
| Elevations Proposed | 957.18.21 | B | 27 July 2018 |
| Site Layout Plan | 957.18.50 | D | 27 July 2018 |
| Site Layout Plan | 957.18.51 | B | 27 July 2018 |
| Floor Plans Proposed | 957.18.60 | F | 27 July 2018 |
| Floor Plans Proposed | 957.18.75 | F | 27 July 2018 |
| Roof Plan Proposed | 957.18.90 | E | 27 July 2018 |
| Location Plan | 957.18.01 | D | 15 August 2018 |
| Site Layout Plan | 957.18.51 | C | 28 September 2018 |

2. The 2 no. temporary classroom structures (nos. 40-72 and 48-50 shown on the site plan 957.18.51revC received on the 28/09/2018) shall be removed from the site within 18 months of the date of this permission or with 3 month of commencement of the use of the STEM building hereby approved, whichever is soonest, and the land returned to its former condition within 2 months of removal.
Reason: The temporary buildings are not considered suitable as a permanent form of development; to ensure a satisfactory appearance to the character and appearance of the campus and the surrounding area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
3. Access to the flat roof over the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
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. No development above ground floor slab level of any part of the STEM building 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 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
6. Within 3 months of first use of the STEM building 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.

7. The STEM building 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.

8. The STEM building hereby permitted shall not be occupied until details of secure cycle parking facilities for the students and staff 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.

9. The STEM building hereby approved shall not be occupied until refuse and recycling storage facilities have been installed adjacent to the building 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

10. Within 3 months of overall occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing, an updated Travel Plan (a document that sets 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 (pupils, parents/carers, staff, visitors, residents & suppliers)).

Travel Plan (a document that sets 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 (pupils, parents/carers, staff, visitors, residents & suppliers)).

The updated Travel Plan shall include measures and commitments as are considered necessary to mitigate the expected travel impacts of the

development and shall include as a minimum the following initiatives and commitments:

- i Measures to promote and enable increased use of active and sustainable transport modes, including walking, cycling, public transport use, car sharing and Park & Stride, as alternatives to individual motor vehicle use;
- ii Identification of a nominated member of staff to act as School Travel Plan Co-ordinator to become the individual contact for the council's School Travel Team relating to the School Travel Plan; to convene a School Travel Plan (STP) Working Group;
- iii Use of the BHCC STP guidance documents to produce and annually review the STP
- iv Production of a SMART action and monitoring plan, which shall include a commitment to undertake annual staff, parent/carer and pupil travel surveys to enable the STP to be reviewed and to update the SMART actions to address any issues identified;
- v A commitment to take part in the annual 'Hands Up' Mode of Travel Survey co-ordinated by the council's School Travel Team;
- vi Identification of mode-use targets focussed on reductions in the level of individual motor vehicle use by staff and parent/carers;
- vii A commitment to reduce carbon emissions associated with nursery and school travel;
- viii Initiatives to increase awareness of and improve road safety and personal security;
- ix Evidence of dialogue and consultation with neighbouring residents and businesses;
- x Submission of an annual STP review document, following the annual travel surveys, to the Council's School Travel Team to demonstrate progress towards the identified targets.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13, CP15 and CP21 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. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

4. The applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the initiatives and commitments detailed in the condition above.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a further education college site located in the north-west corner of the Surrenden campus, which it shares with Downsview Link College, Dorothy Stringer School, Varndean School and Balfour Infant School. The site is bounded by Surrenden Road to the north and west, Draxmont Way to the south and Friar Road and Friar Crescent to the east, all of which are residential streets.

The application seeks permission for the relocation of 2no modular classroom blocks and the erection of a specialist two storey Science, Technology, Engineering and Mathematics (STEM) building (583m² - GIA 1165m²) including 4 science labs and 6 teaching classrooms, with associated cycle parking and landscaping alterations. The objective is to provide fit for purpose permanent teaching space.

- 2.2 The relevant section of the site is approximately 900m² and is situated to the north of the main College Building and to the east of the Hutchins Building. There are a cluster of nine temporary classrooms to the east of the site. The site was, until recently, occupied by 2 no. existing modular classroom buildings. These modular classrooms have already been relocated further to the east in preparation for the development; therefore the application is part retrospective. On completion of the STEM building two of the temporary classrooms would be permanently removed.

- 2.3 The proposed STEM building represents the first phase in the delivery of a wider masterplan proposal to provide improved permanent teaching accommodation, enabling the removal of the existing cluster of temporary teaching space on site, much of which is now coming to the end of its functional life. Longer term masterplan proposals on site will seek the provision of a new 'horseshoe-shaped' building to complete the masterplan and enable the removal of temporary buildings from the site. However it is uncertain when this application will be forthcoming as it is dependent on future funding.

3. RELEVANT HISTORY

- 3.1 There is an extensive planning history for additional and replacement college buildings and alterations on the site. Of greatest relevance are the following:-

PRE2018/00172 Pre-application advice: Removal of temporary classroom accommodation and erection of two storey building, including installation of temporary classrooms to provide accommodation during construction.

BH2017/03676 Outline application with some matters reserved for erection of 10no residential units (C3), comprising 1no two bedroom, 6no three bedroom and 3no four bedroom houses, with new access from Surrenden Road, associated car and cycle parking and approval of reserved matters for access and layout. Under consideration.

BH2017/04102 Installation of an artificial turf pitch with alterations to existing adjacent grass playing pitch and installation of 8no 4.5 metre floodlights. Under consideration.

BH2015/01497 Erection of second floor extension to east attic to house fire escape stairs with associated alterations. (Retrospective). Approved 02.10.2015.

BH2014/02176 Retention of existing temporary classrooms for a further period of five years. (Retrospective). Approved 16.12.2014.

BH2014/02172 Retention of existing temporary classroom for a further temporary period of five years. (Retrospective). Approved 29.10.2014

BH2014/01793 Installation of new classroom accommodation within section of roof space to East side of East quadrangle with associated. Approved 10.11.2014

BH2013/03153 Erection of single storey extension to existing gymnasium. 20.12.2013

BH2012/00296 Installation of new classroom accommodation within the roof of the North facing slope of the quadrangles. Approved 26/03/2012.

BH2011/03056 Installation of additional floor over existing hall incorporating pitched to flat roof alterations and associated works. Approved 06/02/2012.

BH2009/02423 Provision of 7 No. temporary classroom blocks for 5 year period. (Retrospective). Approved 08/02/2010.

BH2008/02854 Demolition of existing college with erection of replacement college and nursery (D1) with associated car parking and landscaping. Approved 08/05/2009.

BH2007/02040 Erection of 2 temporary portacabins to the east of existing mobile classrooms in connection with educational (D1) use for 3 years. Approved 16/08/2007.

BH2006/02084 Renewal of Planning Permission BH2003/02467/FP for temporary classrooms 43-45. Approved 22/08/2006 (for 3-years).

BH2006/02082 Renewal of planning permission BH2003/02486/FP for temporary classrooms 48-50. Approved 22/08/2006 (for 3-years).

BH2005/05154 Renewal of temporary planning consent for humanities hutted classroom (Hut G). Approved 28/09/2005 (for 5-years).

4. REPRESENTATIONS

4.1 **Twenty-eight (28)** letters have been received objection to the proposed development. The main grounds for objection are as follows:

- Legality of retrospective application
- Overdevelopment
- Poor design
- Inappropriate height
- Impact on residential amenity
- Parking issues
- Traffic issues
- Highway safety
- Loss of open space
- Inaccurate statements in submission documents
- Lack of detail on masterplan
- Increase in student numbers
- Existing unauthorised development on site
- Damaging to trees
- Noise
- Overshadowing
- Too close to the boundary
- Impact on biodiversity, wildlife, vegetation
- Pollution
- Lack of consultation with community
- Detrimental impact on property value
- Restriction of view

4.2 **Councillor Nick Taylor** objects to the application; the letter is attached to the report.

5. CONSULTATIONS

5.1 **Ecology:** No objection. There are unlikely to be any protected species that will be impacted by the proposals. No specific surveys or mitigation are required.

5.2 **Planning Policy:** No objection. The development of new educational floorspace to increase and improve existing provision is supported.

5.3 **Sustainability:** No objection. Applicant has justified why 'very good' BREEAM rating rather than 'Excellent'.

5.4 **Sustainable Transport:** No objection to the development in principle. To accommodate potential future increases in students and staff, it is recommended that the trip generation assessment is resubmitted based on the increase in floor space.

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
CP16 Open space
CP17 Sports Provision
SA6 Sustainable Neighbourhoods

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
HO19 New community facilities
QD15 Landscape design
QD18 Species protection
QD27 Protection of amenity
SR17 Smaller scale sporting and recreational facilities

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD11 Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

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

8.2 Neighbour objections on matters relating to impact on property values and restriction of view are noted, however these are not material planning considerations.

8.3 Planning Policy:

Provision of education facilities

The provision of new and improved education facilities would help to increase capacity at the college although the aim is mainly to provide fit for purpose teaching space for existing pupils. This is considered to meet priority 10 of SA6 "to encourage existing education and community organisations to provide local communities with a greater range of services and facilities for learning and training." The provision of new educational facilities is also supported by Local Plan policy HO19 subject to a number of criteria being met with regard to accessibility and impact on neighbours. No concerns are raised with regard to these and the principle of the development is therefore supported.

8.4 Loss of Open Space

City Plan Policy CP16 states that "the Council will require the retention of and seek better, more effective and appropriate use of all existing open space".

The area within the campus which the applicant proposes to develop is designated as open space of the "schools grounds and sports pitch" typology. The new development would therefore result in a permanent reduction in the amount of 'open space' available for informal recreation once the two other temporary classrooms have been removed.

However the site, as well as the clusters of temporary classrooms, comprises a grassed area in the centre of the school grounds which is of a sloping nature and is at a lower level than the adjoining playing field. Additionally it is noted that this area of the school grounds appears to predominantly consist of pathways between the main building and the temporary classrooms themselves

The planning statement submitted by the applicant seeks to justify the loss of open space on the grounds that:

- The building will provide fit for purpose, fully accessible teaching facilities, is required to meet current provision and may support a small increase in pupil numbers;
- The design of the building over two storeys will minimise the loss of open space;

- The site is within the existing cluster of educational buildings, both permanent and temporary, and will not encroach onto open space of a more open nature;
- The open space on which the development is proposed is poorly located and too small to be meaningfully used as open space;
- The sloping topography of the site is challenging and means that it makes a poor visual and physical contribution to open space;
- The temporary buildings have meant that this part of the site has not served a visual or physical open space purpose for a significant number of years and is not required for open space use by the College.

8.5 The applicant also states that the STEM building represents the first phase in the delivery of wider masterplan for the site to provide permanent teaching accommodation which would enable the removal of the existing cluster of 9 temporary classrooms. The masterplan for the permanent building would cover a similar footprint to some of the existing temporary buildings, but would not include development within a central area on which 3 temporary buildings are currently located, and could potentially release this central area of land back to into open recreation space use in the longer term.

8.6 On balance, it is considered that an exemption to policy CP16 could be justified, given the size and nature of the open space that would be lost, the current use by temporary classrooms, and the wider benefits of the proposal to improve education facilities on site, which would be of citywide benefit. The Council's Planning Policy officer supports the application.

8.7 It is noted that there is a current Outline planning application in progress for use of the northern section of the site for the development of residential dwellings. The concern for potential cumulative permanent development on the designated open space is acknowledged; however each application is assessed on its own merits.

8.8 Design and Appearance:

The proposed STEM building would be similar in height to the adjacent Hutchins Building. It is noted that the land to the rear of the proposed building slopes steeply up towards the College playing fields. Within the context of the adjoining permanent college buildings the proposed building would not be overly dominant and in medium to long views from the north the visual impact would be reduced by the siting (partially built into the slope) and changes in ground level across the site.

Furthermore the design of the building is considered to be appropriate. It is proposed that the materials would comprise of red brick elevations on three sides to complement the existing red brick of the main and subsidiary buildings. The finish to the front (south) elevation will be in a palette of six shades of green powder coated metal cladding which colours reflect the College's past use of green during its previous incarnation as a grammar school. It is noted that a

colour cladding approach has been used successfully at other schools in the area.

In terms of visual impact within the site and in respect of neighbouring properties there is no objection to the relocation of the temporary classrooms to the east of the site.

It is acknowledged that the STEM building would be viewed in context with the remaining temporary classrooms which do not make a positive contribution to the visual quality of the environment. The College are very likely to require this accommodation beyond 2019 as there is no firm timetable in place for the development of the permanent teaching block. However it is also recognised that two temporary classrooms would be removed on completion of the STEM building (ensured by condition), lessening the visual impact of these incongruous structures, which would be welcomed.

On balance, given the provision of enhanced education facilities and the proposed removal of the two temporary buildings, the overall visual impact is considered to be acceptable.

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.

The building would be located approximately 50 metres from the nearest residential properties in Surrenden Road to the west. With a sunken appearance, set into the slope, it is considered that the building would have no significant impact with regard to overlooking or overshadowing, or loss of outlook.

The relocated temporary classrooms would bring the temporary buildings slightly closer to the properties in Friar Walk and Friar Crescent. However, given that they are still in excess of 40m from the boundary of the rear gardens of these properties, it is not considered that they will cause a significant nuisance in terms of increased activity and noise.

It is noted that a minimal (potentially up to 20) increase in student numbers is proposed; therefore it is considered that the development should not result in significant noise disturbance above that already existing.

8.10 Sustainable Transport:

The Council's Highways team has no objections to the scheme in principle. Access to the site would remain unchanged; no additional car parking spaces are included; and extra cycle parking provision is proposed, all of which is deemed acceptable.

The Highways team has recommended however that a trip generation assessment is resubmitted based on the increase in floor space, to accommodate potential future increases in students; this has been requested. Additionally it is recommended that an updated travel plan is requested by condition.

8.11 Sustainability:

The proposed building would measure 1,165sqm GIA and under Policy CP8 standards this scheme would be expected to achieve BREEAM 'excellent' or provide justification for achieving a lower standard. Financial information submitted would suggest that the higher specification would jeopardise delivery due to funding available.

The Council's Sustainability officer considers that sufficient justification has been provided as to the reasons why the scheme can only achieve a 'Very Good' rating, not only on the grounds of viability and funding available, but additionally (although it can't achieve certain early stages credits) the predicted achievements in water and energy credits are very high. Therefore a 'Very good' rating is acceptable in this instance.

8.12 Other Considerations:

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.

The County Ecologist has been consulted on the application and has advised that, although the site is within 80m of a proposed Local Wildlife Site (LWS), there are unlikely to be any impacts on the LWS or any other sites of interest for nature conservation. The proposed development site comprises buildings, hard standing and amenity grassland and is therefore of limited ecological value. There are unlikely to be any protected species that will be impacted by the proposals.

The proposal includes no enhancements for biodiversity. In line with the NERC Act 2006 and the NPPF, opportunities should be sought to enhance the site for biodiversity, to achieve a net gain where possible. This can be secured by condition.

9. EQUALITIES

The scheme would provide the following: level access to the building; eastern emergency escape route for level egress from the building for wheelchair users; new and upgraded pedestrian pathways for inclusive access to the new building from the wider college complex; accessible classroom designed for wheelchair use.

COUNCILLOR REPRESENTATION

Cllr. Nick Taylor
Councillor for Withdean

BH2018/02404 - Varndean College

I write as the local ward councillor representing residents of Withdean ward objecting to the above planning application.

Local residents have expressed their concerns about the excessive bulk of the new building and the building on an increasingly dense site with resultant loss of green space.

Whilst there is strong support from the community for excellent STEM education facilities - and in which I as a former student of the college wholeheartedly support such improved facilities - I do also ask that the designs are more in keeping with the local neighbourhood and the college. Given the college's position on a hill any potential development on this space can be visible for neighbours. I consequently believe that the above factors are contrary to the City Plan.

I therefore request that should the officer recommendation be to grant or minded to grant that this matter is referred to the Planning Committee and I reserve my right to speak at that meeting.

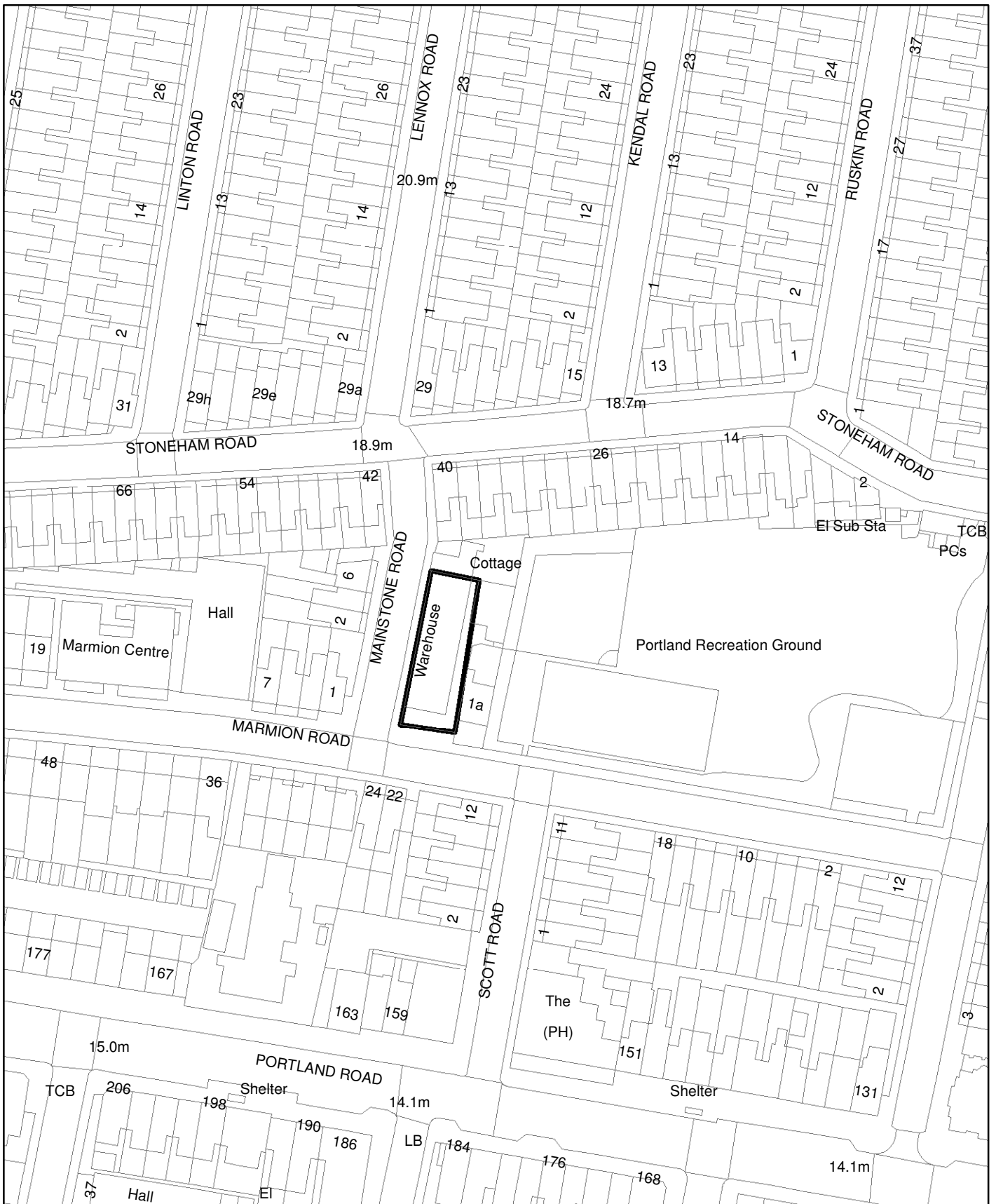
ITEM D

**1A Marmion Road
Hove**

**BH2018/01894
Variation of Condition**

DATE OF COMMITTEE: 13th December 2017

BH2018/01894 1A Marmion Road



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|-------------------|
| <u>No:</u> | BH2018/01894 | <u>Ward:</u> | Wish Ward |
| <u>App Type:</u> | Removal or Variation of Condition | | |
| <u>Address:</u> | 1A Marmion Road Hove BN3 5FS | | |
| <u>Proposal:</u> | Application under S73a for variation of condition 2 of BH2015/01278 (Demolition of existing warehouse (B8) and erection of 4no two/ three storey residential dwellings (C3) and offices (B1).) (allowed on appeal) to allow amendments to the approved drawings. (part retrospective) | | |
| <u>Officer:</u> | Sonia Gillam, tel: 292265 | <u>Valid Date:</u> | 12.06.2018 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 07.08.2018 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | ADC Ltd 72A Beaconsfield Road Brighton BN1 6DD | | |
| <u>Applicant:</u> | Albany Homes Southern Ltd Unit 33 Henfield Business Park Shoreham Road Henfield BN5 9SL | | |

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 Proposed | ADC855/13 | | 11 June 2018 |
| Floor Plans Proposed | ADC855/14 | | 11 June 2018 |
| Floor Plans Proposed | ADC855/15 | | 11 June 2018 |
| Elevations Proposed | ADC855/16 | | 11 June 2018 |
| Location and block plan | ADC855/17 | | 11 June 2018 |
| Site Layout Plan | ADC855/18 | | 27 July 2018 |
| Elevations Proposed | TA633/16K | | 3 July 2015 |
| Sections Proposed | TA633/18K | | 10 April 2015 |
| Elevations Proposed | TA633/17K | | 3 July 2015 |
| Sections Proposed | ADC855/07 | | 20 June 2016 |
| Material sample/detail | SCHEDULE | | 20 June 2016 |
| Material sample/detail | BRICK | ATHER STONE RED | 20 June 2016 |
| Material sample/detail | WINDOW DOOR HEAD BRICK | TSTAFF ORDSH IRE BLUE | 20 June 2016 |

| | | | |
|------------------------|----------------------------------|-------------------------------|--------------|
| Material sample/detail | ZINC ROOF | PREPA TINA BLUE GREY | 20 June 2016 |
| Material sample/detail | BLOCK PAVING | MARSH ALLS CHARC OAL | 20 June 2016 |
| Material sample/detail | ARTISAN WOODGRAIN BROCHURE | COLOU R GREY | 20 June 2016 |

2. Not used
3. The southernmost building within the development hereby permitted shall be used for B1 (a) offices only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
4. The first floor windows in the rear/east elevation to all units of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues (other than those approved under drawings ADC855/16 received on the 11 June 2018) shall be fixed to any elevation facing a highway.
6. The car spaces to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and offices, and their visitors, and for no other purpose.
7. The space laid out within the site in accordance with drawing no. TA633/11 rev. J for bicycles to be parked shall thereafter be kept available for the parking of bicycles.
8. 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.
9. The development shall be maintained in accordance with the approved materials samples/ details approved under application BH2016/02324 on 5 October 2016
10. Not used

11. Not used
12. Building Regulations Optional Requirements G2(36(2)(b)) (water efficiency) and M4(2) (accessible and adaptable dwellings) shall be implemented and complied with in respect of the dwellings.
13. The sustainability measures detailed within the Sustainability Checklist received on the 10th April 2015 in respect of the B1 office use shall be fully implemented and thereafter be retained.
14. Not used
15. The approved refuse and recycling storage facilities shall be retained for use at all times.
16. Within three months of this permission, details of a scheme of works to raise the existing kerb and footway, including redundant vehicle crossovers, in front of the proposed development, and to realign the western bell mouth kerb to Mainstone Road to be the same radius as the kerb opposite (including tactile paving) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed within three months of the date of the approval of the details, and shall thereafter be retained.

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 newly built two/ three-storey terrace comprising four two-bedroom houses and a B1 office unit at the junction of Mainstone Road and Marmion Road, Hove.
- 2.2 Application under S73a for variation of condition 2 of BH2015/01278 (Demolition of existing warehouse (B8) and erection of 4no two/ three storey residential dwellings (C3) and offices (B1).) (allowed on appeal) to allow amendments to the approved drawings. (part retrospective).
- 2.3 The development has been constructed with various deviations from the approved plans. Following a Planning Enforcement investigation, the applicant seeks to regularise the following:
 - The size/position/spacing of windows and detailing between windows is incorrect to the western elevation;
 - The 2nd floor doors facing onto the roof terraces are incorrectly positioned;

- The roof terrace balcony should feature obscure glazed panels but is clear glazed;
- The parapet roof line is incorrect. The approved elevation shows a stepped parapet detail, with double height glazing in places;
- Metre boxes shown on Marmion Road and flues on the Mainstone Road elevation in conflict with condition 5;
- The approved plans show the planting of two trees to the southern end of the site; this has not been undertaken in conflict with condition 14;
- The main entrance door and bin store door have been switched to western elevation.

3. RELEVANT HISTORY

BH2016/02324 Application for Approval of Details Reserved by Condition (s) 9, 10 and 11 of Application BH2015/01278 (allowed on appeal). Approved 05.10.2016.

BH2015/01278 Demolition of existing warehouse (B8) and erection of 4no two/three storey residential dwellings (C3) and offices (B1). Refused 05.08.2015. Allowed on appeal 08.03.2016

BH2014/03570 Demolition of warehouse and erection of 4no two bedroom terraced houses and 1no office unit (B1). Refused 17/03/2015

BH2014/01571 Demolition of warehouse and erection of 4no two bedroom terraced houses and 1no office unit (B1). Refused 18/07/2014

BH2012/03254 Demolition of warehouse and erection of 4no two bedroom terraced houses and 1no office unit (B1). Refused 28/02/2013. Appeal dismissed on 18/10/2013.

BH2011/00540 Conversion of existing warehouse into 5no 2 bedroom dwellings. Refused 27/04/2011.

4. REPRESENTATIONS

4.1 **Nineteen (19)** letters have been received objecting to the development. The main grounds for objection are as following:

- Deviation from plans
- Not complied with conditions
- Trees not planted
- Footprint larger
- Balcony glazing not obscure glass
- Tarmac rather than paving
- Metres and pipework facing highway

- Boiler release valves release pressure and steam onto footpath
- Noise
- Poor design
- Too close to the boundary
- Traffic or Highways
- Lack of privacy
- Building out of character
- Impact on property values

- 4.2 Two (2)** letters have been received commenting on the development as follows:
- Do not wish to see any more building work, having already endured two years of noise and dust.
 - This site was an eyesore before the development was built, which is a vast improvement, despite the deviations from the plans

5. CONSULTATIONS

5.1 Sustainable Transport: No objection

5.2 Arboriculture: No objection as no room to plant two new trees that will successfully establish and grow to their full potential.

5.3 Building Control: *Verbal comment:* No objection Plume from flues would not be of danger to public in terms of emissions or heat.

5.4 Councillor Nemeth objects to the application and has called to committee. The email is attached to the report.

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
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 This relates to an application under S73a for variation of condition 2 of BH2015/01278 ((Demolition of existing warehouse (B8) and erection of 4no two/three storey residential dwellings (C3) and offices (B1).) (allowed on appeal) to allow amendments to the approved drawings. (part retrospective).
- 8.2 The development has been constructed with various deviations from the approved plans. Following a Planning Enforcement investigation, the applicant seeks to regularise the amendments.
- 8.3 Changes in planning policy are material considerations. The City Plan Part 1 Inspector's Report was received in February 2016 which pre-dated the original application. 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.
- 8.4 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years

supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 14).

8.5 The amendments are assessed as follows:

The size/position/spacing of windows and detailing between windows is incorrect to the western elevation. The 2nd floor doors facing onto the roof terraces are incorrectly positioned. The parapet roof line is incorrect. The approved elevation shows a stepped parapet detail, with double height glazing in places. The main entrance door and bin store door have been switched to western elevation

These are relatively minor changes to the elevations which are considered to be acceptable and would not warrant refusal of the application.

The roof terrace balcony should feature obscure glazed panels but is clear glazed.

The obscure glazed panels were shown on the original plans, however clear glazing was accepted when the materials were approved by condition. Given that this is a high density area, with houses in close proximity such that there is a degree of mutual overlooking, the Inspector made it clear he was satisfied that the distance to neighbouring dwellings would ensure that the living conditions of neighbouring occupiers would not be unduly harmed. He did not see fit to insist that the glazing was obscure via condition.

Meter boxes shown on Marmion Road and flues on the Mainstone Road elevation were not shown on the approved plans. This is also in conflict with condition 5: No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

The application explains that, with regard to the meter boxes, there is no other position available for wall mounted meter boxes and surface mounted boxes would compromise the disabled access to the office. With regard to the flues, as the gas supplies enter from the front elevation, the application states that it was difficult to locate the boilers at the rear. Therefore the boilers are located at the front of the units and thus the flues on the front elevation. The application states that an issue such as this is difficult to anticipate. The flues are dark coloured to match the window door frames.

Although it is acknowledged that these alterations are not considered to enhance the appearance the building, they are minor in nature and would not warrant refusal of the application. The condition can be amended accordingly.

There has been concern raised by a resident regarding emissions from the flues; however the Council's Building Control officer has confirmed that there would be no danger to the public from the emissions and the condensate would not be hot. Given that the flues are above head height and only project marginally from the building, any potential nuisance caused by the plumes is not considered so significant to warrant refusal of the application. The Council's Highways team has no objections to the application.

8.6 The planting of two trees to the southern end of the site; this has not been undertaken

The applicant has advised that it is not possible to plant two trees in the ground to the front of the development, as set out on the approved plans, as this will compromise other conditions such as the provision of car parking spaces and accessible access. The trees were shown on the original plans and, as such, a condition was applied to ensure they were planted to soften the appearance of the development.

However there were no trees originally sited here and it is not considered that they are required to ensure that the development is acceptable. It is noted that there is a new tree on the public footpath on Mainstone Road. The Council's Arboriculture officer has confirmed that there is no room to plant two trees that will successfully establish and grow to their full potential. Therefore the amendment to the plans is considered acceptable and condition 14 can be deleted.

8.7 Other Considerations

Objections have been raised with regard to the tarmacked footpath on Mainstone Road. The application states that the footpath was reinstated in tarmac based on a recommendation from BHCC Highways Engineer. Condition 16 of the planning permission requested details of a scheme of works to raise the existing kerb and footway and other highway works. Although highways works appear to have been undertaken the details of the scheme have not been submitted to the LPA for approval; it is therefore recommended that this condition be re-applied to any new permission.

There have been concerns raised that the footprint and siting of the building is not in line with the plans. The application states that the building is not larger than the drawings and that whilst it does extend beyond the main building line of the adjacent property, it does not protrude beyond the bay window or canopy. Additionally it is stated that Marmion Road frontage, including the parking area has not been reduced in size. The applicant believes that the overall building is the correct length.

The application goes on to explain that it appears that there is a discrepancy between the Ordnance Survey and the topographical survey drawings in relation

to the neighbouring property 1a Marmion Road. The 1:200 block plan is taken from the O.S. map which does not show the canopy or projecting bay window, rather shows the house frontage flat on the forward line following its gable roof.

This is considered a reasonable explanation and any slight deviation (if any) is very minor and does not impact on the acceptability of the scheme in general.

9. EQUALITIES

- 9.1 The dwellings shall comply with Building Regulations Optional Requirements G2(36(2)(b)) (water efficiency) and M4(2) (accessible and adaptable dwellings)

COUNCILLOR REPRESENTATION

Councillor Robert Nemeth - Wish Ward
BH2018/01894 Barn, Marmion Road, Hove

13/07/2018 I would like this application to go to Planning Committee. I may withdraw this request if matters are resolved in advance.

18/07/2018 I'm opposing this application – reasons to follow in due course

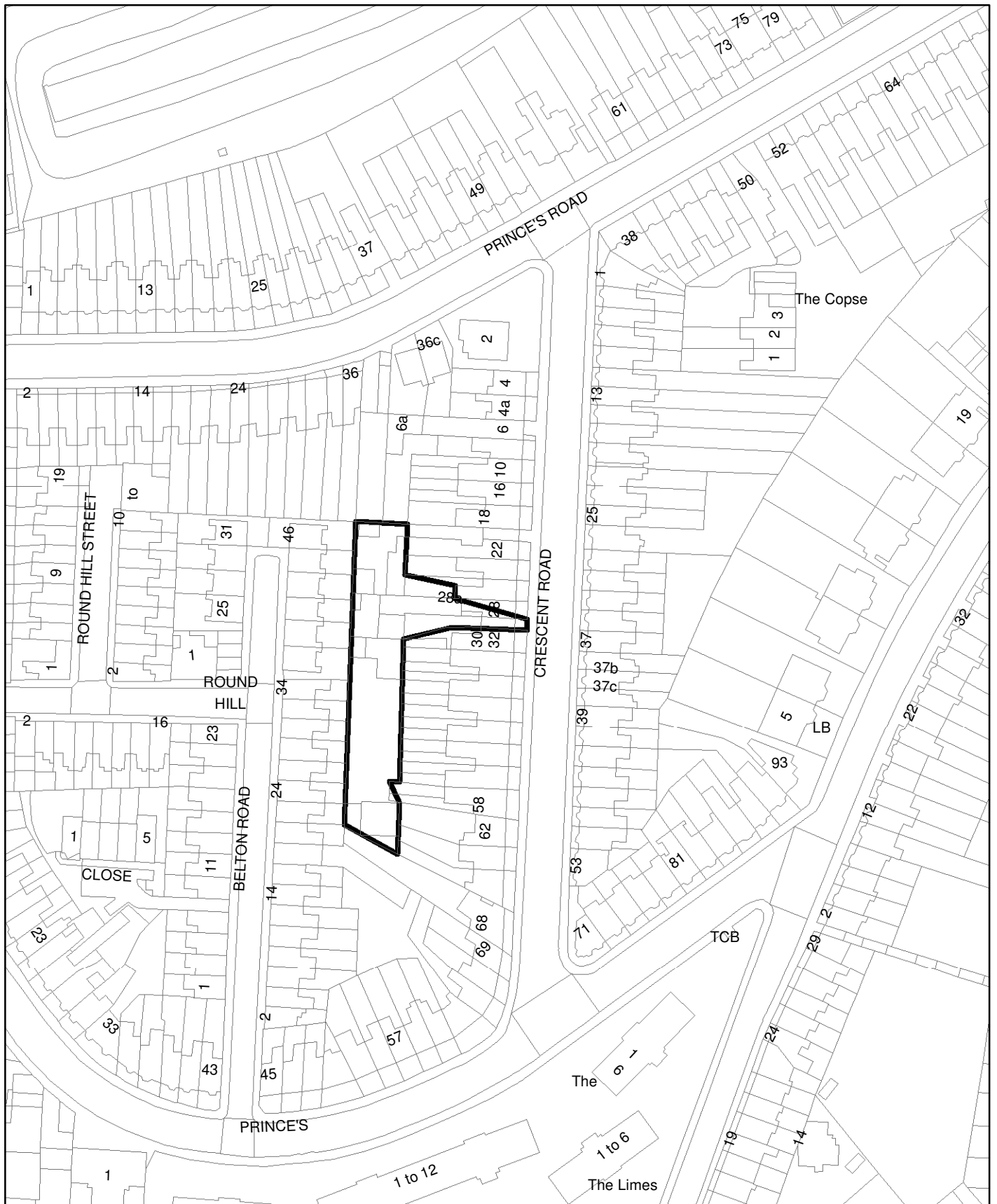
ITEM E

**28A Crescent Road
Brighton**

**BH2018/00433
Variation of Condition**

DATE OF COMMITTEE: 13th December 2017

BH2018/00433 28A Crescent Road Brighton



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|---|
| <u>No:</u> | BH2018/00433 | <u>Ward:</u> | St. Peter's And North Laine Ward |
| <u>App Type:</u> | Removal or Variation of Condition | | |
| <u>Address:</u> | 28A Crescent Road Brighton BN2 3RP | | |
| <u>Proposal:</u> | Variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings (retrospective) | | |
| <u>Officer:</u> | Joanne Doyle, tel: 292198 | <u>Valid Date:</u> | 09.02.2018 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 06.04.2018 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Landivar Architects Limited The Workshop Unit 3 29-42 Windsor Street Brighton BN11RJ | | |
| <u>Applicant:</u> | AMF Property Investments Ltd C/o Landivar Architects Limited The Workshop Unit 3 29-42 Windsor Street Brighton BN11RJ | | |

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 | D.009 | - | 5 July 2018 |
| Floor Plans Proposed | D.001 | A | 5 July 2018 |
| Floor Plans Proposed | D.002 | A | 5 July 2018 |
| Floor Plans Proposed | D.003 | A | 5 July 2018 |
| Floor Plans Proposed | D.004 | A | 5 July 2018 |
| Elevations Proposed | D.008 | A | 5 July 2018 |
| Elevations Proposed | AL06 | - | 5 July 2018 |

2. The refuse and recycling storage facilities, as approved under application BH2016/00862, shall be fully implemented and available for use prior to the first occupation of the development and shall thereafter be retained for that use.
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.

3. The cycle parking facilities, as approved under application BH2016/00862, shall be fully implemented and available for use prior to the first occupation of the development and shall thereafter be retained for that use.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
4. The two new build residential units hereby approved shall not be occupied until it 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.
5. The two new build residential units hereby approved shall not be occupied until it has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
6. The development shall be implemented in accordance with the material samples approved by the Local Planning Authority under application BH2017/03844.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
7. The development hereby permitted shall not be occupied until details of a scheme of works to change the redundant double yellow lines on Crescent Road to CPZ bays has been submitted and approved by the Local Planning Authority.
Reason: To ensure that the development provides for the demand for travel it creates and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
8. The development shall be implemented in accordance with the hard landscaping drawing C.01 Rev - approved by the Local Planning Authority under application BH2017/03844.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to protect the amenity of occupiers of adjoining properties and comply with policies CP12 of the Brighton & Hove City Plan Part One and QD27 and QD15 of the Brighton & Hove Local Plan.
9. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14, HE6 and QD27 of the Brighton & Hove Local Plan.

10. Access to all flat roofs over the residential development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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

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

12. The development shall be implemented in accordance with the scheme for the restriction of resident's parking permits in accordance with the approved application BH2017/03844.

Reason: This condition is imposed 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.

13. The development shall be implemented in accordance with the Timber Access Gates Plan and Elevation Dwg C.004 Rev - ; Timber Access Gate Vertical Section detail Dwg C.006 Rev - ; Vehicular Access as Proposed Dwg C.1401 Rev - approved by the Local Planning Authority under application BH2017/03844.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

14. The development shall be implemented in accordance with the External Lighting Plan drawing .C.003 Rev - approved by the Local Planning Authority under application BH2017/03844.

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.

15. (i): The development hereby approved shall be carried out in accordance with the Contaminated Land Risk Assessment Phase 2 Environmental Site Investigation Report (Ref: PH2-2017-1133) prepared by STM Environmental Consultants Ltd dated 04th January 2018 as approved by application BH2017/03844.

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.

- (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.

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 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 land located behind the Victorian properties of Nos. 24 to 66 Crescent Road and 20 to 44 Belton Road.
- 2.2 The site comprises both a south to north and east to west gradient. The site is accessed via a pair of modern timber doors, through a carriageway beneath 28 Crescent Road.
- 2.3 Construction work is underway on site. The site comprises 2 two storey buildings (known as 28B and 28D) connected by a first floor link, a single storey building (known as 28C) located to the north of 28B, a garage located to the

west of 28C and a workshop building located in the southern section of the site. The site and associated buildings have a B2 Use Class.

- 2.4 The site is located within the Round Hill Conservation Area. This area is characterised by residential streets. It was historically the base for many of the laundry businesses that served Brighton. This is evidenced by surviving industrial units to the rear of the residential streets, and the associated green spaces used as drying fields. 28 Crescent Road is an example of an early 20th century laundry.
- 2.5 Planning permission is sought for the variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings.
- 2.6 The original application approved the demolition of the existing garage, located within the northern part of the site and the construction of a new building to connect to the proposed converted part of 28C to provide a new two bedroom dwelling known as 28C,
- The conversion of 28B to a two bedroom dwellinghouse, to remain known as 28B,
 - The demolition of the western section of 28D (suspended first floor) and the conversion of the retained building to provide a two bedroom flat dwellinghouse (to be known 28E), and
 - The demolition of the existing workshop located on the southern side of the site and the provision of a new building to provide a two bedroom dwelling, to be known as 28D.

3. **RELEVANT HISTORY**

BH2017/03844 - Application for Approval of Details Reserved by Conditions 7, 9, 13, 14, 15 and 16 (i) of BH2016/00862.

BH2016/00862- Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping. **Approved** 12.10.2016.

BH2015/03013 - Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 3 no. two bedroom houses, 1 no. two bedroom flat and 1 no. one bedroom flat. Refused on 30.11.2015. The reasons for the refusal were as follows:

1. Notwithstanding the lack of detail submitted the proposed development, by reason of its design, detailing, form and materials, would fail to provide a suitable standard of design and appearance, resulting in a development that would fail to reflect the character of historic backland sites within the Round Hill Conservation Area. As such the proposal would compromise the quality of the local environment. This identified harm would outweigh the benefit of additional housing and as such is contrary to policies QD1, QD2, QD3, QD4, QD14 and HE6 of the Brighton & Hove Local Plan.
2. The proposed development would lead to increased noise disturbance and

significant levels of actual and perceived overlooking and loss of privacy to neighbouring properties located on Crescent Road and Belton Road. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

3. The applicant has failed to demonstrate that the proposed basement level accommodation would receive adequate levels of daylight / sunlight. Some of the habitable rooms would also suffer from a poor outlook as result of the proposed vertical fixed brise soleil, which would result in a sense of enclosure. As such it is considered that the units would provide a poor standard of accommodation harmful to the amenity of future occupiers. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2014/03343 - Prior approval for change of use from offices (B1) to residential (C3) to form 5no self-contained flats. Prior Approval Required and is Refused on 09/12/2014. The reason for the refusal was as follows:

1. The applicant has failed to demonstrate that the application site was used for a use(s) falling within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 either immediately before the 30 May 2013 or when last in use and that such a use(s) were lawful. Accordingly, the proposed development is not permitted under Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") and the application is refused pursuant to paragraph N. (2A) of the aforesaid Part 3.

BH2014/01815 - Certificate of lawfulness for existing use as offices (B1). **Withdrawn** 16/07/2014.

BH2014/00841 - Prior approval for change of use from offices (B1) to residential (C3) to form 5no self-contained flats. **Prior Approval is required and is refused on** 13/05/2014. The reason for the refusal was as follows:

1. The applicant has failed to demonstrate that the application site was used for a use falling within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 either immediately before the 30 May 2013 or when last in use. Accordingly, the proposed development is not permitted under Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") and the application is refused pursuant to paragraph N. (2A) of the aforesaid Part 3.

BH2014/00124 - Conversion of building from financial and professional services (A2) to form 5no self-contained flats with associated alterations. **Withdrawn**.

BH2009/01665 - Erection of infill extension to ground floor. **Disposed** 18/08/2010.

89/2263/F - Change of use from workshop (picture framing) to workshop (purpose made joinery). **Refused** 20.02.1990.

70/2068 - Change of use to designing and lithographic plate makers (Section 43 Determination). No change of use 22/10/1970

68/1831 - Installation of warm air heating. **Approved** 01/10/1968.

68/1246 - Alterations to enable premises to be used as wine blending and processing. **Approved** 23/07/1968.

65/1926 - Use of existing buildings as a builders works, together with the enlargement of the access for lorries and private cars, and the reinstatement of 1 private dwelling. **Refused** 05/10/1965.

65/1776 - Outline application for demolition of existing laundry premises and the construction of buildings for use as warehousing and storage purposes. Existing residential on frontage to be reconstructed. **Refused** 21/09/1965.

65/1442 - Change of use from laundry to builder's workshop, stores, parking space, access road and offices. **Refused** 13/08/1965.

65/1341 - Demolition of existing laundry premises and the construction of buildings for use as light industry. Existing residential on frontage to be reconstructed. **Refused** 05/08/1965.

65/1241 - Use for the manufacture of component parts and assembly of temperature control instruments, flow meters and tool making. **Refused** 06/07/1965.

63/2228 - Change of use from laundry building with open ground and miniature rifle range to wholesale photographic developing and printing works. **Refused** 08/01/1964.

4. REPRESENTATIONS

4.1 One (1) letters of representation have been received commenting that:

- A site plan and 3D image should be shown
- Errors on application form

4.2 Twenty Four (24) letters of representation have been received objecting to the proposal for the following reasons:

- Increase in bedrooms constitutes overdevelopment and overcrowding
- Extra traffic and parking issues
- Overbearing
- Loss of light and privacy
- Disturbance and noise nuisance
- Loss of green space and use for wildlife
- The plans do not show the proposed development and lack detail
- Fenestration should not increase in size
- Unclear on size and type of windows
- Relocated bins
- Not accessible for disabled use

- Building work disruption
- Internal layout result in disturbance
- Attempt to maximize profit
- Adversely affects conservation area

4.3 Councillor Pete West has raised concerns. The letter is attached to the report.

4.4 The Round Hill Society have requested that the application be heard at Planning Committee.

5. CONSULTATIONS

5.1 Economic Development: No Objection

The recent application is a variation to the original application, a replacement floor plan drawing to include internal alterations and alteration to a window. As planning permission has already been granted City Regeneration has no further comment.

5.2 Sustainable Transport: No Objection

The Highway Authority has no objections to the application subject to the inclusion of conditions regarding cycle parking implementation and redundant double yellow lines.

5.3 CAG: Objection

The Group recommends REFUSAL. Whilst noting the lack of information in this application the Group considers the proposal an increased overdevelopment which will harm the character of the Round Hill Conservation Area.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP2 Sustainable economic development
CP3 Employment land
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP14 Housing density
CP15 Heritage
CP16 Open space

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
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The principle of the provision of the part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping on the site has been established by the previous consent BH2016/00862.
- 8.2 The main considerations in the determination of this application relate to the acceptability of the variation of condition 1 of application BH2016/00862 to allow amendments to the approved drawings. In addition, it is necessary to take into account any changes since the approved scheme in respect of policy or material considerations.

- 8.3 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.
- 8.4 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.5 Given the previous permission for four residential units, the current scheme does not alter the provision of the number of units and the overall contribution to the housing supply is welcomed subject to the considerations below.
- 8.6 The following amendments to the approved scheme are proposed:
- 28B- Reconfiguration of the first floor replacing the library/office and bathroom to create a further bedroom; reconfiguration of the ground floor to amend the wc and cupboard to create a smaller cupboard and bathroom
 - 28C- Reconfiguration of the basement floor to relocate the master en-suite to create a larger bedroom; reconfiguration of the ground floor to introduce an additional bedroom in place of the bathroom and relocation of bathroom
 - 28D- Reconfiguration of the upper ground floor to create an additional bedroom
 - 28E- Reconfiguration of the first floor to create a larger master bedroom with a smaller bedroom no.2 and relocated bathroom
 - 28C- Additional window at ground floor level (north side) to serve new bedroom (originally smaller and obscure glazed)
 - 28D- Amendment to the position of the upper ground floor south facing window- part obscure glazed
 - Would result in 4 x 3 bed units

8.7 Design and Appearance:

The revisions to the window openings would have minimal impact on the appearance of the host buildings with these alterations not resulting in harm to the appearance of the building, site or wider area.

8.8 Reconfiguration of internal layout/ standard of accommodation:

The reconfiguration of the layout of the buildings from the original application are as follows; the overall footprint has not changed:

- (28B)- from a 2no bedroom dwelling to a 3no bedroom dwelling - 114sqm
- (28C)- from a 2no bedroom dwelling to a 3no bedroom dwelling - 100sqm

- (28D)- from a 2no bedroom dwelling to a 3no bedroom dwelling - 102sqm
- (28E)- from a 2no bedroom dwelling to a 3no bedroom dwelling - 134sqm

8.9 In considering the bedrooms, the approximate measurements are as follows:

(28B)- bedroom 1- 13.2sqm; bedroom 2- 10.2sqm; bedroom 3- 16sqm (2 double beds and 1 single bed- 5 person)

(28C)- northern bedroom- 9.2sqm; southern bedroom- 7.3sqm; master bedroom 19sqm dwelling (1 double bed and 2 single beds- 4 person)

(28D)- bedroom 1- 11.1sqm; bedroom 2- 8.8sqm; master bedroom- 19sqm (2 double beds and 1single bed- 5 person)

(28E)- bedroom 1- 12.6sqm; bedroom 2- 11.8sqm, master bedroom 18.2sqm (3 double beds- 6 person)

8.10 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 lists minimum gross internal floor areas. All 4 units overall footprint would meet the government's Technical Housing Standards for 4 to 6 person, 3 bedroom, 2 storey properties.

8.11 There are however, a number of deficiencies in respect of some of the proposed bedrooms. The bedroom located to the southern side of 28C, would measure approximately 7.3sqm. This is below the governments Technical Housing Standards for a single bedroom and as such has been carefully considered. The room is of a standard square shape providing good, uninterrupted circulation space and would comfortably accommodate furniture needed for a single bedroom. Bedroom 1 within unit 28D, would measure 11.1sqm. This is below the governments Technical Housing Standards for a double bedroom and as such has been carefully considered. The room would provide good circulation space and would comfortably accommodate furniture needed for a double bedroom.

8.12 Furthermore, the plans detail a double bed within (bedroom 2 28D and north and south bedroom 28C) and whilst undersized for double bedrooms would be adequate as single bedrooms.

8.13 Whilst the deficiencies are noted, the application is a resubmission of a scheme that has previously been granted, and whilst the alterations have resulted in a reduction in the usable space of some bedrooms, this is not considered to warrant refusal on the standard of accommodation.

8.14 It is detailed on the plans that the window opening located within unit 28D would feature obscure glazing within the lower panels. It is not considered necessary to obscure glaze this window as a similar positioned window was granted on the original permission, which was not restricted as obscurely glazed. The revisions to the window opening on the south elevation of unit 28D to create a third bedroom would result in the window serving bedroom 1 with a non traditional outlook and relationship. Whilst concern is raised regarding this arrangement, this is not considered sufficiently poor to justify refusal of the application.

8.15 Impact on Amenity:

The additional bedroom within unit 28D results in a revised window opening within the void area at upper ground floor level within the southern elevation. The plans detail the lower panels as obscure glazed. Application BH2016/00862 detailed a window opening at this level facing south to the west of this proposed window. This window was proposed as clear glass and therefore it is not considered necessary to obscure glaze the new window opening as the views would be comparable to the window opening approved under application BH2016/00862.

8.16 The revised window opening within unit 28C at ground floor level within the northern elevation would face the northern boundary of the site and therefore no loss of privacy would result. It is considered that the boundary treatment would prevent overlooking or loss of privacy.

8.17 The proposal to add additional bedrooms to create 4no 3 bedroom dwellings is not considered to result in an excessive increase in noise or disturbance or an over intensification of the site.

8.18 Transport:

The changes would not alter the comments and recommended conditions made within the original application.

8.19 Other Matters:

Issues regarding building works are not material planning considerations.

9. EQUALITIES

9.1 None identified

COUNCILLOR REPRESENTATION

Councillor: Pete West

I am getting messages of concern from residents about windows being fitted by the developer that appear not to have planning permission and are increasing overlooking. If these new windows are included in the variation to permission being sought I would object to the change. Meanwhile can you check compliance and pursue any enforcement needed to maintain residents amenity please.

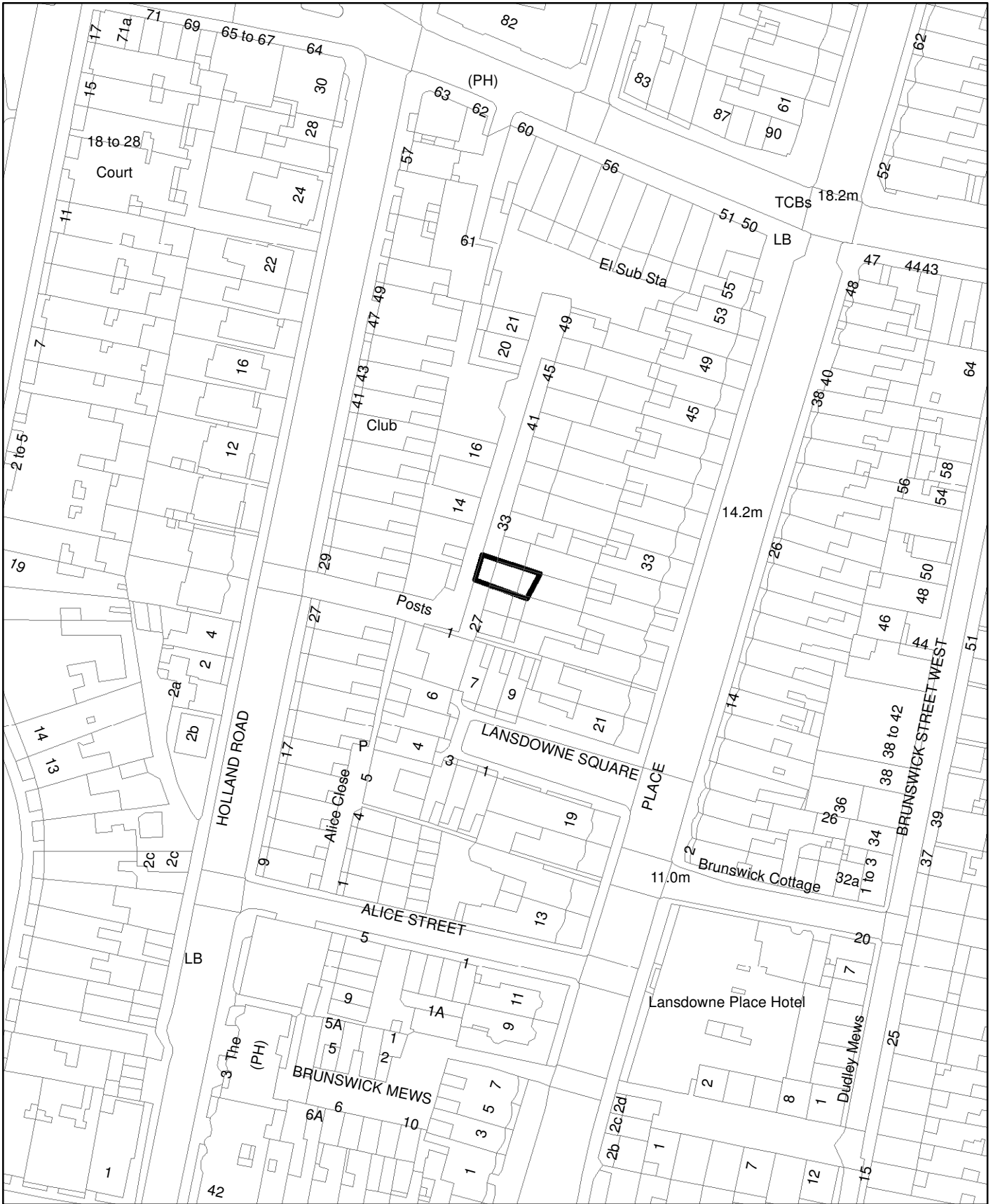
ITEM F

**Garage North East Of 28
Holland Mews
Hove**

**BH2018/01687
Full Planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/01687 Garage NE of 28 Holland Mews



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|--------------------------------------|
| <u>No:</u> | BH2018/01687 | <u>Ward:</u> | Brunswick And Adelaide Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Garage North East Of 28 Holland Mews Hove | | |
| <u>Proposal:</u> | Demolition of exiting garage and erection of 1no two bedroom dwelling. | | |
| <u>Officer:</u> | Michael Tucker, | tel: | <u>Valid Date:</u> 29.05.2018 |
| | 292359 | | |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 24.07.2018 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Mr Nigel McMillan 7 Queen Square Brighton BN1 3FD | | |
| <u>Applicant:</u> | Mr John Marlow C/o Lewis McMillan 7 Queen Square Brighton BN1 3FD | | |

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 |
|-------------------------------------|------------------|----------------|----------------------|
| Existing Floor Plans and Elevations | 17-123-01 | | 29 May 2018 |
| Floor plans and elevations proposed | 17-123-02 | | 29 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 above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - details of the proposed windows and doors

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/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.

4. No development above ground floor slab shall take place until full details of all new sliding sash windows and doors and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. 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.
5. No extension, enlargement, alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14, HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6. The development hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
7. No drainage or ventilation systems shall be fixed to the front elevation without prior consent in writing from the Local Planning Authority.
Reason: To ensure the satisfactory appearance of the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One
8. The residential unit hereby approved shall not be occupied until it 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. The residential units hereby approved shall not be occupied until it 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. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 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 9 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 single storey garage in a predominantly residential street within the Brunswick Town Conservation Area. Although the building is not listed in its own right, it lies to the rear of 29 Lansdowne Place (listed grade II).

- 2.2 This application seeks planning permission for the demolition of the existing garage, and the erection of a two-bedroom, three-storey dwelling with two rear dormers in the loft space. Although the roof space is shown as being for storage it is reasonable to assume that the addition of two rear dormers would enable its use as an additional bedroom, resulting in a proposed three-bedroom dwelling.

3. RELEVANT HISTORY

BH2018/00163 - Application for Approval of Details Reserved by Condition 8 (i, a) of application BH2016/02493. **Approved** 21/05/2018

BH2017/03677 - Demolition of existing garage and erection of 1no three bedroom cottage. **Refused** 04/01/2018 for the following reasons:

- The proposed dormer, by reason of its excessive width, positioning and overall appearance, represents a visually dominant feature to the roof of the building, to the detriment of the character and appearance of the proposed building and wider conservation area, contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan.
- The proposed fenestration on the front elevation, due to the window size, proportions and horizontal emphasis, would form inappropriate features that would be out of keeping with the surrounding character. The proposal would therefore significantly harm the character and appearance of the proposed dwelling, the streetscene and the surrounding conservation area, contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan.

BH2016/02493 - Demolition of garage and erection of 1no dwelling (C3). **Approved** 30/08/2016.

BH2015/02806 - Demolition of garage and erection of 1no dwelling (C3). **Refused** 08/10/2015.

4. REPRESENTATIONS

- 4.1 One (1) letter has been received, supporting the application for the following reason:

- the existing garage is not in keeping with the mews and requires renovation

5. CONSULTATIONS

5.1 **Heritage:** No objection

The Heritage Team disagrees with the Heritage Statement submitted with the application which states that that the building 'does not make a positive contribution to the conservation area', however the findings of this research are most useful, and show that the original historic fabric (consistent in date to that of the associated grand house in Lansdowne Place) was lost in the 1920's/30's, and accordingly this affects the historic significance of the garage.

As a result it is considered that the re-development of this site with a 2 storey house is acceptable in principle, and approval was given in 2016 for a 2 bedroom house on this plot.

This application also follows an application for a 3 bedroom house in 2017 (application BH2017/03677) which the Heritage Team was in general support of, however some amendments and further information were required and the application was subsequently refused.

The front elevation has been amended in this application and the proposed windows have been reconfigured appropriately for this historic area.

The proposed rear dormers will not be visible from the public realm however the standards set out in SPD12 for dormer design should be followed to ensure an acceptable impact on the roofscape.

The proposed materials are generally acceptable, although more details and samples will be needed for further approval.

Drainage needs to be detailed; facilities are located at the front however the elevation shows no drainage or vents; it would not be acceptable to clutter the front façade with such items (as has occurred on the building to the north).

5.2 Environmental Health: No comment received.

5.3 Transport Planning: No objection

Recommended approval subject to the securement of satisfactory cycle parking by condition.

5.4 Conservation Advisory Group: Objection

Recommended refusal and refer the application to the Planning Committee.

This original coach house, one of the last in Holland Mews illustrates how these mews once looked. There has been no effort shown of the conversion of this fine example of equestrian architecture.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage
- CP16 Open space

Brighton & 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
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD09 Architectural Features
- SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the loss of the existing garage, the design of the proposed building and the impact of the proposal on the character and appearance of the Brunswick Town Conservation Area. The impact on neighbouring amenity, the standard of accommodation provided by the proposal and transport and sustainability matters are also material considerations.
- 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.
- 8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years

supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 Principle of the Development:

The redevelopment of the site has previously been accepted by the Local Planning Authority when a new dwelling was approved in 2016. There have been no changes in circumstance since that previous approval to indicate that the principle of a dwelling is no longer acceptable.

8.5 Heritage

Although the Heritage Team does not share the opinion of the applicant that the existing building "does not make a positive contribution to the conservation area", the original historic fabric of the building was lost in the 1920s/30s, and the historic significance of the garage is negatively affected by this. Furthermore, planning permission has been granted in the past (BH2016/02493) for the demolition of the existing garage on the site and the erection of a two-storey, two-bedroom dwelling.

8.6 Accordingly, the concerns raised by the Conservation Advisory Group are noted but in this instance it is considered that they do not have a significant bearing on this particular proposal.

8.7 In view of the above the heritage implications in terms of the impact upon the nearby listed building and wider conservation area are considered acceptable.

8.8 Design and Appearance:

Two previous designs have been put forward for a dwelling on the site. The approved proposal under BH2016/02493 established an acceptable design and appearance, while BH2017/03677 proposed an alternative design that was considered to have a negative impact upon the appearance of the building and wider conservation area.

The current scheme is the result of the amendments to the previous application suggested by the Heritage Team, and closely resembles the previous approval on the site. The proposal is therefore considered to be acceptable in principle.

The rear elevation has been significantly altered from previous proposals. The proposed rear dormers would be not be visible from the public realm, and are of a significantly smaller scale when compared to the previous refusal. The dormer on the previous scheme was considered inappropriate in size. The revised proposal, lessens the bulk of the additions to the roofslope, mitigating their effect on surrounding properties in the conservation area. The rear

fenestration of the current scheme contains minor alterations to the previously approved dwelling, and these alterations are not considered to cause material harm to the appearance of the dwelling.

It is noted that while the proposed scheme has largely addressed the concerns raised over the previous application, there is the potential for Permitted Development rights to be used to enlarge the dormer windows on the rear roofslope once the dwelling is built. For this reason, and to protect the appearance of the conservation area and the visual impact on neighbouring properties, it is considered appropriate to remove Permitted Development rights for this property.

It is considered that the design of the proposed dwelling has addressed the concerns raised by the previous schemes and the reasons for the refusal. The front elevation has been returned to a design previously identified as acceptable, and the rear dormers have been dramatically reduced in bulk and no longer represents a visually dominant feature to the roof of the building. It is therefore considered that the proposal would not cause significant harm to the character and appearance of the proposed building, the streetscene and the surrounding conservation area.

8.9 Impact on Amenity:

Although this is a constrained plot it is not considered that there are any significant issues relating to neighbouring amenity.

- 8.10 The proposed dwelling is most likely to affect the occupiers of the adjoining properties nos. 31 and 28 Holland Mews and 29 Lansdowne Place.
- 8.11 The proposal would result in the replacement of a single storey building with a two storey building. The additional height of the main building is unlikely to result in any significant harm in terms of loss of light, outlook or an overbearing impact as it would adjoin buildings of a similar height and depth. The single storey rear addition, would be sufficiently screened from the properties to the south by the boundary wall. Given the height of the boundary as well as the fact that the bulk of the dwelling has been set back from the shared boundary, it is considered that the impact would not be significant and would not lead to a loss of amenity.
- 8.12 The first floor rear windows and rear dormers would now provide views into neighbouring properties. It is considered that given the sufficient back to back distance, any views available from these windows would not lead to a significant loss of privacy of neighbouring properties. Mutual overlooking already occurs within the immediate vicinity of the site and some degree of overlooking is to be expected within an urban location.
- 8.13 The proposal is therefore considered not to result in significant harm to the amenity of neighbouring properties.
- 8.14 As noted previously in this report, removing permitted development rights will protect neighbour's amenity/privacy.

8.15 Standard of Accommodation:

The proposed dwelling would provide approximately 81sqm of floorspace on the ground and first floor, and approximately 15sqm in the loft area on the second floor. Despite not being adopted policy, the Government's Nationally Described Space Standards do give a useful indication of the suitability of a dwelling. For the scale of dwelling proposed in this application, a minimum of 90sqm is considered to provide a suitable amount of accommodation. While the steeply sloping roof levels reduces the amount of floorspace with 1.5m or more of headroom in the roofspace to approximately 10sqm, the dwelling still meets the minimum standard.

8.16 Policy HO5 seeks to ensure that all new residential developments provide useable, private amenity space for future occupiers. As part of this proposal a patio and small grassed area would be created at the rear of the property. Although limited in size, it would provide usable and private amenity space and within the context of the surrounding pattern and grain of development would be appropriate.

8.17 Sustainable Transport:

It is not anticipated that the proposed development would lead to a significant Increase in trip generation. The site is well located nearby to sustainable transport connections. One car parking space is provided at the front of the property in a similar arrangement.

8.18 No details of cycle parking are provided as part of the application. The constraints of the site mean there is no reasonable location to provide secure, covered cycle parking without compromising the already limited private amenity space, or the appearance of the street.

8.19 Sustainability:

Policy CP8 of the 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. These standards can be secured by condition, if planning permission is granted.

8.20 Other Considerations:

It is noted that previous statutory consultations raised the possibility of the site being contaminated. As part of application BH2018/00163 (approved 21/05/2018) a desk top study found no concerns of contamination of the site and so a pre-commencement condition such as in the previous approval is not considered to be appropriate in this case.

9. EQUALITIES

9.1 None identified

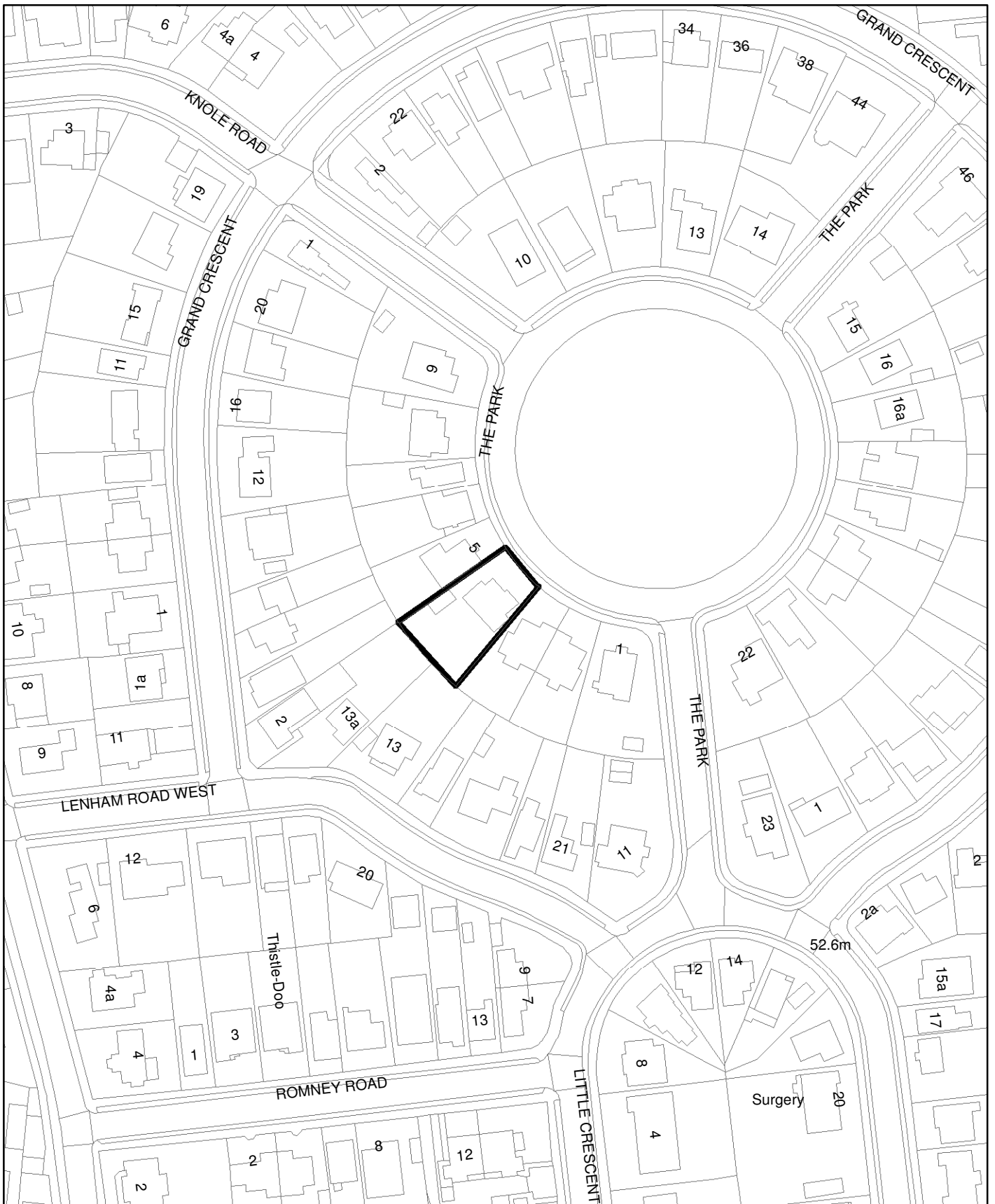
ITEM G

**4 The Park
Rottingdean
Brighton**

**BH2018/02638
Householder Planning Consent**

DATE OF COMMITTEE: 13th December 2017

BH2018/02638 4 The Park Rottingdean



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|---------------------------------|
| <u>No:</u> | BH2018/02638 | <u>Ward:</u> | Rottingdean Coastal Ward |
| <u>App Type:</u> | Householder Planning Consent | | |
| <u>Address:</u> | 4 The Park Rottingdean Brighton BN2 7GQ | | |
| <u>Proposal:</u> | Remodelling of existing property incorporating a single storey side extension and creation of a first floor | | |
| <u>Officer:</u> | Sven Rufus, tel: 292454 | <u>Valid Date:</u> | 20.08.2018 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 15.10.2018 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Miss Asia Jedrzejec 79 Stanford Avenue Brighton BN1 6FA | | |
| <u>Applicant:</u> | Mr & Mrs Knight c/o Agent | | |

This application has been called to Committee by Councillor Mary Mears.

1. RECOMMENDATION

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

1. The existing street scene is characterised by bungalows and two storey dwellings of traditional design and pitched roof forms. Whilst a contemporary design style is not resisted as a principle, the proposed remodelled dwelling would significantly increase the bulk of the existing dwelling, forming a flat roof two storey appearance. The existing bungalow is set close to the side boundaries of the site and to the neighbouring dwellings to either side. Some relief is provided to this arrangement by the spacing above the hipped roof of the bungalow; this spacing would be substantially reduced by the additional bulk of the flat roof two storey form proposed, resulting in a cramped appearance. Overall it is considered that the proposed dwelling design, due to its bulk and flat roof form, and loss of spacing from the side boundaries and dwellings to either side, would result in an incongruous and cramped appearance to the detriment of the street scene. The proposed development is therefore contrary to policy QD14 of the Brighton and Hove Local Plan which states that extensions and alterations to existing buildings will only be granted where the proposed development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, and takes account of the existing space around buildings.
2. The existing bungalow has a hipped roof form which means that the bulk of the roof directly alongside the side boundaries of the site is significantly lesser than that which is proposed. The proposed dwelling design, being two storeys in height with a flat roof form would result in a significantly increased bulk when viewed from the neighbouring properties to either side and would have an enclosing and overbearing impact upon the occupiers of these

properties. Furthermore, the proposed full height glazing at ground and first floor level to the rear of the property would result in significantly increased overlooking towards neighbouring properties and gardens and would reduce the sense of privacy for neighbouring occupiers. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan which state that planning permission will only be granted for proposals which would not result in significant noise disturbance or loss of privacy, outlook, daylight / sunlight or amenity to neighbouring properties.

Informatives:

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

| Plan Type | Reference | Version | Date Received |
|-------------------------|------------------|----------------|----------------------|
| Floor Plans Proposed | 1013-P-104-A | | 20 August 2018 |
| Elevations Proposed | 1013-P-105-A | | 20 August 2018 |
| Elevations Proposed | 1013-P-106-A | | 20 August 2018 |
| Roof Plan Proposed | 1013-P-108-A | | 20 August 2018 |
| Location and block plan | 1013-P-101-A | | 20 August 2018 |

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The Park is a circular road with a central green. The dwellings which face on to the green are of varying designs, however there is a consistency of character provided by the fact that all of the dwellings are of traditional design and form, with pitched roof forms. Whilst many of the dwellings are sited close to one another with limited spacing from their side boundaries, visual relief is provided by the spacing above the pitched roofs of the dwellings and this results in the street scene retaining a character which is not unduly cramped, which in conjunction with the set back of the dwellings from the highway and the central green retains the spacious character associated with such suburban locations.
- 2.2 The application property is a rendered, detached bungalow on the south west side of The Park. To the east of the site is a pair of semi-detached bungalows with barn-end roof forms. To the west is a detached bungalow with a gable-end roof form. As is typical of the street scene, the spacing above these roof forms provides relief and spacing in the street scene arrangement as the dwellings themselves are sited close to their side boundaries.
- 2.3 Under application BH2018/00474 a scheme was proposed which was similar in nature to the current proposal. A two storey appearance with curved features and full height glazing to the rear at ground and first floor was proposed. This scheme was refused on the grounds that the bulk and flat roof form of the dwelling would be out of keeping with the character of the street scene. Furthermore the bulk was considered to cause a harmful impact upon

neighbouring amenity along with increased overlooking from the proposed full height glazing.

- 2.4 Following this decision, a duplicate application was submitted, ref. BH2018/01360. The council declined to determine a duplicate submission under Section 70B of the Town and Country Planning Act 1990 (as amended), as the council had already set out their position in the refusal of the first application, and the applicant had the right of appeal should a second opinion of the scheme be sought.
- 2.5 Following this decision, the applicant engaged in pre-application discussions on a revised proposal which represented an improvement over the previous scheme in that it did retain an element of a pitched roof form; however side gables were proposed along with large flat roof block forms at first floor level to front and rear. The concerns raised at the time of the previous application regarding loss of spacing to the side boundaries of the site and impacts upon neighbouring amenity had not therefore been successfully addressed.
- 2.6 It was suggested that the applicant explore design options which comprise traditional pitched roof forms which would be more in keeping with the street scene.
- 2.7 This advice has not been followed, as the current application returns to the design style of the original proposal, of flat roof two storey form; a design which the council has previously confirmed is not appropriate due to the relationship of the site with neighbouring properties to either side and the character of the wider street scene. Furthermore a significant increase in bulk is still proposed along with full height glazing to the rear of the property which the council has previously confirmed would cause harm to the amenity of neighbouring properties to either side.

3. RELEVANT HISTORY

BH2018/01360: Remodelling of existing property incorporating single storey side extension, enlargement of roof to create a first floor, rear facing juliette balcony and other associated works. (Not proceeded with - 24/5/18)

BH2018/00474: Remodelling of existing property incorporating single storey side extension, enlargement of roof to create a first floor, rear facing juliette balcony and other associated works. (Refused 25/4/18)

4. REPRESENTATIONS

- 4.1 Two (2) letters have been received from the immediate neighbours, objecting to the proposed development for the following reasons:
 - It is substantially the same as previous refused scheme
 - Increase in bulk
 - Harms the appearance and character of the building.
 - Supporting information/examples of other art deco buildings in the area relate to Saltdean, not Rottingdean.

- Increased height and proximity to the boundary will result in loss of light to rooms including main habitable rooms.
 - Side extension reduces gap between houses to 70cm.
 - Harmful to amenity.
 - Potential parking issues.
 - Out of character for the area.
- 4.2 Thirty nine (39) letters have been received (3 from other residents of The Park, but not directly affected by the development; 8 from other addresses in Rottingdean; 13 from elsewhere in Brighton and Hove; 11 from East and West Sussex; 4 from the rest of the UK) supporting the proposed development for the following reasons:
- Good design, will improve the area.
 - Better than what could be done under permitted development
 - Sustainable design
 - Not higher than other properties on The Park
- 4.3 A letter has been submitted by Councillor Mary Mears supporting the application and requesting that the application be determined by the Planning Committee should refusal be recommended. A copy of this letter is attached.

5. CONSULTATIONS

5.1 Rottingdean Parish Council: Objection

Reasons:

- Inappropriate Height of Development
- Poor design
- Residential Amenity

The RPC planning sub-committee remain of the view that the proposals (which were previously objected to) remain out of step with the rest of this residential area. While understanding the applicants' reasons for enhancement, Parish Cllrs feel this needs to be challenged for the following reasons:

1. Out of scale and character in terms of appearance to the rest of the road particularly as properties all face each other in a fairly uniform ring.
2. Does the proposed property due to the increase in size and height affect the light and overlook the neighbouring properties?
3. The proposed new house will have completely different materials and be out of keeping with the original design for the The Park.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and

proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the appearance of the proposed development and the impact of the development on amenity of neighbours.

8.2 **Design and Appearance:**

As detailed above, The Park is a circular road with a central green. The dwellings which face on to the green are of varying designs, however there is a consistency of character provided by the fact that all of the dwellings are of traditional design and form, with pitched roof forms. Whilst many of the dwellings are sited close to one another with limited spacing from their side boundaries, visual relief is provided by the spacing above the pitched roofs of the dwellings and this results in the street scene retaining a character which is not unduly cramped, which in conjunction with the set back of the dwellings from the highway and the central green retains the spacious character associated with such suburban locations.

- 8.3 The application property is a rendered, detached bungalow on the south west side of The Park. To the east of the site is a pair of semi-detached bungalows with barn-end roof forms. To the west is a detached bungalow with a gable-end

roof form. As is typical of the street scene, the spacing above these roof forms provides relief and spacing in the street scene arrangement as the dwellings themselves are sited close to their side boundaries.

- 8.4 A previous scheme, of a similar nature to that now proposed, was refused planning permission as the two storey flat roof form proposed would appear out of keeping with the street scene and would result in the loss of the spacing above the existing hipped roof form, resulting in a cramped arrangement.
- 8.5 The current proposal would have a very similar visual impact. The proposal does not address the concerns raised at the time of the refusal of the previous application. Whilst the proposed dwelling design, considered in isolation, is considered to be of a good standard, it is not appropriate for this site, would appear out of keeping in the street scene and would again result in a cramped arrangement.
- 8.6 The proposed design would replace the existing pitched roof with a flat roof structure, incorporating different levels to the front and rear sections. The flat roof design proposed is out of character with the prevailing style of every other building on the street. The Park is a location in which due to the properties being arranged as a circus, in a circular form around a central open green, with every house being mutually highly visible to every other house. While there is a wide variety of different building styles and sizes on the Park, every building is characterised by some form of traditional pitched roof. The proposed flat roof on the application site would diminish this defining uniformity.
- 8.7 The proposed front elevation would incorporate a new first floor with the side walls coming to full height at the position of the existing outside walls of the property. A proposed single storey side extension on the north west side of the property would be set back from the front elevation. The proposed flat roof over the entire footprint of the property results in the proposed scheme having a substantial increase in bulk, with no softening of the impact that a pitched roof would offer.
- 8.8 The two side elevations are windowless. The South East elevation is built full height in close proximity to the boundary of the site. This boundary is currently partially screened by vegetation from the neighbours. The proposed development would bring the side elevation substantially higher than the boundary feature, and it is considered that a large blank wall in close proximity to the property would appear overbearing to the neighbouring perspective.
- 8.9 The North West elevation is part one- part two-storey, with the single storey element being built up to the boundary with the neighbouring property. The two storey element is mainly built over the existing footprint, but has a section at the front that comes closer to the boundary than at present. It is considered that the proposed extension and increased height to the first floor level would detrimentally impact on the appearance of the property from the perspective of the neighbours to that side.

- 8.10 The single storey side extension would result in the loss of any separation of the application property from the neighbouring property alongside. While there is a garage built against that boundary at present, this is set further back than the proposed side extension, and is not adjacent to either building. The current arrangement does not result in a loss of separation. It is considered that the proposed scheme would cause harm to the street scene by closing the gap between buildings and altering the relationship between the properties.
- 8.11 It is considered that the overall impact of the proposed enlargements would be excessive in comparison to the existing building, and of a design which would be harmful to the appearance of the property, and detrimental to the street scene as a whole. For the reasons set out above, the proposed development is considered to be contrary to policy QD14 of the Brighton and Hove Local Plan.
- 8.12 Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.13 The single storey element of the proposed scheme would extend the building to the boundary shared with 5 The Park. The height of the proposed extension would be at eaves height for the neighbouring building, and a gap of 0.7m would remain between the buildings. It is acknowledged that the proposed extension would impact on the outlook and amenity of the neighbours, however the degree of impact is not considered to be substantial enough to warrant refusal on this basis alone.
- 8.14 The increased height of the two storey element, while set back from, the boundary and following the existing footprint of the property, would result in a substantial increase in bulk and height close to the boundary and the neighbouring property, which would impact on the outlook and sense of enclosure to the occupants of 3 The Park.
- 8.15 The rear elevation includes large areas of new full height glazing at first floor level. It is considered that the outlook from the full height windows would result in an unacceptable potential for overlooking and consequent loss of privacy to neighbouring properties on The Park, and to a lesser extent properties on Grand Crescent and Lehman Road West. This impact is increased by the elevated position of the application property relative to the rear gardens of neighbouring houses, and to the houses to the rear.
- 8.16 For the reasons set out above, it is considered that the proposed development would be harmful to the amenity of neighbouring properties, and as such is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.

8.17 Sustainability:

Installation of solar panels is in general a welcomed addition, however in this case solar panels do not outweigh the harm which the development would cause.

9. EQUALITIES

9.1 No implications identified.

Councillor Mears
Ward Councillor for Rottingdean Coastal

BH2018/02638 4 The Park Rottingdean

As a ward Councillor for Rottingdean Coastal, I am writing in support for the above planning application for the following reasons.:

I believe the proposed development is suitable for the site in terms of size, and is in keeping with the surrounding area, if you stand on the green in the Park you can clearly see the mix of different properties, from family houses to bungalows with roof extensions.

With the cost of moving becoming untenable for many , we see more and more properties extended as families need extra living space, this ensures their children's education is not disrupted by having to move from their local schools.

This planning application is already supported by residents living in The Park , stating they think it will be an asset and enhance the area.

The style and build of this planning application is certainly not out of keeping with developments already given planning permission with an Art Deco feel in Rottingdean Coastal ward.

With approved applications across the ward in Saltdean,, Marine Drive and Roedean Crescent.

We also have the iconic Saltdean Lido as a classic example.

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

ITEM H

**Land R/O 1 To 3 Clarendon Terrace,
Brighton**

**BH2018/00133
Full planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/00133 Land R/O 1-3 Clarendon Terrace



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|--------------------------------------|
| <u>No:</u> | BH2018/00133 | <u>Ward:</u> | East Brighton Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Land R/O 1 To 3 Clarendon Terrace Brighton BN21FD | | |
| <u>Proposal:</u> | Erection of 1no single storey two bedroom dwelling (C3), lowering of ground level and associated works. | | |
| <u>Officer:</u> | Ayscha Woods, 292322 | tel: | <u>Valid Date:</u> 16.01.2018 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 13.03.2018 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Turner Associates 19A Wilbury Avenue Hove BN3 6HS | | |
| <u>Applicant:</u> | Ms Richards-Levi C/O Turner Associates 19A Wilbury Avenue Hove BN3 6HS | | |

1. RECOMMENDATION

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

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|-------------------------|------------------|----------------|----------------------|
| Location and block plan | TA 1088/01 | - | 16 January 2018 |
| Floor Plans Proposed | TA 1088/10 | A | 12 February 2018 |
| Roof Plan Proposed | TA 1088/11 | A | 12 February 2018 |
| Sections Proposed | TA 1088/12 | A | 12 February 2018 |
| Sections Proposed | TA 1088/13 | A | 12 February 2018 |
| Elevations Proposed | TA 1088/16 | A | 12 February 2018 |
| Refuse storage details | TA 1088/19 | - | 12 February 2018 |
| Elevations Proposed | TA 1088/14 | - | 16 January 2018 |
| Elevations Proposed | TA 1088/15 | - | 16 January 2018 |
| Elevations Proposed | TA 1088/17 | - | 16 January 2018 |
| Sections Proposed | TA 1088/18 | - | 16 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. 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.

4. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse 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, HE6 and QD27 of the Brighton & Hove Local Plan and CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

5. The residential units hereby approved shall not be occupied until they have 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.

6. The residential units hereby approved shall not be occupied until they have 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.

7. 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, 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.

8. 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.

9. The development hereby permitted shall not be agreed until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out and completed fully in accordance with the approved method statement.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

10. The external finishes of the works to the west boundary wall hereby permitted shall match in material, colour, style, and texture those of the historic part of the existing wall.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

11. All new render finishes shall be smooth, lime-based, wet render without external beads, stops, bell drips or expansion joints.

Reason: To ensure the satisfactory preservation of this listed building to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part one.

12. The railings, finials and gate shown on the approved plans shall match the materials, profiles and detailing of the originals and be painted black within one month of installation and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

13. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving) shall have been installed at the junction of and across Chesham Road (east) with Clarendon Terrace.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.

14. Access to the flat roof over the dwelling hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

15. 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.

16. 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
3. The applicant is advised that the scheme required to be submitted by Condition 15 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

2.1 The application site relates to a narrow strip of land situated behind 1-3 Clarendon Terrace which is a Grade II listed building located in the East Cliff Conservation Area. The plot is currently vacant and grassed and is not in use. Historically this area is likely to have formed garden area associated with the lower ground floor flats at 1-3 Clarendon Terrace. However it was previously separated from these properties by the existing boundary fence. The site is surrounded by six-storey terraced properties. The character of the locality is predominantly residential.

3. RELEVANT HISTORY

BH2018/00134 (Listed Building Consent) - Erection of 1no single storey two bedroom dwelling (C3), lowering of ground level and associated works - **Under consideration**

BH2010/02596 (Full Planning) - Erection of a two storey dwelling, alterations to boundary walls fronting Chesham Place and alterations within garden including excavation and alterations to walls - **Refused** - 24/11/10 for the following reason:

1) The proposed new dwelling, by reason of its height and close proximity to adjoining properties in Clarendon Terrace would be overbearing and create a sense of enclosure and cause loss of outlook to occupiers of those properties, to the detriment of their amenity, contrary to policy QD27 of the Brighton and Hove Local Plan.

APP/Q1445/A/11/2153786 - Relating to application BH2010/02596 - Appeal Dismissed - 02/11/11

BH2009/01891 (Listed Building Consent) - Erection of a two storey dwelling house, alterations to boundary walls fronting Chesham Place and alterations within garden including excavation and alterations to walls - **Approved** - 23/09/09

BH2005/05030 (Full Planning) - Erection of a two-storey dwelling, alteration to boundary walls fronting Chesham Place and alterations within garden including excavation and alterations to walls - **Refused** - 11/04/06 for the following reason:

1) The proposed new dwelling, by reason of its height and close proximity to adjoining properties in Clarendon Terrace would be overbearing and create a sense of enclosure and cause loss of outlook to occupiers of those properties, to the detriment of their amenity, contrary to policy QD27 of the Brighton and Hove Local Plan.

APP/Q1445/A/06/2021441 - Relating to application BH2005/05030 - **Appeal Dismissed** - 14/12/06

BH2005/05029 (Listed Building Consent) - Attachment of a two-storey building to boundary walls and existing rear extension, alterations to boundary wall fronting Chesham Place and alterations within garden including excavation and removal/alteration of walls and steps - **Approved** - 11/04/06

4. REPRESENTATIONS

4.1 Eight (8) letters has been received objecting to the proposed development for the following reasons:

- Out of character
- Impact on Grade II listed building at Clarendon Terrace
- Impact on conservation area
- Potential for flat roof to be used to build second storey at later date
- Potential for flat roof to be used as roof terrace
- Other uses for land more appropriate
- Overdevelopment
- Loss of light
- Loss of privacy
- Overlooking
- Overshadowing
- Noise disturbance
- Impact on parking
- Concerns of excavation works and structural impact on neighbouring buildings
- Loss of access to rear of Clarendon Terrace for building works, scaffolding etc.
- Loss of listed wall/railings

4.2 One (1) letter has been received supporting the principle of the proposed development subject to minor points of clarification on detailing.

5. CONSULTATIONS

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

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

5.3 **Fire Brigade:** No comment received.

5.4 **Sustainable Transport:** No objection subject to conditions

The Highway Authority has no objections to this application subject to the inclusion of the necessary conditions

5.5 **Heritage:** No objection subject to conditions

Amendments and further information was received throughout the course of the application. Following the amendment to the positioning of the bin store and additional information regarding the severance of the site, there are no heritage objections to the scheme, subject to the requested conditions.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design
CP14 Housing density
CP15 Heritage
CP19 Housing mix

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

TR7 Safe Development
TR14 Cycle access and parking
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development on the character and appearance of the East Cliff Conservation Area and wider streetscene, the impact upon the adjacent listed building, the standard of accommodation provided, any potential impact on the amenities of neighbouring properties, 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.
- 8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4 The application site has been subject to two previous proposals which were both for two storey dwellings and were both refused planning permission by the Local Planning Authority on the grounds of harmful impacts on the amenity to the properties at Clarendon Terrace (BH2005/05030 and BH2010/02596). The reasons for refusal are set out under the history section above. Both applications were subsequently dismissed at appeal.
- 8.5 Under the first appeal decision (APP/Q1445/A/06/2021441) relating to application BH2005/05030, the appeal inspector stated:

"Although the proposed is, in many respects, an imaginative and careful design which aims to respond to the constricted and sensitive context of the site, and it would potentially make effective use of a brownfield site, I am concerned that the proposed dwelling would be detrimental to the living conditions of the occupiers of Clarendon Terrace. On balance, therefore, the proposal would be in conflict with Policy QD27 of the Brighton and Hove Local Plan."

- 8.6 Under the most recent appeal decision (APP/Q1445/A/11/2153786) relating to application BH2010/02596, the appeal inspector stated:

"Despite having found that the proposed development would not be harmful in a number of respects, and that there would be a positive enhancement to the character and appearance of the area due to the design of the building, these findings must be weighed against the main issues in this appeal. There has been no change in circumstances since the date of the previous dismissed appeal for the same scheme, insofar as it relates to the relationship with the adjoining properties: there is the same Local Plan and the same circumstances pertaining to the appeal site. I therefore come to the same consistent decision as previously and find that the conflict with Policy QD27 on the main issue outweighs other matters, and so the appeal is dismissed."

- 8.7 The current scheme has sought to address the previous concerns of the proposal and is discussed below.

8.8 Principle of Development

The application site forms a vacant plot of land located in a built up area, adjacent to buildings in residential use. The two previously refused schemes did not raise an issue with the principle of the site being redeveloped. Furthermore, this was not an issue raised by the two previous refusals and appeal decisions. The proposal for a new dwelling on this site would make efficient use of this land, and the principle of a residential dwelling in this area is considered acceptable.

8.9 Design and Appearance:

The proposed new dwelling would be similar in design and appearance to the two previously refused schemes, in that it would be set notably down into the existing ground level due to a considerable degree of excavation to the site, with a painted render finish and flat roof. The flat roof would be finished with a green roof system. The design is simple and offers a contemporary solution similar to the previous schemes, albeit the scheme now proposes a single storey dwelling.

- 8.10 The previous schemes were not refused on design and during the most recent appeal (APP/Q1445/A/11/2153786), the inspector stated,

"The Design of the proposed building is creative in addressing the street scene considerations of the site. It would be a positive enhancement to the character and appearance of the East Cliff Conservation Area due to the removal of the unsightly 'gap' appearance of the appeal site. The building would also sit comfortably adjoining the listed buildings of Chesham Place."

- 8.11 The main difference between the previously refused schemes and this current scheme is that the proposed new dwelling would be single storey in height. The single storey design would result in a reduction in the overall bulk of the dwelling.

8.12 Heritage

No heritage objections were raised regarding the previously refused schemes. The proposed property will be positioned below the height of the boundary wall along Chesham Place and would not be readily visible from the public realm. As such, the new dwelling would not have a detrimental impact on the Conservation Area.

The impact of the proposed development on the conservation area and streetscene is limited to the proposals for the front boundary along Chesham Place. The application includes the repair of the front railings, the addition of a gate, and the reinstatement of render and mouldings to the section of wall north of the timber gate and the replacement of this gate with a new painted timber one. The improvements fronting Chesham Place would have a positive impact and make a significant improvement to the streetscene and these works are secured by condition.

Initial concerns were raised regarding the potential loss of a historic northern wall which sub-divided the application site and the properties at 1-3 Clarendon Terrace to the south. Further information was provided through the course of the application addressing this issue and confirmed that the two walls which previously sub-divided the space have been removed and the harm has already occurred and cannot practically be reversed. As such the proposed development would not increase the level of harm.

For these reasons the proposal is not considered to cause any harm to the streetscene, character and appearance of the East Cliff Conservation Area, or the setting of a Listed Building.

8.13 Standard of Accommodation:

The proposal would create a single storey, two bedroom dwelling with an open plan kitchen/dining/living area. The dwelling would have an internal floor space area of 63.3sqm which exceed the nationally described space standards for a single storey, two bed, three person dwelling, which requires a minimum size of 61sqm. Bedroom 1 measures 14.9sqm, and bedroom 2 measures 7.8sqm which also meet the minimum bedroom standards.

The scale and layout of the proposed dwellinghouse would provide an acceptable standard of accommodation with sufficient natural light and outlook throughout.

The application proposes a small centrally located courtyard, and additional patio area to the rear. It is acknowledged that the amenity area is small; however it is considered that it would provide adequate usable private amenity space appropriate to the scale and character of the development in accordance with policy HO5. In addition, it is noted that the site would be located close to the seafront and this would also provide for some of the recreational needs of the potential occupiers of the proposed dwelling.

8.14 Impact on Amenity:

The previous refused schemes were refused on amenity grounds in terms of loss of outlook for the occupants of the existing properties at Clarendon Terrace.

The first appeal decision (APP/Q1445/A/06/2021441) relating to application BH2005/05030 stated:

"The proposed dwelling would be somewhat dwarfed by the flank wall of Chesham Place...but the dwelling would be in substantially closer proximity to the lower ground floor properties of Clarendon Terrace than the flank wall. As a consequence, I consider that it would appear intrusive and result in a loss of outlook to the occupiers of properties on the lower ground floor of Clarendon Terrace".

Under the most recent appeal decision (APP/Q1445/A/11/2153786) relating to application BH2010/02596, the main issue was the effect of the proposed development on the living conditions of adjoining occupiers in Clarendon Terrace, with particular reference to outlook. The appeal inspector stated:

"I still have concerns regarding the outlook from adjoining properties to the predominant side elevation of the proposed house...There is no change in the proposed development from the scheme dismissed by the previous Inspector appointed by the Secretary of State, and so I come to a similar finding that the proposed development as shown would cause a loss of outlook to the adjoining residents of Clarendon Terrace..."

The current revised scheme has sought to address these previous concerns. The proposed dwelling would be single storey in height and would be sunken into the site. The height of the dwelling would not exceed the height of the existing boundary fence between the application site and 1-3 Clarendon Terrace.

As such, the revised scheme would not result in loss of outlook for the occupants at 1-3 Clarendon Terrace and it is considered that the proposed scheme has overcome the previous reason for refusal.

In addition, the design of the dwelling would ensure that there would be no unreasonable loss of privacy or overlooking to the adjoining occupants.

Furthermore, given the existing boundary fence, and that the new dwelling would not exceed the height of this, it is considered that the proposal would not result in a loss of light to the rear of the adjacent properties.

It is noted that concerns have been raised regarding the design of the flat roof and the potential for it to be used as a terrace. A condition will be applied to restrict the use of the flat roof as amenity space. Thus no harm would occur to residents from this aspect of the proposed development.

8.15 Sustainable Transport:

The application identifies an area for cycle parking and details of the secure cycle parking will be secured by condition.

The proposed level of car parking (zero spaces) is in line with the maximum standards and is therefore deemed acceptable in this case. The site located within Controlled Parking Zone (H) and in the absence of a parking survey a car free condition will be attached.

There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable.

It is likely that the development will result in an increase in pedestrian and mobility and visually impaired trip generation. In order to ensure that the proposed development provides for the needs of pedestrians and the mobility and visually impaired, a condition is recommended securing pedestrian crossing improvements (dropped kerbs with paving and tactile paving) at the junction of and across Chesham Road (east) with Clarendon Terrace. This is to improve access to and from the site to the various land uses in the vicinity of the site.

8.16 Sustainability:

City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Conditions are proposed to ensure the development meets these standards as set out in policy CP8.

9. EQUALITIES

9.1 None identified.

ITEM I

**Land R/O 1 To 3 Clarendon Terrace,
Brighton**

**BH2018/00134
Listed Building Consent**

DATE OF COMMITTEE: 13th December 2017

BH2018/00134 Land R/O 1-3 Clarendon Terrace



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|---------------------------|
| <u>No:</u> | BH2018/00134 | <u>Ward:</u> | East Brighton Ward |
| <u>App Type:</u> | Listed Building Consent | | |
| <u>Address:</u> | Land Rear Of 1 To 3 Clarendon Terrace Brighton BN21FD | | |
| <u>Proposal:</u> | Erection of 1no single storey two bedroom dwelling (C3), lowering of ground level and associated works. | | |
| <u>Officer:</u> | Ayscha Woods, tel: 292322 | <u>Valid Date:</u> | 16.01.2018 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 13.03.2018 |
| <u>Listed Building Grade:</u> | | | |
| <u>Agent:</u> | Turner Associates 19A Wilbury Avenue Hove BN3 6HS | | |
| <u>Applicant:</u> | Ms Richards-Levi C/O Turner Associates 19A Wilbury Avenue Hove BN3 6HS | | |

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** Listed Building Consent subject to the following Conditions and Informatives.
1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 2. The development hereby permitted shall not be commenced until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out and completed fully in accordance with the approved method statement.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
 3. The external finishes of the works to the west boundary wall hereby permitted shall match in material, colour, style, and texture those of the historic part of the existing wall.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. All new render finishes shall be smooth, lime-based, wet render without external beads, stops, bell drips or expansion joints.
Reason: To ensure the satisfactory preservation of this listed building to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part one.

Informatives:

1. This decision is based on the drawings listed below:

| Plan Type | Reference | Version | Date Received |
|-------------------------|------------|---------|------------------|
| Location and block plan | TA 1088/01 | - | 16 January 2018 |
| Floor Plans Proposed | TA 1088/10 | A | 12 February 2018 |
| Roof Plan Proposed | TA 1088/11 | A | 12 February 2018 |
| Sections Proposed | TA 1088/12 | A | 12 February 2018 |
| Sections Proposed | TA 1088/13 | A | 12 February 2018 |
| Elevations Proposed | TA 1088/16 | A | 12 February 2018 |
| Refuse storage details | TA 1088/19 | - | 16 January 2018 |
| Elevations Proposed | TA 1088/14 | - | 16 January 2018 |
| Elevations Proposed | TA 1088/15 | - | 16 January 2018 |
| Elevations Proposed | TA 1088/17 | - | 16 January 2018 |
| Sections Proposed | TA 1088/18 | - | 16 January 2018 |

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a narrow strip of land situated behind 1-3 Clarendon Terrace which is a Grade II listed building located in the East Cliff Conservation Area. The plot is currently vacant and grassed and is not in use. It is understood that historically this area formed additional garden area associated with the lower ground floor flats at 1-3 Clarendon Terrace. However it was previously separated from these properties by the existing boundary fence. The site is surrounded by six-storey terraced properties. The character of the locality is predominantly residential.

3. RELEVANT HISTORY

BH2018/00133 (Full Planning) - Erection of 1no single storey two bedroom dwelling (C3), lowering of ground level and associated works - **Under consideration**

BH2010/02596 (Full Planning) - Erection of a two storey dwelling, alterations to boundary walls fronting Chesham Place and alterations within garden including excavation and alterations to walls - **Refused** - 24/11/10 for the following reason:

- 1) The proposed new dwelling, by reason of its height and close proximity to adjoining properties in Clarendon Terrace would be overbearing and create a sense of enclosure and cause loss of outlook to occupiers of those properties, to the detriment of their amenity, contrary to policy QD27 of the Brighton and Hove Local Plan.

APP/Q1445/A/11/2153786 - Relating to application BH2010/02596 - Appeal **Dismissed** - 02/11/11.

BH2009/01891 (Listed Building Consent) - Erection of a two storey dwelling house, alterations to boundary walls fronting Chesham Place and alterations within garden including excavation and alterations to walls - **Approved** - 23/09/09.

BH2005/05030 (Full Planning) - Erection of a two-storey dwelling, alteration to boundary walls fronting Chesham Place and alterations within garden including excavation and alterations to walls - **Refused** - 11/04/06 for the following reason:

- 1) The proposed new dwelling, by reason of its height and close proximity to adjoining properties in Clarendon Terrace would be overbearing and create a sense of enclosure and cause loss of outlook to occupiers of those properties, to the detriment of their amenity, contrary to policy QD27 of the Brighton and Hove Local Plan.

APP/Q1445/A/06/2021441 - Relating to application BH2005/05030 - Appeal **Dismissed** - 14/12/06.

BH2005/05029 (Listed Building Consent) - Attachment of a two-storey building to boundary walls and existing rear extension, alterations to boundary wall fronting Chesham Place and alterations within garden including excavation and removal/alteration of walls and steps - **Approved** - 11/04/06.

4. REPRESENTATIONS

4.1 Three (3) letters has been received objecting to the listed building consent for the following reasons:

- Out of character
- Impact on Grade II listed building at Clarendon Terrace
- Impact on conservation area
- Potential for flat roof to be used to build second storey at later date
- Potential for flat roof to be used as roof terrace
- Other uses for land more appropriate
- Overdevelopment
- Loss of light
- Loss of privacy
- Overlooking
- Overshadowing
- Noise disturbance
- Impact on parking
- Additional traffic
- Too close to boundary
- Concerns of excavation works and structural impact on neighbouring buildings

- Loss of access to rear of Clarendon Terrace for building works, scaffolding etc.
- Loss of listed wall/railings
- Lack of consultation

4.2 One (1) further comment was received with regards to details of the amended drawings.

5. CONSULTATIONS

5.1 Heritage: No objection subject to condition

Subject to conditions, the Heritage Team has no objection to the scheme. Full details discussed under considerations and assessment below.

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
CP15 Heritage

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

HE1 Listed Building Consent
HE4 Reinstatement of original features on Listed Buildings
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09 Architectural Features

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main issue in the determination of this application is the impact on the adjoining Listed Building and any consequential impact on the streetscene and East Cliff Conservation Area.
- 8.2 It is noted that Listed Building Consent was previously granted for a new dwelling on this site, under application BH2009/01891. Under the previous scheme the Heritage officer raised no concerns and it was considered that the proposal would not have an adverse impact on the adjacent listed buildings or their setting. The previous scheme was larger than the current proposal.
- 8.3 It is noted that the application site has been severed from the rest of the gardens belonging to 1-3 Clarendon Terrace for some time and therefore the historic layout of the site has already been affected. The impact of this proposal on the significance of the host buildings is therefore considered to relate to the change in outlook, which will be from a fence to a rendered wall and is not considered to cause further harm.
- 8.4 The truncation of the rear gardens and re-orientation of the plot to have a frontage onto Chesham Place has caused harm to the listed buildings, however the resulting plots are no more cramped than other terraces facing Marine Parade. Other terraces to the north have retained their more spacious plots, however this will be largely due to their rear gardens being land-locked.
- 8.5 It is not known how long ago the 2 walls that previously sub-divided this space were removed, however the current ownership pattern (which began in 1992) means they will not be reinstated. It is therefore considered that the identified harm has already occurred and cannot practically be reversed, and the proposed development would not increase the level of harm.
- 8.6 The proposed new dwelling would be positioned below the height of the boundary wall therefore the impact of this development on the street scene and East Cliff Conservation Area would be limited to the proposals for the front boundaries.
- 8.7 In these respects the application is welcomed as it includes the repair of the front railings, the addition of a gate, and the reinstatement of render and mouldings to the section of wall north of the timber gate and the replacement of this gate with a new painted timber one. These works are not specified in detail, and therefore a condition will be applied to secure reinstatement works of an acceptable nature.
- 8.8 Amendments were received throughout the course of the application to ensure that the provision of the refuse and recycling, and bike storage would sit within the boundary of the site, behind the boundary wall at the top of the stairs to retain the uncluttered nature of the front areas along Chesham Place.
- 8.9 Following the requested amendment to the positioning of the bin store, and subject to the addition of conditions there is no objection to the scheme.

- 8.10 Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the setting of the Grade II listed buildings or wider East Cliff Conservation Area, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. EQUALITIES

- 9.1 None identified.

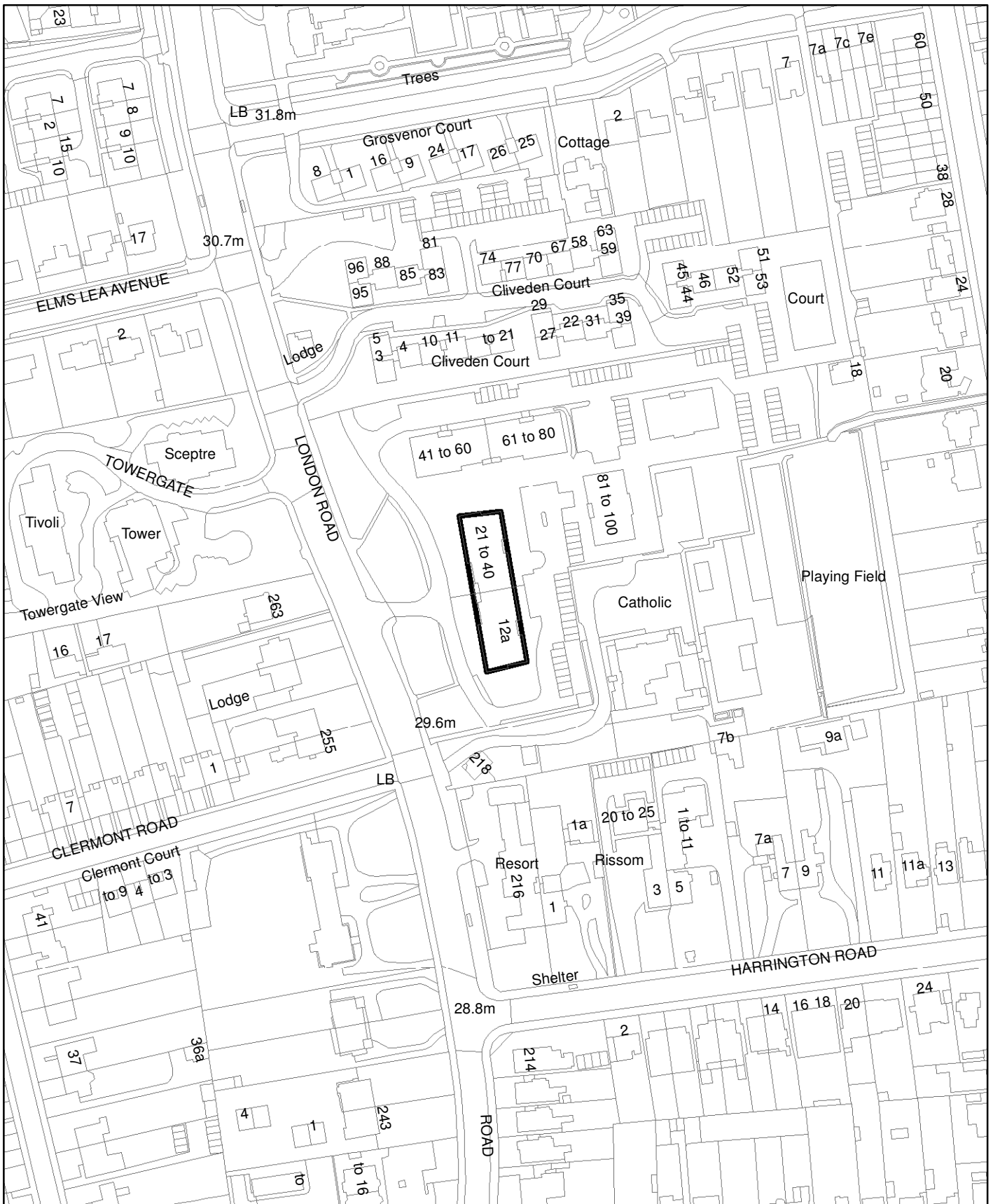
ITEM J

**Blocks E & F, Kingsmere
London Road
Brighton**

**BH2018/00659
Variation of Condition**

DATE OF COMMITTEE: 13th December 2017

BH2018/00659 Blocks E & F Kingsmere London Rd



N



Scale: 1:2,015

| | | | |
|--------------------------------------|--|----------------------------|----------------------|
| <u>No:</u> | BH2018/00659 | <u>Ward:</u> | Withdean Ward |
| <u>App Type:</u> | Removal or Variation of Condition | | |
| <u>Address:</u> | Blocks E & F Kingsmere London Road Brighton BN1 6UW | | |
| <u>Proposal:</u> | Variation of condition 2, 3 and 6 of application BH2016/00254 (Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained.) to allow amendments to approved drawings. | | |
| <u>Officer:</u> | Nicola Van Wunnik, tel: 294251 | <u>Valid Date:</u> | 02.03.2018 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 27.04.2018 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE | | |
| <u>Applicant:</u> | Spurpoint 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 |
|-----------------------|-----------------------|----------------|----------------------|
| Location Plan | | | 1 March 2018 |
| Block Plan | A1211/02 | | 23 October 2018 |
| Floor Plans Proposed | A1211/06 | C | 1 March 2018 |
| Floor Plans Proposed | A1211/07 | B | 1 March 2018 |
| Floor Plans Proposed | A1211/08 | E | 1 March 2018 |
| Elevations Proposed | A1211/09 | B | 1 March 2018 |
| Elevations Proposed | A1211/10 | B | 1 March 2018 |
| Roof Plan Proposed | A1211/12 | B | 1 March 2018 |
| Floor Plans Proposed | A1211/13 | B | 1 March 2018 |
| Cycle storage details | A1211/10 | | 24 July 2015 |
| Cycle storage details | PRODUCT SPECIFICATION | | 24 July 2015 |

2. The development hereby permitted shall be commenced by the 26th November 2018.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development 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 (balustrade and railing);
 - 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. 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.
5. 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 SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
6. The dwellings hereby permitted shall be constructed in compliance with the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) details as set out on approved floorplans A1211/13 Rev B (received 15th November 2017, inclusive) only prior to first occupation and shall be retained as such thereafter.
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.
7. 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.

8. Prior to first occupation of the development hereby permitted 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 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.

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 site on the eastern side of London Road known as Kingsmere. It is a residential development of four purpose built four-storey blocks comprising 120 flats in total.
- 2.2 Blocks E and F are situated on the western side of the site facing out towards London Road with a landscaped area and trees between the built form and the road. Blocks E and F appear as one four storey building of modern appearance, with inset sections, forward projecting bays and a tile hanging clad top floor.
- 2.3 The surrounding area is predominately flatted residential development within large sites with off-street parking. London Road is partly characterised by the presence of adjoining green space and established trees/vegetation. The site is bound to the south east and west by the Preston Park Conservation Area, although the site itself it outside of the conservation area.
- 2.4 The application seeks permission to amend the approved scheme for an additional storey on the blocks. This application proposes to increase the footprint of the roof extension, alter the fenestration and for the extension to be finished in render. In addition to amending the list of drawings (condition 2 of the previous permission) it also necessitates amending conditions 3 which relates to the materials to be used and condition 6 which refers to a previously approved floorplan.

3. RELEVANT HISTORY

- 3.1 There have been numerous applications on the site for the original Kingsmere development, alterations to the buildings and works to trees which are subject to

a preservation order. The following applications are most relevant to this application:

BH2017/03779 - Application for the variation of Conditions 2, 3 and 6 of application BH2016/00254 (Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained.) to confirm materials and allow amendments to the approved drawings including the installation of aluminium bi-folding doors leading onto private roof gardens. Approved 16/02/2018

BH2016/00495 - Application for Approval of Details Reserved by Condition 3 of application BH2015/02713. Approved 07/04/2016

BH2016/00254 - Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained. Approved 19/07/2016

BH2015/02713 - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Approved 26/11/2015

BH2011/03432 - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden - Refused 21/03/2013 Appeal Allowed 05/10/2012

BH2010/02056 - Creation of 4no three bedroom penthouse flats with private gardens over blocks E & F. Approved 03/09/2010

BH2007/02691 - Roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store. Refused 05/09/2007 Appeal Dismissed 03/04/2008

BH2007/00709 - Roof extension to blocks A + B & E + F to provide 8 penthouse flats, provision of 23 additional car spaces & a new secure cycle store. Refused 16/04/2007

4. REPRESENTATIONS

4.1 Ten (10) letters has been received objecting to the proposed development for the following reasons:

- Quality of life for residents during and after the build will be decreased.
- Exacerbate the existing parking problems.
- Noise pollution
- Increased demand on existing waste and recycling areas.
- Effect on value of current flats.
- Approvals in matters of building regulations being delayed until after completion of construction work.

- Objecting to the amendments proposed
- 4.2 One (1) letter has been received commenting on the proposed development raising the following concerns:
- Additional floor will give residents full view of the playground area of nearby primary school.
 - Level of disruption to the school

5. CONSULTATIONS

5.1 **Housing Strategy** - None Received.

5.2 **Private Sector Housing** - None Received.

5.3 **Transport** - None Received.

5.4 **Environmental Health** - None Received.

5.5 **Legal** - None Received

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
 CP20 Affordable housing

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

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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 propriety of allowing the amendments to the approved drawings and the subsequent impact of these amendments on the design and appearance of the host building, wider area and as well as the amenity of neighbouring properties.

8.2 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.

8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 The principle of the additional storey and new residential units has been approved by permission BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden). It is acknowledged that there have been a number of objections relating to the proposed roof extension and the creation of 8no additional flats, however, the principle of the additional storey has already been accepted. Since the granting of the original planning permission, the Brighton & Hove City Plan Part One has been adopted. This

reduced the threshold for the provision of affordable housing to schemes over 5 units. The scheme proposes 8 additional units of accommodation and therefore policy CP20 applies. However, since this application is a variation of the original permission, which could still be implemented, it is not considered reasonable to require a financial contribution in this instance for affordable housing.

8.5 Design and Appearance

The proposed alterations consist of:

- Enlargement of the roof extension to facilitate the internal reconfiguration of the residential units.
- Reduce the amount of glazing and amend the finish of the extension to render.
- Amend the material of the windows and doors from UPVC to powder coated aluminium (coloured white).

8.6 The visual impacts of the proposed amendments are considered acceptable. Although the proposed scheme involves the enlargement of the roof extension, the height of the extension remains the same as previously approved. The proposed roof extension will be set back from the front, side and rear elevation, which maintains a degree of subservience. The proposed render finish of the extension would provide a contrast to the existing building, which is finished in a combination of red brick and tile hanging and would provide visual interest to the building.

8.7 Although it is acknowledged the introduction of powder coated aluminium windows and doors is a change in material from the host building which has UPVC units, due to the roof top location, the change in material will be largely unnoticeable within the streetscene. In addition, the windows and doors are proposed to be coloured white.

8.8 Standard of Accommodation

The proposed development would include eight units. All units would provide adequate circulation space and benefit from sufficient outlook and natural light.

The nationally described space standards advise that for a one bedroom unit (up to 2 person occupancy), the minimum gross internal floor area should be 50m², for a two bedroom unit (up to 3 person occupancy) the minimum gross internal floor area should be 61m² and for a two bedroom unit (up to 4 person occupancy) the minimum gross internal floor area should be 70m².

The proposal would provide 2no one bedroom flats (up to 2 person occupancy), 4no two bedroom flats (for 4 person occupancy) and 2no two bedroom flats (for 3 person occupancy).

Whilst it is acknowledged that two of the units would fall slightly short of the national standard, the indicative plans illustrate that both of the units would be capable of accommodating sufficient furnishings, whilst allowing adequate circulation space and storage for future occupiers. The overall standard of

accommodation is considered sufficient for the level of occupancy proposed. Furthermore the Council does not at this time have an adopted policy requiring strict compliance with these minimum sizes and as such there is some flexibility.

It should also be noted that since this application is a variation of the original permission, which could still be implemented, the slight shortfall in floorspace would not warrant refusal in this case.

It is acknowledged that the proposed enlargement of the roof extension would lead to a reduction in the size of the roof terraces, however the enlargement would allow for a better standard of internal accommodation for occupiers.

Given that some external space would be retained and the proximity of Preston Park, it is considered that a better internal standard of accommodation would be of greater benefit than seeking to retain a larger area of terrace.

8.9 Impact on Amenity

The principle of the rooftop terraces has been approved under application BH2015/02713. The enlargement of the roof extension and subsequent reduction in the size of the roof terraces is not considered to lead to an unacceptable rise in the impact on the amenities of nearby neighbouring properties. A reduced terrace area may reduce the potential for noise/disturbance to other residents when the terraces are in use. Therefore it is considered that the changes accord with policy QD27 of the Brighton and Hove Local Plan.

9. EQUALITIES

9.1 None identified



Signature of Reviewing Officer:

Dated:

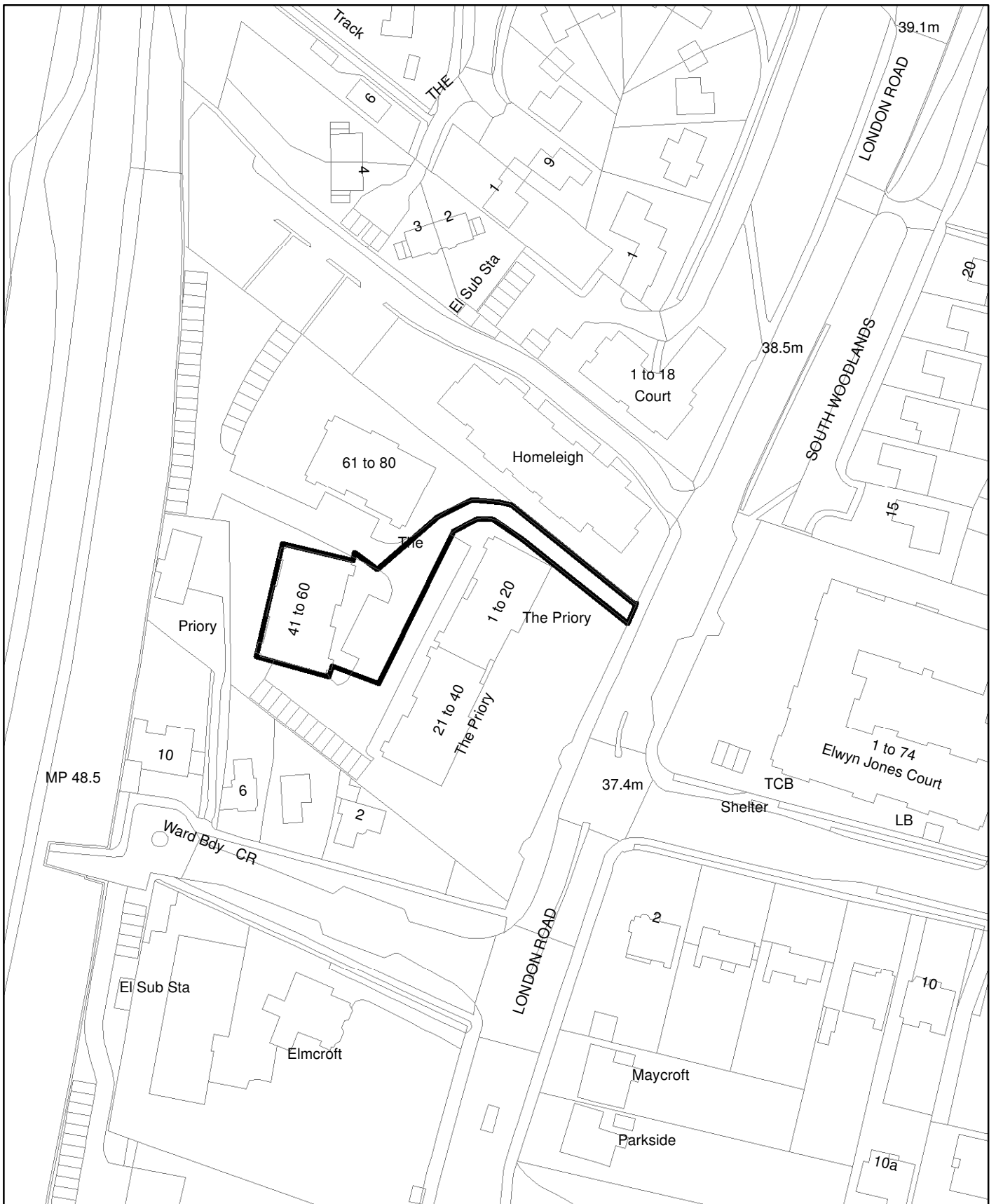
ITEM K

**Block B, The Priory, London Road
Patcham**

**BH2018/00149
Full Planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/00149 Block B The Priory London Rd



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|---------------------|
| <u>No:</u> | BH2018/00149 | <u>Ward:</u> | Patcham Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Block B The Priory London Road Patcham Brighton BN1 8QT | | |
| <u>Proposal:</u> | Erection of additional single storey extension on top of existing building to form 4no two bedroom flats (C3) with associated roof garden, cycle store and parking spaces. | | |
| <u>Officer:</u> | Luke Austin, tel: 294495 | <u>Valid Date:</u> | 16.01.2018 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 13.03.2018 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE | | |
| <u>Applicant:</u> | Anstone Propeerties 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 |
|----------------------|--------------------------|-----------------------|----------------------|
| Bat Survey | BAT ACTIVITY SURVEY 2018 | | 16 July 2018 |
| Location Plan | A1216/01 | B | 16 January 2018 |
| Block Plan | A1216/02 | B | 16 January 2018 |
| Floor Plans Proposed | A1216/07 | C | 16 January 2018 |
| Elevations Proposed | A1216/08 | C | 16 January 2018 |
| Elevations Proposed | A1216/09 | B | 16 January 2018 |
| Elevations Proposed | A1216/10 | B | 16 January 2018 |
| Other | A1216/12 | C (LIFETIME HOMES) | 16 January 2018 |
| Roof Plan Proposed | A1216/13 | B | 16 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 vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

4. All ecological measures and works shall be carried out in accordance with the details contained in The Bat Activity Survey report (The Ecology Partnership, July 2018). If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within two years from the date of the planning consent, the approved ecological measures secured through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

5. No development of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all render and roofing materials (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) details of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) details of all other materials to be used 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 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

6. No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

7. The residential units hereby approved shall not be occupied until it 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.

8. The residential units hereby approved shall not be occupied until it 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.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

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

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

11. Prior to first occupation of the development hereby permitted 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 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.

12. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until the mitigation measures against rail and traffic noise set out in the report by Anderson Acoustics dated 11th September 2011 have been implemented. The measures shall be implemented in strict accordance with the approved measures prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of the flats and to comply with policy QD27 of the Brighton & Hove Local Plan.

13. Prior to first occupation of the development hereby approved, the privacy screening separating the external amenity space as indicated on the approved plans shall have been installed and shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the future occupiers of the development and to comply with policy QD27 of the Brighton & Hove Local Plan.

14. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

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

Any lighting installed shall accord with the details approved and no lighting shall be installed other than the lighting which forms part of the approved scheme.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is located on the western side of London Road just to the north of its junction with The Deanway. It comprises 4 circa 1970's four storey flat roofed blocks of flats of brick construction with projecting bays clad in white fascia boarding. Blocks A & B are located to the rear of the site and Blocks C & D are situated at the front, presenting a continuous façade to London Road. The application in question relates to Block B. There are garages and parking spaces located within the site with vehicular access from London Road. There is a 20m to 25m deep area of soft landscaping on the London Road frontage which is laid to lawn and contains a number of substantial mature trees which span the length of the eastern site boundary.
- 2.2 The surrounding area is predominantly residential in character. To the north of the site, Homeleigh is a four storey purpose built block of flats. To the south, are the rear gardens of detached two storey houses and bungalows fronting The Deanway. Adjoining the site to the rear is a two storey house and beyond the London to Brighton rail line whilst to the east on the opposite side of London Road is a three storey block of flats and two storey detached houses.
- 2.3 The application seeks consent for the erection of an additional storey to Block B in order to provide four flats each containing two bedrooms and external amenity space.

3. RELEVANT HISTORY

Block B

BH2014/04088 - Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 13/03/2015. Expired.

BH2011/01611 - Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 7/12/2011. Expired.

BH2010/01898 - Construction of 4 no. additional garages. Refused 22/10/2010.

Blocks C and D

BH2013/03946 - Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level. Approved 27/06/2014. Expired.

BH2013/00287 - Application to extend time limit for implementation of previous approval BH2009/00058 for roof extension to blocks C and D to provide 4x3 bedroom flats, each with own roof garden, and a cycle store. Approved 11/04/2013.

BH2009/00058 - Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Allowed on appeal 9 April 2010.

Blocks A, B, C, and D

BH2005/06744 - Construction of an additional storey to each of the existing blocks of flats to form 6 four bedroom and 2 five bedroom flats, with a roof garden to each unit together with the provision of 22 car parking spaces and a new cycle store. Refused 18/01/2008.

93/0503/OA - Construction of an additional floor to each of the four blocks of flats to form ten new flats together with the provision of 15 new parking spaces. Refused 13/08/1993.

4. REPRESENTATIONS

4.1 **Seven (7)** letters has been received objecting to the proposed development for the following reasons:

- Overshadowing
- Additional parking pressure
- Existing residents have to park outside of development / on grass / double yellow lines
- The existing access is only one lane wide
- Dangerous to pedestrians and cyclists
- Waste storage issues
- Effect on existing occupiers
- Bike storage on site is not available to existing occupiers
- Would set a precedent for all blocks
- Increased disturbance from additional comings and goings
- Appearance is inappropriate
- The lift would be out of use
- Existing penthouse flats would no longer be on top floor
- Noise from roof gardens
- Out of keeping with other blocks
- General disruption from construction works

5. CONSULTATIONS

5.1 **Environmental Health:** Comment

No contaminated land issues on site.

5.2 **Sustainable Transport:** No objection

No objection subject to conditions securing highway improvements, a scheme of cycle parking, retention of the parking area and amendments to the vehicular access / signage.

5.3 **County Ecologist:** Comment

No objection subject to the inclusion of necessary conditions securing ecological measures set out within the submitted bat survey report, a light design strategy and a time limit on the 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
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP12 Urban design
 CP14 Housing density
 CP18 Healthy city
 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
 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
 SPD06 Trees & Development Sites
 SPD11 Nature Conservation & Development
 SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

8.1 The main issues in the determination of this application are the planning history of the site, the impact of the proposal upon the character and appearance of the area, amenity issues, transport and highways issues, sustainability and living accommodation standards.

8.2 Principle of Development:

The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.3 The application seeks consent for the erection of an additional storey to the block of flats to contain four additional flats.

8.4 Planning permission (BH2014/04088) was granted in June 2015 for a including two flats within a roof extension to block B; this scheme was not implemented. A previous application (BH2009/00058) was allowed on appeal in April 2010 for an additional storey to blocks C and D to provide 4 x 3 bedroom flats; again this permission was not implemented.

8.5 As a principle, forming additional residential units through the construction of an additional storey has therefore been established. A detailed assessment of the current proposal is set out below.

8.5 Design and Appearance:

The proposed additional storey would comprise a rendered addition with sections of glazing and sliding doors and would be set in from either end of the existing building. The additional storey would project approximately 2.1m from the existing roof line with a 70cm lift overrun. The additional storey would be set back from the existing roof parapet by a minimum of 1.5m on all sides with a roof garden for each flat located within the set-back surrounded by a glazed ballustrade.

8.6 Block B is set well into the site, and lies behind Blocks C and D, there is also a dense tree screen on the boundary fronting onto London Road. The block is currently not visible from directly in front of the site and given the existing screening, with the increase in height proposed, its visibility would not be substantially increased. Part of the south side elevation and the front of the

Block B are currently visible from The Deanway to the south with long views available from London Road. Whilst the roof extension would be seen from these views, it is considered that the glazing and simple pattern would provide a clean modern contrast to the existing building and would preserve the visual amenity of the area.

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 Priory is characterised by modest sized blocks of flats set within spacious communal formal grounds. The proposed extension would be entirely within the current footprint of an existing block of flats. The blocks within The Priory are sufficiently spaced from one another as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.

8.9 Although terraces are proposed on site, given the 40m level of separation, there would not be any significant overlooking or loss of light / outlook of Homeleigh (a residential block of flats) to the north of the site. To the south the site is some 25m away from detached residential properties located in the Deanway. It is therefore considered that there would be no detrimental impact on amenity in terms of overlooking or loss of privacy.

8.10 The addition of four flats not would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. In this case, it is considered that their use would not result in levels of noise and disturbance so significant as to warrant refusal.

8.11 Standard of Accommodation for Future Occupiers

The proposal in includes four additional flats each of which would include an open plan kitchen and living room, a bathroom and shower room, two bedrooms and external amenity space. Two of the flats (60B and 60C) would include two double bedrooms whilst the remaining two (60A and 60B) would include a single and a double bedroom. All four flats would accord with national space standards in terms of gross internal floor area and bedroom sizes.

8.12 A privacy screen has been indicated on the roof terrace in order to separate the external amenity space. This is considered necessary and appropriate and its implementation shall be secured by condition.

8.13 Overall the standard of accommodation including the external amenity space would provide a positive standard of accommodation in accordance with policy QD27.

The agent has provided a document indicating that the proposed units will accord with the M4(2) standard. This shall be secured by condition to address the objectives of Policy HO13.

In assessing the last application (BH2014/04088) and the earlier application (BH2011/01611) it was considered that additional acoustic measures were required in order to alleviate potential noise impacts from the adjacent London Road. The last approval included an acoustic report which detailed that to achieve internal noise criteria recommended in BS8233 the glazing specification and alternative means of ventilation should achieve a sound level reduction of at least 35dB. The report mentioned three possible types of ventilation, the choice of which would depend on the airflow requirements for each room. Whilst no acoustic report has been included with this application the measures secured within the last approval shall also be secured within this application.

8.14 Sustainable Transport:

The proposal includes details for provision of four additional parking spaces in order to cater for the additional units. The level of parking provided is in accordance within the maximum standards specified within SDP14 and its retention shall be secured by condition. Whilst the loss of vegetation on site in order to accommodate the parking is regrettable, it is not considered significant enough to warrant refusal.

8.15 A secure cycle store is indicated on the site plan adjoining the existing vehicle garages to the south of the block. Whilst there is no objection to the location of the parking, the level of detail is limited. A full cycle parking scheme shall be secured by condition.

8.16 The sustainable transport team have indicated the possibility for signage improvements and potential widening of the vehicular access road to the site. Given that the site is an established residential estate and has been operating as such for some time, it is not considered that the addition of four residential units would be proportionate to the requested improvements in this case.

8.17 Sustainability:

City Plan Part One Policy CP8 requires all new development to incorporate sustainable design features in order to mitigate against and adapt to climate change. On this basis optional standards for energy and water usage shall be secured by condition

8.18 Ecology and Nature Conservation

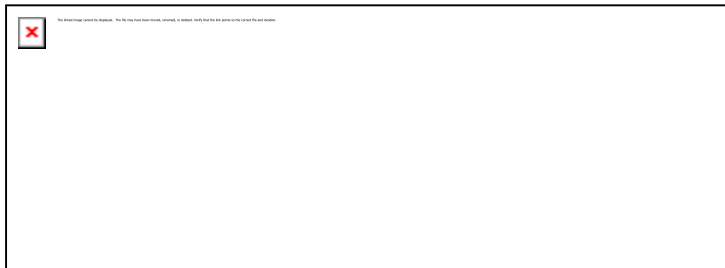
Policy QD18 of the Local Plan requires that where it is evident that a proposal could directly affect a species of animal protected under national legislation the applicant will be required to undertake an appropriate site investigation and if deemed necessary adopt measures to avoid any harmful impacts and where practicable enhance the habitat of the respect species.

8.19 It is noted that specific measures were secured within the last application (BH2014/04088) in order to ensure the development would not have a harmful impact to a large maternity roost of Common Pipistrelle Bats which existed under the shiplap cladding within Block D on site. Under the current application, a bat survey was requested and supplied by the applicant.

8.20 The submitted report does not identify any bat roosts on the building however it is acknowledged that the building does have potential to accommodate roosting bats. Furthermore bats may travel through the site. On this basis a number of ecological measures as identified within the report shall be secured by condition. The measures secured will be reviewed and updated if the development is not commenced within two years of this planning consent.

9.0 EQUALITIES

9.1 None identified



Signature of Reviewing Officer:

Dated:

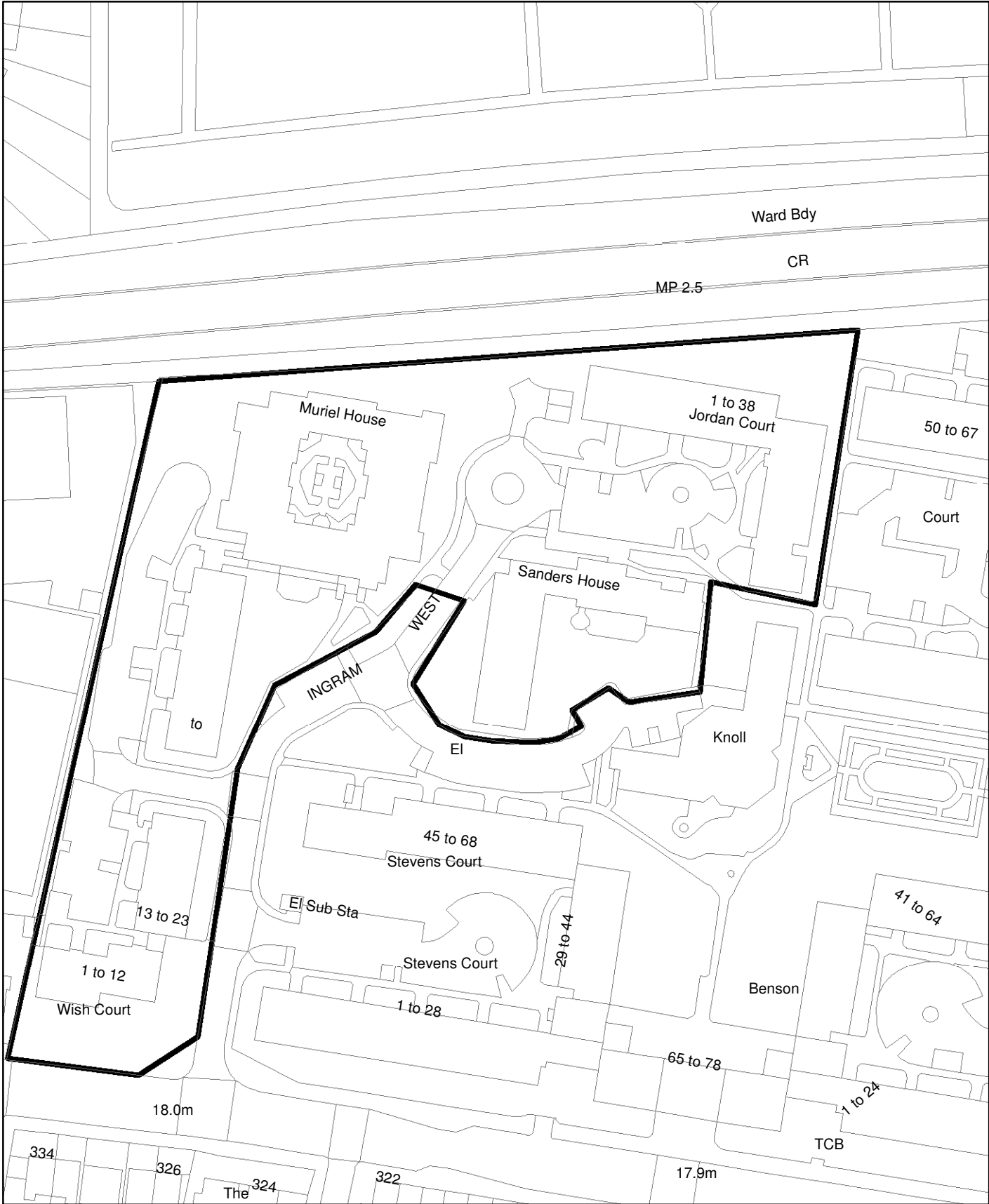
ITEM L

**Wish Court, Muriel House, Sanders House
and Jordan Court
Ingram Crescent West
Hove**

**BH2018/02296
Full Planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/02296 Wish Court, Muriel Hse, Sanders Hse and Jordan Court



Scale: 1:1,250

| | | | |
|--------------------------------------|---|--------------------------------|------------------|
| <u>No:</u> | BH2018/02296 | <u>Ward:</u> | Wish Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Wish Court, Muriel House, Sanders House And Jordan Court Ingram Crescent West Hove BN3 5NW | | |
| <u>Proposal:</u> | Replacement of existing timber and metal balcony balustrading with metal balustrading (part retrospective) | | |
| <u>Officer:</u> | Jack Summers, 296744 | tel: <u>Valid Date:</u> | 08.08.2018 |
| <u>Con Area:</u> | n/a | <u>Expiry Date:</u> | 03.10.2018 |
| <u>Listed Building Grade:</u> | n/a | <u>EOT:</u> | |
| <u>Agent:</u> | Miss Julia Shields Unit J307 The Biscuit Factory Drummond Road Southwark London SE16 4DG | | |
| <u>Applicant:</u> | Brighton & Hove City Council 1st Floor Brighton & Hove Housing Fairway Trading Centre Eastergate Road Brighton BN2 4QL | | |

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 | 1777-IC-D-01 | A | 8 August 2018 |
| Block Plan | 1777-IC-D-02 | A | 8 August 2018 |
| Detail | 1777-IC-DD-01 | C | 18 July 2018 |
| Floor plans and elevations proposed | 1777-IC-ER-01 | - | 18 July 2018 |
| Floor plans and elevations proposed | 1777-IC-ER-02 | - | 18 July 2018 |
| Floor plans and elevations proposed | 1777-IC-ER-03 | - | 18 July 2018 |

2. Within four weeks of its installation, the balustrading of each replacement balcony hereby permitted on Wish Court, Muriel House, Sanders House and the east and west elevations of Jordan Court shall be painted in RAL3009 and permanently retained as such.

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.

3. Within four weeks of its installation, the replacement balustrading on the balconies upon the north elevation of Jordan Court shall be painted black and shall be permanently retained as such.

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 relates to several blocks of residential flats on Ingram Crescent West, specifically Wish Court, Muriel House, Sanders House and Jordan Court. The site does not lie within a conservation area and, aside from the locally listed Hove Cemetery that lies to the north of the site, there are no other recognised heritage assets in the vicinity.

- 2.2 Planning permission is sought for the replacement of existing timber and metal balconies (of two separate designs) with metal units of similar size and scale to those they are replacing. The replacement metal units are desired due to defects and/or rot found in the existing balconies, and replacing them with metal will reduce the need for ongoing maintenance in the future. The balconies will each be painted a similar colour to the unit they are replacing so as to relate as well as possible to the host buildings.

Altogether, eighty-three timber balconies are to be replaced with metal. These are located on the east and west elevations of Jordan Court and Muriel House; the east, south and west elevations of Sanders House; and the east and south elevations of Wish Court.

Also to be replaced are the eighteen metal balconies on the south elevation of Jordan Court, which will feature new balustrading similar to what is in situ.

- 2.3 Several original balconies have already been replaced (but at the time of the site visit yet to be painted) but works have stopped whilst planning permission has been sought. At the time of submission it was proposed to retain a galvanised steel finish, however this has been amended so each balcony will now be painted.

3. RELEVANT HISTORY

- 3.1 None

4. CONSULTATIONS

4.1 None

5. REPRESENTATIONS

5.1 One letter has been received from eight residents, objecting to the proposal on the following grounds:

- Some landscaping has been destroyed during the construction process
- Muriel and Sanders House are Senior/Sheltered Housing Schemes, and normal working hours are inappropriate.
- It is possible that the timber to be removed is contaminated.
- Most of the development site can be seen from a public highway
- The galvanised finish is bright silver rather than grey, as is stated in the Design & Access Statement
- The galvanised finish fails to complement the brown brickwork of the host buildings
- The existing timber balconies can be easily modified and maintained.
- A metal balcony will be too hot to touch in summer and too cold in winter for children or residents with Raynaud's Syndrome or Arthritic hands.
- A metal balcony will very reflective to sunlight, causing hazardous driving conditions and disturbing living conditions.
- The scaffolding that has been erected is conventional scaffolding rather than towers as specified
- Scaffolding is blocking emergency access to the ground floor flat at Sanders House.
- The height of 1.1m (down from 1.2m currently) is a hazard to elderly residents.
- The proposed balconies have a smaller area than the existing.
- Residents were initially told the new balconies would be like-for-like with a plastic brown powder coat.
- The proposed balconies will not be able to have bird netting or hanging baskets/flowers affixed.
- Works have begun prior to planning permission being granted.
- The proposal will be detrimental to the health and needs of residents.
- Loss of landscaping has led to security risks for ground floor flats.
- Not all of the balconies require replacement at present.

5. MATERIAL CONSIDERATIONS

5.1 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

5.2 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);

5.3 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.

6. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development

QD14 Extensions and alterations

QD27 Protection of amenity

7. CONSIDERATIONS & ASSESSMENT

7.1 The main considerations in the determination of this application relate to the impact of the proposal on the character and appearance of the host buildings and wider streetscene, as well as the impact on the amenities of local residents.

7.2 Design and Appearance:

The proposal includes two separate designs that will replace the two separate designs currently found across the development site. The majority of the balconies to be replaced are of a painted timber design that would be replaced with a similar metal design painted the same colour brown. The north and south elevations of Jordan Court feature internal balconies with black iron railings, which would be replaced with a design that is almost like-for-like and would be painted black. The original scheme did not include a painted finish to the balconies but it is considered that a bare galvanised finish would give a stark, utilitarian appearance and it has been negotiated to paint these balconies to match the originals and is secured by condition.

7.3 Concerns have been raised that a reduction in floor area of each balcony due to the new balustrading. However, both designs show a floor area of approximately 2.5m². As such, the appearance of the blocks of flats would be similar to what is currently in place.

7.4 Several of the balconies on Wish Court, particularly those on its southern elevation, are highly visible from the public highway along Portland Road, however the majority of the alterations would not be highly visible from outside Ingram Crescent West and are unlikely to impact on the wider streetscene outside this enclosed area of residential properties.

7.5 The aforementioned proposed balconies on the east and south elevations of Wish Court, visible from Portland Road, would not significantly alter the visual appearance of the building or wider streetscene and is considered acceptable.

7.6 For these reasons the proposal is considered to be in accordance with policies QD14 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

7.7 Impact on Amenity:

The proposal does not include any additional balconies and thus should not have any detrimental impact on the privacy of any local residents.

It is not considered that the use of metal as a material will cause a significant light nuisance (through reflection of sunlight and vehicle headlights) to local residents and it is considered to be in accordance with policy QD27 of the Brighton and Hove Local Plan.

7.8 Other Considerations:

A site visit has revealed that several of the existing balconies are aged and the replacement with robust metal units will return them to a safe standard of use for the occupants of the properties throughout Ingram Crescent West. The height of 1.1m for the balustrading of the proposed balconies is in accordance with national safety requirements and is considered acceptable.

7.9 Concerns have been raised with regards to the impact of the building process on the local environment, including the issue of scaffolding being erected in a disruptive manner and the loss of vegetation, however, these would be matters for the contractor and landowner to resolve and are not issues for the consideration of this application.

7.10 It has been clarified by the applicant that bird netting will be available for those residents who desire it. Flower baskets that do not need to be affixed to railings or balustrading are available and these will be permissible.

8. EQUALITIES

8.1 None identified

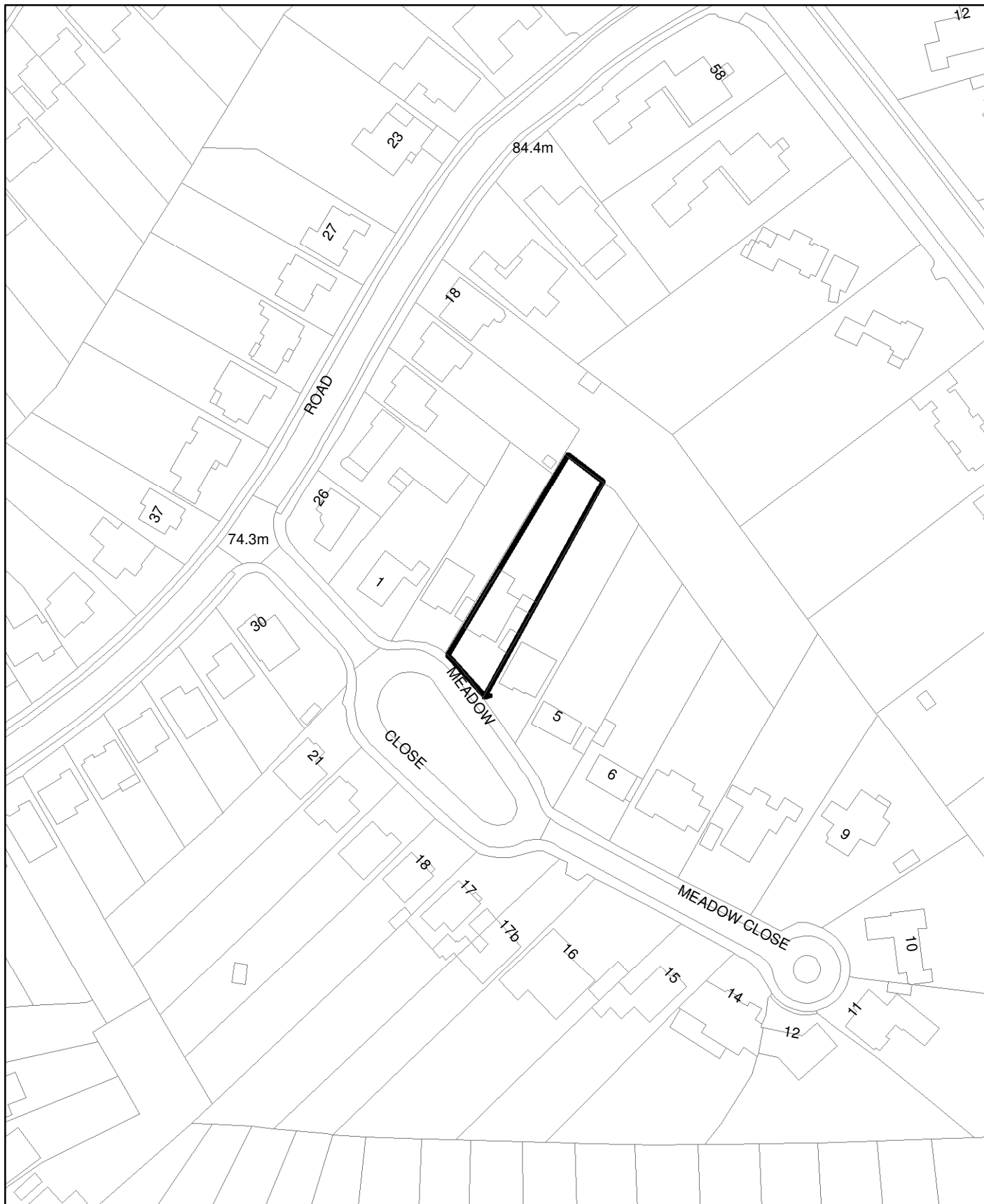
ITEM M

**3 Meadow Close
Hove**

**BH2018/02359
Full Planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/02359 3 Meadow Close



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|-----------------------|
| <u>No:</u> | BH2018/02359 | <u>Ward:</u> | Hove Park Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 3 Meadow Close Hove BN3 6QQ | | |
| <u>Proposal:</u> | Demolition of existing three bedroom bungalow (C3) and erection of 4 bedroom two storey dwelling (C3). | | |
| <u>Officer:</u> | Laura Hamlyn, tel: 292205 | <u>Valid Date:</u> | 25.07.2018 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 19.09.2018 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | 14.11.2018 |
| <u>Agent:</u> | Turner Associates 19A Wilbury Avenue Hove BN3 6HS | | |
| <u>Applicant:</u> | Mr & Mrs David Peters 3 Meadow Close Hove BN3 6QQ | | |

1. RECOMMENDATION

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

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|--------------------------------|---------------------------------|----------------|----------------------|
| Location and block plan | TA 1089/01 | | 25 July 2018 |
| Site Layout Plan | TA 1089/02 | | 25 July 2018 |
| Roof Plan Proposed | TA 1089/10 | | 25 July 2018 |
| Floor Plans Proposed | TA 1089/11 | A | 31 July 2018 |
| Streetscene elevation proposed | TA 1089/12 | | 25 July 2018 |
| Elevations Proposed | TA 1089/13 | | 25 July 2018 |
| Elevations Proposed | TA 1089/14 | | 25 July 2018 |
| Elevations Proposed | TA 1089/15 | | 25 July 2018 |
| Sections Proposed | TA 1089/16 | | 25 July 2018 |
| Landscaping Proposed | 0193 101 | | 25 July 2018 |
| Statement | EAS LTD DAYLIGHT SUNLIGHT | | 9 October 2018 |
| Statement | JPT/LT/1089 | | 18 September 2018 |

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

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

3. 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.

4. 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) details of all hard surfacing materials
 - c) details 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - C 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 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 QD27 of

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

7. 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.
8. The first floor window in the east side elevation, and the ground and first floor windows in the west side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
9. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with 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.
10. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
11. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
12. The residential unit hereby approved shall not be occupied until the residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

13. The residential units hereby approved shall be occupied until the 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.

14. The development hereby permitted shall not be occupied until the dwelling 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 applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
3. 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.
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](http://Gov.uk)); 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

2.1 The application site is near the entrance of the Meadow Close cul-de-sac off Tongdean Road. It is on the north side of the road, opposite an area of communal green space.

2.2 The application proposes to demolish the existing bungalow and in its place erect a 4 bedroom two storey dwelling.

3.0 RELEVANT HISTORY

PRE2018/00047 – pre-app provided prior to submitting the application.

BH2016/06188- Remodelling of existing dwelling including creation of additional floor, side and rear extensions and associated roof alterations. (Revised roof materials and rear extension design).

Approved by Committee 12/04/2017, decision issued 19/04/2017.

BH2016/000648- Remodelling and revised fenestration of existing dwelling to include two storey side extension to enlarge first floor including new raised roof and associated works. Single story flat roof rear extension and retaining wall to form extended patio at rear. Withdrawn 18/05/2016.

7 Meadow Close

BH2017/00767- Erection of additional storey with associated alterations and single storey rear extension.

Approved by committee 09/08/2017, decision issued 19/09/2017.

2 Meadow Close

BH2018/02081- Erection of single storey rear extension & associated alterations. Approved 05/09/2018.

BH2017/03429- Erection of single storey rear extension & associated alterations, Approved 28/11/2017.

BH1999/01460/FP- Alterations and extensions to existing dwelling including new first floor accommodation, utility room and conservatory. Approved 26/08/1999.

4. REPRESENTATIONS

4.1 **Eleven (11)** representations have been received, objecting to the proposed development on the following grounds:

- Loss of privacy and overlooking of rear gardens to immediate neighbours
- Establishes a harmful precedent
- First floor front roof terrace facilitates overlooking of front elevations opposite
- Side facing windows may not be retained as obscure glazing
- Design would be out of character
- Overdevelopment
- Detrimental effect on property values
- No other two storey rear extensions in the vicinity

- Application site is on higher ground level than no.2 adjacent
- The impacted conservatory at no.2 is habitable living space.

5. CONSULTATIONS

5.1 Transport: No objection.

No objection subject to the necessary conditions.

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
 CP12 Urban design

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
 TR14 Cycle access and parking
 QD15 Landscape design
 QD16 Trees and hedgerows
 QD27 Protection of amenity
 HO5 Provision of private amenity space in residential development

Supplementary Planning Documents

SPD06 Trees & Development Sites
 SPD14 Parking Standards

8. CONSIDERATION & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the wider street scene and the amenities of adjacent occupiers.
- 8.2 The application proposes to demolish the existing bungalow and erect a two storey replacement dwelling. This application is a resubmission following the approval of BH2016/06188 which granted permission for remodelling the existing bungalow. This included the creation of an additional floor, side and rear extensions and associated roof alterations. The bulk and massing of the previously approved scheme is broadly similar to the current proposal, except that a two storey rear projection is now proposed instead of a single storey rear extension.
- 8.3 Differences between the current proposal and the previous approval include:
- Slight reduction in the ridge height
 - Building set away from the boundary with 4 Meadow Close
 - Omission of cladding to front elevation
 - Square bay window
 - Larger front terrace
 - Omission of catslide roof
 - Omission of crown roof single storey rear extension
 - Two storey rear projection
- 8.4 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.
- 8.5 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.6 As a principle of development, new residential development on the site would be appropriate, however the specific impacts must however be considered as to whether the development is appropriate and whether harm would be caused. This detailed assessment is set out below.
- 8.7 Design and Appearance**

The existing bungalow is at odds with the immediate surrounding neighbours being substantially smaller by reason of ridge height, single storey form and steep roofslopes although its plot is of a similar size to the surrounding plots.

The Meadow Close streetscene is characterised by large setbacks, two storey forms, hipped roofs, front gable/hipped features and colour schemes of white painted render, bricks and red/brown tiling. A planning history search shows the dwellings within Meadow Close have been altered and extended through planning consent but several through permitted development rights, leading to the varied nature of roof additions, rear and side extensions. It is noted that in addition to the previous approval on the application site, a remodelling at 7 Meadow Close (BH2017/00767) was approved by Planning Committee on 09 Aug 2018. This scheme had a contemporary appearance with large areas of glazing to the front and glazed balustrades.

The proposed dwelling would also have a contemporary appearance, with large scale fenestration and a front balcony with glazed balustrade. It is considered that it would integrate well into its context, due to its traditional pitched roof form, and palette of materials, in accordance with policy CP12.

It is recommended that details/samples of materials be secured by condition. It is further recommended that 'permitted development rights' be restricted by condition, as it is considered that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area.

8.8 Impact on Neighbouring Amenity

Additional bulk and massing, including two storey rear projection

Neighbouring properties including 2, 4, 19 and 20 Meadow Close were assessed in regard to the potential harm to amenity, including daylight, sunlight, outlook and privacy.

2 Meadow Close adjacent to the west is on lower ground level than the application site. The previous application determined that the increased bulk and massing of the additional storey would not result in significant harm as the existing side facing windows to 2 Meadow Close serve a staircase, bathroom and a bedroom. The bedroom also has primary rear facing windows.

The previous approval BH2016/06188 retained the existing single storey rear extension near the boundary with 2 Meadow Close. Its width was extended and a crown roof was added. This element of the previous scheme had no significant impact on 2 Meadow Close.

This application proposes to erect a two storey rear projection rather than a single storey rear projection that would project the same depth into the garden as the previous approved scheme. This increased height would impact on the existing conservatory at 2 Meadow Close. While there would be some loss of light to the glazed roof, there would be sufficient glazing to the rear and side that the impact would not be so harmful as to warrant refusal. A Daylight & Sunlight

Report was submitted during the course of the application, which identified no significant impacts on daylight location within the adjoining property.

The additional bulk and massing of the proposed rear projection would be noticeable in views up through the glazed roof. At normal eye level however the side of the conservatory near the boundary with the application site is built in brick, up to a height of approx. 2m from internal floor level.

It is noted that 2 Meadow Close has had an approval as yet unimplemented for a single storey rear extension to the existing conservatory, under BH2018/02081. It is considered that the impact of the proposed rear projection would be similar whether or not the approved rear extension at 2 Meadow Close goes ahead.

The proposed second floor rear windows would enable additional overlooking, in particular of the garden to 2 Meadow Close which is currently relatively private. As a window to a bedroom it would be expected that the use of the bedroom and the use of the neighbouring garden would likely occur at different times of the day. At a wider level in the context of a city, some degree of overlooking between properties is to be expected, and the proposed scheme would not result in more overlooking than other typical forms of development.

The proposed two storey rear projection is sited at a sufficient distance to the boundary with 4 Meadow Close that this would not have a significant impact on neighbouring amenity. As viewed from no.4 the height of the proposal has been slightly decreased and the depth slightly increased relative to the approved scheme. It is considered that these alterations would not have an appreciably different impact.

First floor front balconies

Two front balconies are proposed; the larger would be 1.1m deep and 6.5m wide and the smaller would be 0.4m deep and 2.3m wide. As noted under the previous application, the balconies are positioned at least 45m from the nearest window to the front elevation of properties opposite. At this distance there is no significant concern around harmful overlooking. The larger balcony would provide some outdoor amenity space, however given its limited size it is considered that its use would not lead to excessive noise or disturbance when compared to a Juliet balcony with the doors open.

Proposed side windows

All proposed side windows facing 2 Meadow Close, and the proposed first floor window facing 4 Meadow Close would be obscure glazed. In light of the topography of the site, this is acceptable. It is recommended that this be secured by condition.

Refuse and recycling

A space is proposed to the front of the property for cycles and as a store room. It is recommended that this store be secured as a refuse and recycling storage facility.

8.9 Standard of accommodation

Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.

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, they provide a useful guideline on acceptable room sizes.

It is considered that the size, design and layout of the proposed dwelling would provide adequate levels of accommodation, circulation, storage, light, sunlight, ventilation and outlook, in accordance with policy QD27.

8.10 Other Matters

Transport

It is recommended that the proposed cycle parking facility, the implementation of a porous hard surface or containment of water run-off within the curtilage of the site, and the retention of the parking area be secured by condition.

Landscaping

To the front, it is proposed to extend the hardstanding to provide two parking spaces. The agent confirmed that this hardstanding would generally follow the existing slope for the driveway and parking area. Steps to the entrance are avoided by lowering the internal finished ground floor level approx. 0.4m below the existing.

At the rear, it is proposed to excavate between approx. 0.8 and 1.5m to form a patio immediately to the rear of the proposed dwelling. In addition, it is proposed to landscape the rear garden to form four level areas. The depth of excavation necessary is fairly modest. Given the gentle slope of the topography, it is considered that the proposed excavation works would not result in harmful overlooking of neighbouring properties, and is accepted.

The proposed boundary treatment would be between 1.4 and 1.8m high relative to the proposed terraced areas in the rear garden. It is recommended that details of a taller boundary treatment be secured by condition to ensure neighbouring privacy.

The landscape layout proposes to plant six trees. As the site is not within a Conservation Area or subject to a TPO, it is considered unnecessary to secure their planting by condition.

9.0 EQUALITIES

The Design and Access Statement indicates that the house has been designed in accordance with Lifetime Home Standards. It is recommended that Building Regulations Optional Requirement M4(2) be secured by condition.

Information on Pre-application Presentations and Requests 2017

| 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. | Application BH2018/02126 under consideration. |
| 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. | Application BH2018/02598 under consideration |
| 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. | |
| 08/05/18 | Rear of Lyon Close, Hove | Goldsmid | Mixed use scheme 160 units (C3) and 1000sqm office (B1) | Application BH2018/01738 submitted. |

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.

| | | | | |
|--------------------|--|--------------------------------|--|---|
| | | | floorspace. | |
| 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). | Application BH2018/01973 submitted |
| 17/07/18 | 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 | Application BH2018/02751 submitted |
| 14/08/18 | KAP, Newtown Road, Hove | Hove Park | Mixed Use residential / B1 scheme. Approx. 150 units | |
| 14/08/18 | 21 – 24 Melbourne Street, Brighton | Hanover & Elm Grove | Co-living (100 units) C3 / B1 | |
| 11/09/18 | Sackville Trading Estate, Sackville Road, Hove | Hove Park | Mixed residential and commercial development. | |
| 03/10/18 | Urban Fringe at Coldean Lane, NW of Varley Halls, Brighton | Hollingdean & Stanmer | Residential development. | Officer pre-app response sent 20/08/2018 |
| 03/10/18 | Urban Fringe Site At The Whitehawk Estate Brighton | East Brighton | Residential redevelopment. | |
| 09/10/18 | Land at former Belgrave Nursery, Clarendon Place Portslade | South Portslade | Residential redevelopment. | |
| 06/11/18 requested | Outer Harbour Development, West Quay, Brighton | Rottingdean Coastal | Mixed Use Residential-led development – significant changes to later phases of Outer | Pre-app discussions in progress and PPA agreed. 1 st Design Review 3 rd October. Public |

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.

| | | | | |
|--------------------|--|---------------------------|---|---|
| | Marina | | Harbour Development | consultation event end of October. |
| 6/11/18 requested | Vantage Point and Circus Parade, New England St/New England Rd/Elder Place | St Peters and North Laine | Mixed use office-led redevelopment, incl residential, retail, dance studio, student flats, car park, public realm improvements. | Presented at Design Review Panel 4/7/18, amended and then re-presented on 30/10/18. LPA provided written feedback 4/10/18 and discussions on-going. |
| 04/12/18 Requested | Outer Harbour Development, West Quay, Brighton Marina | Rottingdean Coastal | Mixed Use Residential-led development – significant changes to later phases of Outer Harbour Development | 2 nd Pre-app presentation to present evolving scheme (2 nd Design Review scheduled for 27 th November) |
| | | | | |

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.

PLANNING COMMITTEE

7th November 2018

Agenda Item 68
Brighton & Hove City Council

NEW APPEALS RECEIVED

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

EAST BRIGHTON

BH2017/04182

Lower Maisonette 12 Eaton Place Brighton BN2 1EH

Conversion of existing 1no three bedroom maisonette into 1no two bedroom and 1no one bedroom flats (C3).

APPEAL IN PROGRESS

18/09/2018

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2017/03631

81A Shirley Street Hove BN3 3WH

Demolition of derelict light industrial/storage buildings (B8) and construction of four 2no bedroom terraced mews houses (C3) with cycle parking, landscaping and associated works.

APPEAL IN PROGRESS

28/09/2018

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANGLETON AND KNOLL

BH2018/01882

49 Honey Croft Hove BN3 8EZ

Roof alterations incorporating installation of 2no dormers to the front elevation.

APPEAL IN PROGRESS

24/09/2018

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER AND ELM GROVE

BH2018/00858

289 Freshfield Road Brighton BN2 9YF

Erection of two storey side extension.

APPEAL IN PROGRESS

24/09/2018

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2017/03977

71 Woodland Drive Hove BN3 6DF

Erection of a two storey rear extension including hip to gable roof alterations, installation of 4no rooflights and revised fenestration. Erection of a first floor single storey front extension and alterations to the existing front elevation including revised fenestration and conversion of garage into habitable space.

APPEAL IN PROGRESS

02/10/2018

Not Assigned

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM**

BH2017/00840

13 Court Close Brighton BN1 8YG

Conversion of existing dwelling (C3) to form 2no three bedroom semi-detached dwellings (C3) including erection of rear extensions, roof alterations including extensions and dormers to front and associated landscaping and parking.

APPEAL IN PROGRESS

08/10/2018

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM**

BH2017/01288

2 Ballards Mill Close Brighton BN1 8AL

Conversion of existing garage to form one 2no. bedroom apartment.

APPEAL IN PROGRESS

28/09/2018

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2018/00172

115 St James's Street Brighton BN2 1TH

Change of use from coffee shop (A1/A3) to restaurant/café (A3) and alteration to fenestration.

APPEAL IN PROGRESS

02/10/2018

Not Assigned

| | |
|-----------------------------------|---|
| <u>WARD</u> | REGENCY |
| <u>APPEALAPPNUMBER</u> | BH2017/03879 |
| <u>ADDRESS</u> | 67 Dyke Road Brighton BN1 3JE |
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of two bedroom maisonette (C3) above existing shop (A1) with associated alterations. |
| <u>APPEAL STATUS</u> | APPEAL IN PROGRESS |
| <u>APPEAL RECEIVED DATE</u> | 10/10/2018 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | ST. PETER'S AND NORTH LAINE |
| <u>APPEALAPPNUMBER</u> | BH2017/03376 |
| <u>ADDRESS</u> | Land At Rear Of 67 To 81 Prince's Road Brighton BN2 3RH |
| <u>DEVELOPMENT DESCRIPTION</u> | Replacement of front gate house door and installation of sidelight. |
| <u>APPEAL STATUS</u> | APPEAL IN PROGRESS |
| <u>APPEAL RECEIVED DATE</u> | 02/10/2018 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | ST. PETER'S AND NORTH LAINE |
| <u>APPEALAPPNUMBER</u> | BH2017/04154 |
| <u>ADDRESS</u> | Beau House 30 Bath Street Brighton BN1 3TA |
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of 1no two bedroom flat on top of existing structure with associated roof alteration and revised fenestration. |
| <u>APPEAL STATUS</u> | APPEAL IN PROGRESS |
| <u>APPEAL RECEIVED DATE</u> | 08/10/2018 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | ST. PETER'S AND NORTH LAINE |
| <u>APPEALAPPNUMBER</u> | BH2017/04194 |
| <u>ADDRESS</u> | 28B Gloucester Road Brighton BN1 4AQ |
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of first floor extension to existing dwelling. |
| <u>APPEAL STATUS</u> | APPEAL IN PROGRESS |
| <u>APPEAL RECEIVED DATE</u> | 26/09/2018 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | ST. PETER'S AND NORTH LAINE |
| <u>APPEALAPPNUMBER</u> | BH2018/01793 |
| <u>ADDRESS</u> | Outside 13 Pavilion Buildings Brighton BN1 1EE |
| <u>DEVELOPMENT DESCRIPTION</u> | Prior approval for installation of public payphone/communication hub on highway. |
| <u>APPEAL STATUS</u> | APPEAL LODGED |
| <u>APPEAL RECEIVED DATE</u> | 08/10/2018 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2017/04075

12 Colebrook Road Brighton BN1 5JH

Demolition of existing detached garage and erection of a detached two storey annexe with rooflights and Juliet balcony.

APPEAL IN PROGRESS

24/09/2018

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WOODINGDEAN**

BH2017/01216

39 Crescent Drive North Brighton BN2 6SP

Demolition of existing house and outbuildings and erection of 5no three bedroom houses (C3) with provision of 8no vehicle parking spaces and associated landscaping, cycle and bin storage.

APPEAL IN PROGRESS

02/10/2018

Delegated

PLANNING COMMITTEE: 7th November 2018

Agenda Item 69

Brighton & Hove City Council



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

| | |
|--------------------------|---|
| Planning Application no: | BH2016/02663 |
| Description: | Demolition of existing commercial units (B8) and erection of buildings ranging from four storeys to seventeen storeys in height comprising a mixed use development of no.186 residential apartments (C3), 1,988 sqm of offices (B1) and 226sqm of retail (A1) with car parking at basement level. |
| Decision: | |
| Type of Appeal | Informal Hearing against refusal |
| Date: | 23.10.2018 The Jubilee Library (Postponed) |
| Site Location: | Unit 1-3 Ellen Street Hove |

APPEAL DECISIONS

| | |
|---|-------------|
| | Page |
| A –110 AUKLAND DRIVE, BRIGHTON – MOULSECOOMB & BEVENDEAN | 281 |

Application BH2017/02434 - Appeal against refusal to grant planning permission for change of use from single dwelling (C3) to a small House in multiple occupation (C4) without complying with a condition attached to planning permission BH2017/02434. **APPEAL ALLOWED** (delegated decision)

| | |
|--|------------|
| B – 35 WHEATFIELD WAY, BRIGHTON – MOULSECOOMB & BEVENDEAN | 285 |
|--|------------|

Application BH2017/03088 – Appeal against refusal to grant planning permission for change of use of existing small house in multiple occupation to sui-genris large house in multiple occupation. **APPEAL DISMISSED** (delegated decision)

| | |
|--|------------|
| C – 76 UPPER GLOUCESTER ROAD, BRIGHTON – ST PETER’S & NORTH LAINE | 289 |
|--|------------|

Application BH2018/00349 - Appeal against refusal to grant planning permission for erection of additional two storey on top of existing structure and conversion of existing 1 no2 bedroom flat (C3) To form 2 no. one bedroom flats (C3) wth associated roof alterations and revised fenestration. **APPEAL ALLOWED** (delegated decision)

| | |
|---|------------|
| D – 40 ISLINGWORD ROAD, BRIGHTON – HANOVER & ELM GROVE | 293 |
|---|------------|

Application BH2018/00465 - Appeal against refusal to grant planning permission for proposed loft conversion. **APPEAL ALLOWED** (delegated decision)

| | |
|---|------------|
| E – 1 BRAMBER AVENUE, HOVE – HANGLETON & KNOLL | 295 |
|---|------------|

Application BH2017/03666 - Appeal against refusal to grant planning permission for ground floor side bedroom extension. **APPEAL ALLOWED** (delegated decision)

F – 40/42 PORTLAND VILLAS, HOVE - WISH

297

Application BH2017/02994 – Appeal against refusal to grant permission and refusal to vary condition 1 of existing planning permission BH2016/05746 for demolition of existing garages and Erection of a 1 no. three bedroom house to allow amendments to approved drawing for erection of second floor balcony to front Elevation and enlarged rear dormer without complying with that condition. **APPEAL ALLOWED** (delegated decision)

**G – 18 OVERDOWN RISE, PORTSLADE –
NORTH PORTSLADE**

301

Application BH2018/00493 – Appeal against refusal to grant planning permission for ground floor rear extensions (3.6 metres from existing rear wall) with flat roof construction and extension of existing rear dormer. **APPEAL DISMISSED** (delegated decision)

**H – QUEEN’S PARK VILLA, 30 WEST DRIVE, BRIGHTON – 303
QUEEN’S PARK**

Enforcement Appeal made under section 39 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991. Appeal against enforcement notice. Contravention of listed building control alleged in the notice: unauthorised internal and external alterations and additions to a Grade II listed building consisting of (i) the installation of two doors on the lower ground floor patio (opening no 3 and no 5 looking north from the street (ii) the removal of the living/kitchen ceiling on the first floor (south west) and (iii) the construction of patio stairs and introduction of wall coping detail on the patio (south-west) **AGREED** with appellant that **the enforcement notice be varied as set out in the Inspector’s Decision Letter.**



Appeal Decision

Site visit made on 9 August 2018

by **Timothy C King BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2018

Appeal Ref: APP/Q1445/W/18/3197045 110 Auckland Drive, Brighton BN2 4JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Rivers Birtwell against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/04133 was refused by notice dated 13 February 2018.
 - The application sought planning permission for a change of use of single dwelling (C3) to small house in multiple occupation (C4) without complying with a condition attached to planning permission Ref BH2017/02434, dated 15 November 2017.
 - The condition in dispute is No 5 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.'*
 - The reason given for the condition is: 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.
-

Decision

1. The appeal is allowed and planning permission is granted for the 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} at 110 Auckland Drive, Brighton BN2 4JG in accordance with application Ref BH2017/04133 without compliance with condition no 5 previously imposed on planning permission BH2017/02434, dated 15 November 2017, but subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 15 November 2020.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos COU.01, 01, and LP.01 (Location and Block Plan).

- 3) Prior to any occupation of the development hereby permitted full details of cycle storage facilities shall be submitted to and approved in writing by the local planning authority. The submitted details should include the method for supporting the cycles, the base, material of the store, how the store is secured, the dimensions, lighting the area around the store and the path leading to and from the store. Development shall be carried out in accordance with these details.
- 4) The kitchen/dining/living areas as detailed on Drawing No COU.01 shall be retained as communal space at all times and shall not be used as a bedroom.
- 5) Sound insulation as detailed in the 'Soundproofing Scheme' submitted to the local planning authority on 17 July 2017 shall be installed along the party wall of the host property, and retained thereafter.

Background and Main Issue

2. The planning permission for the change of use to a House in Multiple Occupation (HMO) includes a condition removing the permitted development (PD) rights for extensions, roof alterations and outbuildings, namely Classes A-E, at the site.
3. Taking the above background into account the main issue is whether the removal of Classes A-E PD rights is reasonable and necessary in the interests of protecting the living conditions of neighbouring occupiers and in safeguarding the character of the area.

Reasons

4. The appeal site comprises a semi-detached, two-storey dwelling with front and rear garden areas. It is unextended save for a small, single-storey side addition. At the time of my site visit it appeared that the property was vacant and some landscaping works were being carried out within its front curtilage.
5. The dwelling's rear building line is flush with that of No 108, its immediate neighbour, and its flank walls are set in from the common boundary with No 112 on the opposite side. Beyond the rear boundary lies open land.
6. The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Class C4 as small, shared houses occupied by between three and six unrelated individuals who share basic amenities such as a kitchen or bathroom. Commonly referred to as small HMOs they are categorised separately from properties known as large HMOs which are those with more than six persons sharing. Further, HMOs falling into the latter category are unclassified by the Use Classes Order, and are therefore considered to be sui generis.
7. Paragraph 55 of the National Planning Policy Framework says that planning conditions should only be imposed where they are, amongst other things, necessary and reasonable. The Planning Practice Guidance (PPG) says that conditions restricting the future use of PD rights will rarely pass the test of necessity and should only be used in exceptional circumstances. It comments that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.

8. PD rights are development which is considered to be acceptable in the normal course of events. All are subject to certain limitations, with Class A covering the enlargement or improvement of a dwellinghouse, Classes B and C concerned with additions or alterations to a dwelling's roof, Class D covering the erection of entrance porches outside a dwelling's external door and Class E involving outbuildings that might be erected in the property's rear garden.
9. In its case report relating to the application by which planning permission was granted, despite recommending that the condition at issue be imposed, the Council makes no mention of the need for the condition in granting planning permission, nor why exceptional circumstances exist that would justify the removal of PD rights across the whole spectrum of Classes A-E.
10. Subsequently, in assessing the proposal to remove the condition, the Council, although acknowledging that additional bedrooms would likely lead to a material change of use requiring planning permission, mentions that there is potential for additional impact arising from extensions and alterations to enlarge the dwelling. Further, the Council indicates that utilising PD rights in the circumstances could cause significant harm to the living conditions of neighbouring occupiers by way of increased overlooking and a resultant overbearing impact.
11. The Use Classes Order allows freedom of movement between Classes C3 and C4 and planning permission was only required in this instance due to a local Article 4 Direction being in place whose purpose is to prohibit this entitlement. Given the physical relationship between the appeal property and its neighbours I have seen nothing persuasive in this particular instance to suggest that the property's use for C4 purposes would have any different effect on nearby occupiers than if it was in use as a single household which falls within Class C3.
12. The Council also appears concerned that PD rights might allow for alterations to be made to the approved internal layout, enlarging the accommodation but without increasing the number of occupants. The fact that the Council approved the proposed layout does not mean that, should alterations be made in the future, a revised schedule of accommodation would not be similarly acceptable.
13. The Council, in support of its case, has cited three recent appeal decisions concerning HMO uses whereby, in allowing the appeals and permitting the properties' use for such, the respective Inspectors all imposed a condition which restricted householder PD rights. However, all these cases concerned the larger sui generis HMOs for which, unlike a Class C4 use, there is no defined restriction on the number of occupants.
14. In instances such as those above the imposition of a condition which allows the Council control over any future extensions, alterations or outbuildings can be necessary in order to restrict the level of occupancy, so as to protect neighbours' living conditions and also safeguard local character. In contrast, the current appeal relates to a small HMO, the approved layout for which shows six bedrooms, and where the creation of additional bedrooms with an associated increase in occupancy would take the use outside the parameters of Class C4. Planning permission for such would thereby be required.
15. I find that even when considering the full scope of householder PD rights there are no compelling reasons why, in this particular case, a distinction should be

drawn between whether implementing PD rights would be more harmful for a C4 use as opposed to that of a C3 dwelling. I consider that the effects on neighbours' living conditions and also the character of the area would be the same in either case.

16. Accordingly, I find that there are no exceptional circumstances to justify the imposition of Condition no 5. Further, in the circumstances, removing this condition would not conflict with the objectives of either policy QD14 or QD27 of the Brighton & Hove Local Plan, both of which were cited in the reason for imposing the condition on the original decision notice.
17. I have had regard to the representations received from interested parties who object to the proposal. The comments made largely relate to the HMO use itself and an indication that there are a number of such properties in the local area. However, in this case, planning permission has already been granted for the Class C4 use, and the actual change of use is not the issue involved.
18. The Council has also made reference to previous local unauthorised developments carried out in relationship to HMOs. Nonetheless, I attach little weight to this as each case must be determined in accordance with its planning merits and impacts and the individual circumstances involved. The Council holds enforcement powers in instances where unauthorised development is considered to have occurred and may take remedial action as it sees fit.
19. I therefore conclude that Condition no 5 does not serve a particular planning purpose and that removing Classes A-E PD rights is neither reasonable nor necessary in serving the interests of protecting the living conditions of neighbouring occupiers or in safeguarding the character of the area.
20. In the interests of certainty I have imposed a condition requiring that the development be carried out in accordance with the approved plans. In addition, to ensure a satisfactory standard of accommodation, a condition is imposed requiring that the section of the ground floor proposed as a kitchen/dining/living area shall be retained as such and shall not be used as an additional bedroom. I have also adjusted the time limit period to accord with that of the original planning permission as is required in instances of S73 applications.
21. Conditions were previously also imposed relating to the submission of details as to cycle storage facilities and also sound insulation measures to be incorporated. I acknowledge the need for cycle facilities at the site in order to encourage travel by means other than private motor vehicles and include a concisely worded condition to this effect. I have transposed the sound insulation condition to safeguard the living conditions of the occupiers of No 108.
22. For the above reasons, and having had regard to all matters raised, the appeal succeeds.

Timothy C King

INSPECTOR



Appeal Decision

Site visit made on 12 September 2018

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2018

Appeal Ref: APP/Q1445/W/17/3191860
25 Wheatfield Way, Brighton BN2 4RQ

- 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 Oliver Dorman, Rivers Birtwell, against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/03088, dated 13 September 2017, was refused by notice dated 1 December 2017.
 - The development proposed is the change of use of an existing C4 small house in multiple occupation to a sui generis large house in multiple occupation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed change of use on the living conditions of surrounding occupiers, with particular regard to noise and disturbance.

Reasons

3. Notwithstanding the description of development in the banner heading, and the 2016 certificate of lawfulness for the use as a small house in multiple occupation (HMO), both parties agree that the appeal concerns a 6-bedroom, semi-detached house occupied by 6 students under a university head-lease, which the Council regards as a dwelling house in Use Class C3. The number of occupiers would increase from 6 to 8. Saved policy QD27 of the Brighton & Hove Local Plan 2005 (LP) denies planning permission for development which would cause material nuisance and the loss of amenity to adjacent residents. LP policy SU10 requires development to minimise the impact of noise on neighbours.
 4. I appreciate that the increase in the number of occupiers by 2 is relatively small. However, this would bring the number of potential occupiers to 8. The adjoining house and the neighbouring house on the free side appear to be, like the vast majority of the houses in Wheatfield Way, occupied by single households. In this context, the use of a house by 8 unconnected individuals would be at odds with the prevailing pattern of occupancy in the street.
 5. The pair of semi-detached houses is configured with their front entrances splayed towards each other, alongside enclosing flank walls at the foot of the sloping front gardens. Despite the boundary hedge between the gardens, the
-

- effect of the additional comings and goings would be particularly noticeable to the occupiers of the front rooms of the adjoining house.
6. The back entrance to the house is approached by a driveway shared with the house on the free side, which has window openings in its flank. The back door is reached by a stair and landing on the rear wall, which because of the slope of the land, is substantially above the garden level.
 7. The Inspector of the previous appeal¹ on this site for a change of use from a C4 HMO to a large HMO for 9 occupiers noted that this part of the road, being at the end of the cul-de-sac, has a quiet character with little traffic. My concern is that the intensity of the additional comings and goings to the front and back of the house from the additional occupiers, together with the additional general noise associated with ordinary living activities with the occupancy by 8 unconnected individuals would result in an unacceptable level of noise and disturbance to the occupiers on both sides. The reduction to 8 occupiers does not, in my view, overcome the findings of the Inspector in the previous appeal.
 8. The appellant contends that there would be little material difference in the degree of connection between 6 students, which the Council considers a C3 Use, and 8 students under this proposal, especially as the property would be well-managed. However, the intensification of the use would be significantly greater, and its effects in terms of noise and disturbance harmful to the neighbours to both sides, even taking account of some shared activities and academic schedules. Moreover, there is no certainty that future occupiers would be students.
 9. The appellant would upgrade the party wall, although I note that the adjoining occupier says he has already installed sound insulation. This may overcome any potential for sound transmission through the house, but it would not mitigate the additional noise through open windows or doors, from the comings and goings at the entrances of the house, or from the intensified use of its back garden.
 10. I acknowledge the space and layout of the kitchen and dining area, however, the effects of the intensified use outside and in the additional comings and goings would remain. I saw the bin store and a high timber fence along the boundary to the adjoining back garden. However, these would not reduce the effects of the additional noise and disturbance from the extra occupiers by a sufficient degree to make the intensified use acceptable.
 11. I note that the proportion of HMOs in the vicinity is low, but my concern is less with the effect on the wider area than it is with the effect of the intensification of activity upon the immediate neighbours. I appreciate that many family households now include young, semi-independent adults. However, there are significant differences between the occupation of a house by a single family household, and its occupation by unconnected individuals, of this number.
 12. I conclude that the proposed change of use would harm the living conditions of surrounding occupiers, with particular regard to noise and disturbance, placing it in conflict with LP policies QD27 and SU10. While the proposal would provide additional accommodation and it may alleviate pressure to provide additional HMOs in the area, this does not outweigh the harm identified above.

¹ Appeal Ref: APP/Q1445/W/17/3167805

Conclusion

13. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR



Appeal Decision

Site visit made on 28 September 2018

by **N A Holdsworth MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th October 2018

Appeal Ref: APP/Q1445/W/18/3198211

76 Upper Gloucester Road, Brighton, BN1 3LQ

- 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 Harwood Properties Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/00349, dated 2 February 2018, was refused by notice dated 14 March 2018.
 - The development proposed is erection of additional storey on top of existing structure and conversion of existing 1no 2 bedroom flat (C3) to form 2 no one bedroom flats (C3) with associated roof alterations and revised fenestration.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of additional storey on top of existing structure and conversion of existing 1no 2 bedroom flat (C3) to form 2 no one bedroom flats (C3) with associated roof alterations and revised fenestration at 76 Upper Gloucester Road, Brighton, BN1 3LQ in accordance with the terms of the application, Ref BH2018/00349, dated 2 February 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: DC/76UGR/01 rev A, DC/76UGR/02.
 - 3) The external wall finishes of the works hereby permitted shall match in material, colour, bonding and texture those of the existing building.
 - 4) All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be either be painted black or in a different colour agreed in writing with the Local Planning Authority, and retained as such thereafter.
 - 5) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Preliminary Matter

2. I have used the description of development from the Council's decision notice. This is also the description used by the appellant on the appeal form.

Main Issues

3. The main issues are i) whether or not the proposed residential units would be big enough to provide satisfactory living conditions for its future occupants; and ii) whether or not there is a justification for the loss of family sized housing, having regard to policies in the development plan and other material planning considerations.

Reasons

4. Two units would be created in the enlarged building. Each unit would have a reasonable standard of natural light and outlook, together with a shower room, bedroom and living area with kitchen facilities, with sufficient circulation space. The existing building is located in Brighton City centre, in close proximity to shops and other amenities.
5. The Council argue that both flats do not meet the government's *technical housing standard – nationally described space standard*. However, there is no evidence before me that these standards have been enacted by the Council through a planning policy. The smallest unit measures around 35 square metres, but I consider that there is enough space it to provide acceptable living conditions. The internal layout of both flats would be fairly typical of converted flats in City centres, and would not be unduly cramped.
6. These considerations lead me to the view that the proposed residential units would be big enough to provide satisfactory living conditions for future occupants. There is no conflict with saved policy QD27 of the Brighton and Hove Local Plan 2005 ("Local Plan") which requires that development must not cause loss of amenity to proposed residents. Nor is there conflict with the relevant parts of the National Planning Policy Framework (2018) ("The Framework"), which shares similar objectives.
7. Turning to the loss of family sized housing, saved policy HO9 of the Local Plan states that planning permission will only be granted for the conversion of dwellings into smaller units of accommodation when the original floor area is greater than 115 sqm, or the dwelling has more than 3 bedrooms as originally built. The supporting text of the policy explains that this is because there is a high level of demand for smaller dwellings suitable for family accommodation within the City. The proposal conflicts with this policy, as the existing flat is a 3 bedroom unit, below 115 sqm in size. Furthermore, neither of the one bedroom units being proposed would be suitable for occupation by a family.
8. However, the existing flat is set above a shop, with no external amenity space, in a busy part of the City. I observed that there is constant noise and activity from the road and town centre uses that surround it. These factors limit the extent to which the existing accommodation can be reasonably regarded as desirable family accommodation. I therefore consider that it is unlikely that the unit would be occupied by a family in the future, in the event that the appeal does not succeed.
9. Furthermore, the building is located within the West Hill Conservation Area. The character of the Conservation Area is derived from a mixture of mid and late 19th Century houses, on two or three floors, interspersed with public houses and small shops. Many of these buildings retain their timber sliding sash windows. Under the proposals, the existing array of UPVC windows of various

designs would be replaced with sash windows. The building would have a more coherent, symmetrical appearance, consistent with the appearance of surrounding historic buildings within the Conservation Area.

10. I note that the proposed fenestration pattern was supported by the Council's Heritage team on the basis that it is an improvement to the streetscape. I agree that, having regard to the test set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposal would enhance the West Hill Conservation Area. I consider that this is a public benefit of the proposal that weighs significantly in its favour.
11. Overall, I consider that the harm that would arise through the loss of family sized housing is mitigated by the fact that, due to its layout and location, this particular unit would be unlikely to be occupied by a family. It is outweighed by the public benefits arising from the enhancement to the character and the appearance of the West Hill Conservation Area through the improvement to the fenestration of the building. Overall, whilst the proposal conflicts with saved policy H09 of the Local Plan which seeks to protect family sized housing, there are other material planning considerations on this occasion that justify the development, and the decision should be taken other than in accordance with the development plan.

Other Matters

12. Having visited the site and considered the evidence before me, I agree with the Council's view expressed in the officer's report that there would be no harm to the living conditions of residents or other occupants of neighbouring properties, arising from this development.
13. The Council suggest a condition that would prevent future occupants from applying for resident's parking permits. However, it has not provided detailed supporting evidence that any additional parking demand arising from the development would lead to material harm to highway safety, or would otherwise conflict with other development plan policies. On the evidence before me, such a condition would not meet the tests of reasonableness and necessity set out in paragraph 55 of the Framework.

Conditions and Conclusion

14. Conditions are necessary in the interests of compliance with statutory requirements relating to the commencement of development [1] and certainty [2]. Other conditions are necessary to ensure that the proposal results in an enhancement to the Conservation Area [3 and 4] as it is has been justified on planning terms on this basis. A condition is also necessary to ensure appropriate provision for cycle storage is made [5] having regard to development plan policies relating to cycle parking provision in new development. For the reasons given above and having had regard to all other matters raised I conclude that the appeal should succeed.

Neil Holdsworth

INSPECTOR

Appeal Decision

Site visit made on 19 September 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2018

Appeal Ref: APP/Q1445/D/18/3205377

40 Islingword Road, Brighton BN2 9SF

- 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 Reid against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2018/00463, dated 10 February 2018, was refused by notice dated 10 April 2018.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion at 40 Islingword Road, Brighton in accordance with the terms of the application, Ref. BH2018/00463, dated 10 February 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: OS Base Location Plan & Site Plan; Drawing No. Series S12030/: Plan Nos. 1; 2; 3; 4; 5; 6;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host building.

Reasons

3. The Council's concern is that because the dormer would span almost the entire height and width of the rear roof slope and feature large areas of cladding it would harm the character and appearance of the host dwelling.
 4. The dormer would be slightly set in from the flanks of the rear roof plane, but with the building's ridge raised slightly to a height not exceeding that of its neighbour No. 41. The Council accepts that there would be limited visibility of the front roof slope and the proposed roof lights from the street and that neither would harm the appearance of the building and the street scene.
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5. Although the large box dormer would entirely change the roof profile at the rear, I consider it very unlikely that it would be seen from any part of the public realm, in this case Islingword Road and Hampden Road. Even if there were glimpses, the view would be dominated by the far higher roof of the double fronted property at No. 42. Given these circumstances, it is not surprising that the reason for refusal, unusually in decisions on planning applications, confines itself to a harmful effect on the character and appearance of the host building itself, rather than both that and its surroundings.
6. As the dormer would not be proportionate to the existing roof it is difficult to disagree with the Council's conclusion that it would be harmful to the character and appearance of the building, contrary to the Council's Design Guidance SPD12 and Policy QD14 of the Brighton & Hove Local Plan (retained policies March 2016). However, I must also have regard to all other material considerations in this case as well as this conflict with guidance and policy.
7. A large dormer (slightly smaller but not materially different) on the rear roof plane would normally be permitted development (PD), and indeed I note from the outlook in the rear garden of No. 40 that most of the terraced houses in Hampden Road have large box dormers on their rear roof slopes. However, PD rights were withdrawn in this case by a condition imposed on the 1995 permission for a change of use of the building from a shop to a dwelling.
8. This is documented in the officer's report and the reason given for the permission was '*The Local Planning Authority considers that the development hereby permitted is the maximum that can be allowed without causing detriment to the amenities of adjoining properties*'. The term 'amenities' normally relates to the living conditions of adjoining occupiers, for example outlook, privacy and the effect on daylight or sunlight. However, in refusing the appeal application the Council has not alleged that there would be any detriment in regard to such matters. And even if 'amenities' was intended to refer to the appearance of the area, in the form of visual amenity, the same applies because it is acknowledged that the dormer would not be visible as part of the street scene or seen from any other public vantage point.
9. Taking this into account, together with the fact that the building has no heritage status and is not in a conservation area, I consider the change from a two bedroom to a three bedroom house (and therefore family accommodation) that the dormer would allow outweighs the harmful effect on the building's character and appearance. Although the extra bedroom is of immediate benefit to the appellants, in the longer term a three bedroom family house is an addition to the city's housing stock. This is a very small and incremental improvement, but in this instance I consider that along with the other points it outweighs the irrelevant reason for the withdrawal of permitted development rights.
10. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition requiring matching external materials will safeguard visual amenity.

Martin Andrews

INSPECTOR

Appeal Decision

Site visit made on 19 September 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2018

Appeal Ref: APP/Q1445/D/18/3206888

1 Bramber Avenue, Hove BN3 8GW

- 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 S Dziura against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2017/03666, dated 2 November 2017, was refused by notice dated 22 June 2018.
 - The development proposed is a ground floor side bedroom extension.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor side bedroom extension at 1 Bramber Avenue, Hove in accordance with the terms of the application, Ref. BH2017/03666, dated 2 November 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. 2746-1; 2746-2; 2746-3; 2746-4; 2746-5 Rev. B;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host dwelling and the street scene of Bramber Avenue.

Reasons

3. The Council's concern is that the proposed extension would be too wide, stretching to the boundary with No. 3, and would not be set back from the dwelling's front elevation. It is considered that the effect of this would be to create an appearance of the total loss of space between the house and its boundary and of the extension not being sufficiently subservient.
 4. However, I saw on my visit that this is an unusual situation that can reasonably warrant some flexibility of approach and departure from design guidelines as regards width. Firstly, Nos. 1 and 3 Bramber Avenue are on a bend with the result that their nearest front corners are much closer to one another than
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those at the rear. This unusually wide frontage, roughly divided equally between Nos. 1 and 3, creates an opportunity for an extension that is wider than half that of the host dwelling. This is especially so because almost half the extension's frontage would crank back to align with No. 3 in order to turn the corner, and also because the addition for the most part replicates an existing brick built outbuilding.

5. In fact, the extension would be very slightly higher than the existing brick wall and set forward of it, albeit a modest setback from the front elevation is proposed rather than being flush with it as the officer's report claims. The intervention of the porch would also help to disguise the small extent of the setback. And whilst the Council says that the extensions' width and lack of a proper set back precludes it from being perceived as subservient to the dwelling, I consider that the single storey height, flat roof design and the change of alignment for part of its width do in fact enable the addition to be read as clearly subordinate to the main building.
6. As regards the painted render, in my view it gives an attractive contemporary appearance to the dwelling and note that a number of houses in the area have been similarly altered. I consider that the Council's preference to use facing brickwork for the front wall of the extension would be read as being incongruous in relation to the host dwelling.
7. Overall, I conclude that the proposal would not have a harmful effect on the character and appearance of either the host dwelling or the street scene of Bramber Avenue. Accordingly, there would be no conflict with Policy QD14 of the Brighton & Hove Local Plan 2005 (retained on the adoption of the Brighton & Hove City Plan Part One 2016) or with Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2018.
8. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition requiring matching external materials will safeguard visual amenity.

Martin Andrews

INSPECTOR



Appeal Decision

Site visit made on 8 August 2018

by **Timothy C King BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 October 2018

Appeal Ref: **APP/Q1445/W/18/3199306** **40-42 Portland Villas, Hove BN3 5SB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Kevin Grice against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02994 was refused by notice dated 28 November 2017.
 - The application sought planning permission for the 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 without complying with a condition attached to planning permission Ref BH2016/05746, dated 4 October 2017.
 - The condition in dispute is No 1 which states that: *'The development hereby permitted shall be carried out in accordance with approved drawings.'*
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is allowed and planning permission is granted for the 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 at 40-42 Portland Villas, Hove BN3 5SB in accordance with application Ref BH2017/02994 without compliance with condition no 1 previously imposed on planning permission BH2016/05746, dated 4 October 2017, but subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No PL01 Rev R.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development under Schedule 2, Part , Classes A – E shall be carried out unless approved by way of a planning permission granted.
 - 3) The development hereby permitted shall not be occupied until full details of refuse and recycling storage facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 4) The development hereby permitted shall not be occupied until full details of secure cycle parking facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary Matters

2. Although the application form requested that the approved drawing PL01 be replaced with PL01 Rev R the drawing approved under planning permission BH2016/05746 is labelled PL01 Rev S. As such, for the purposes of this appeal the variances between Revs S and R are central to the proposal. At my site visit I noted that construction of the approved dwelling was virtually complete.
3. The application form also makes no mention of the requested removal of Condition 12, imposed on planning permission ref BH2013/02388, from which BH2016/05746 is derived. This requires for the reinstatement of the redundant vehicle crossover outside of the site. The appellant has provided a correspondence trail whereby this matter is raised by the appellant in an e-mail dated 9 October 2017 to the Council. In a response dated 18 October the Council representative comments that, following a response from the local highway authority, it is understood that such a proposal would only be allowed in exceptional circumstances. Apart from a subsequent e-mail where the appellant makes some further points in support of the proposal no further mention is made of the vehicular crossover. There is no reference to it in the Council's case report nor its decision notice.
4. It would appear that the Council did not formally address this matter as it did not form part of the application at the time it was submitted, and was not mentioned in the proposal's description nor the consultation letter dispatched to neighbouring occupiers. In the circumstances, as neither the local highway authority nor any interested parties have had the opportunity to comment formally on this particular aspect of the proposal I do not intend to deal with it as part of this appeal. Accordingly, it would need to be the subject of a new application to the Council.

Main Issue

5. The main issue is the amended proposal's effect on the character and appearance of the area.

Reasons

6. The extant planning permission allows for accommodation within the roofspace and the submitted plan Rev R shows the proposed inclusion of second floor glazed doors and a glass balustrade enclosing a shallow balcony between. At the rear the small existing dormer window would be enlarged to cover more of the roof plane. It would appear from the Plan R that the ridge height would increase marginally and the roof would be widened slightly, although the eaves height would remain the same.
7. The Council considers that these alterations would be out of character with the surrounding area. However, the appellant has drawn my attention to two properties along the street (Nos 11 and 14), both recently built or renovated, which have a similar external arrangement at second floor level overlooking the street. At my site visit I observed both these developments and noted that each integrates well into the streetscene.

8. From standing in the appeal site's rear garden I observed the approved dormer window in situ. Policy CP12 of the Brighton and Hove City Plan Part One (CP), amongst other things, seeks to raise the standard of architecture and design, locally and, in cross referencing the proposed plan, I see no reason why exhibiting the use of the second floor, by the means proposed, would be at odds with the policy's objective. Indeed, I find that the alterations would provide greater visual interest from the street whilst the enlargement of the dormer would merely result in a common feature in dwellinghouses. The latter would still represent a subordinate addition to the roof. Advice within the Council's Supplementary Planning Document SPD12 'Design Guide for Alterations and Extensions' (SPD) would not be compromised by the proposed modifications.
9. I have had regard to the planning history of the site and also the representations received from interested parties who object to the proposal. The comments made relate to both the dwelling's height and design and also potential overlooking and loss of light. As mentioned, the proposed height would vary little from that already approved, there would be little appreciable difference in any overlooking from the enlarged dormer, and the shallow balcony at the front would look out towards the street. Besides, overlooking of rear gardens from neighbouring first floor windows is a common widespread arrangement. No loss of light would occur from the proposed design changes and a Party Wall Agreement is not a material consideration in the determination of planning applications, being subject to different legislation.
10. I have reached my decision on the basis of the planning merits and impacts involved, and I conclude that the proposed revisions to the approved plan and its substitution with Drawing No PL01 Rev R would not be harmful to the character and appearance of the area. Nor would there be any material conflict with either the design objectives of CP Policy CP12 or the Council's SPD.
11. In terms of conditions those I now impose will only remain relevant providing they are subsisting and still capable of taking effect. As the development is almost completed, save for the intended modifications, it is not necessary for me to re-impose a number of the conditions attached to the original planning permission. However, in the interests of certainty I have imposed a condition requiring that the development be carried out in accordance with the newly approved plan. The external materials to be used are annotated on this plan and will ensure an appropriate appearance. I also impose conditions relating to refuse and cycle storage to ensure a satisfactory form of development. Finally, in view of the site's constraints I have re-imposed the condition removing normal householder permitted development rights.
12. For the above reasons, and having had regard to all matters raised, the appeal succeeds.

Timothy C King

INSPECTOR



Appeal Decision

Site visit made on 25 September 2018

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2018

Appeal Ref: APP/Q1445/D/18/3204632 18 Overdown Rise, Portslade BN41 2YG

- 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 Andy Ferroni against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/00493, dated 13 February 2018, was refused by notice dated 9 May 2018.
 - The development proposed is ground floor rear extensions (3.6mtrs from existing rear wall) with flat roof construction and extension of existing rear dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed rear extensions on the character and appearance of the existing building and surrounding area.

Reasons

3. 18 Overdown Rise is a semi-detached chalet bungalow in an area of Portslade comprised of properties with a similar character and appearance. The chalet bungalows in the area either have dormer windows at the rear like no. 18 or with the windows in the rear elevation but with the eaves slightly below the top of the windows resulting in a half dormer. Nevertheless, there is a consistent character and appearance to the area.
4. The proposal would result in a large ground floor extension, with the existing rear dormer window extended further to the rear and toward the side of the property away from the attached neighbour, with a flat roof above. Although inset slightly from the side wall with a small section of roof between the proposed first floor and original side of the property, it would present a deeper two storey side wall with flat roof above. This would be visible to some extent through the gap between properties on Overdown Rise and between properties fronting Thornhill Rise to the rear. The combination of this additional two storey side wall with a substantial flat roof above would result in an unattractive appearance to the proposed extension in these views.
5. I note that a number of other properties in the area have similar extensions. A number of these appear on the houses with a higher eaves line where it appears slightly less incongruous, and a number of others have pitched roofs.

Some similar extensions are on more prominent properties, such as that close to the junction of Thornhill Rise and Overdown Rise and those on Broomfield Drive that back onto the park. Nevertheless, these are not typical of the character of the area and I need to assess the proposed development on its individual merits.

6. For these reasons, I conclude that the proposed two storey rear extension would harm the character and appearance of the existing dwelling and the surrounding area. For this reason, the proposal is contrary to Policy QD14 of the Brighton & Hove Local Plan that seeks extensions to properties to be well designed, sited and detailed in relation to the property to be extended and to the surrounding area.
7. The extension would be located close to the boundary with the attached neighbouring property at 20 Overdown Rise and over two floors. However, it would not extend so far to the rear at first floor that it would materially affect the amount of sunlight and daylight to windows of that property. As a result, it would not result in harm to the living conditions of occupiers of that property by reason of loss of light.
8. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. Thus, having had regard to all other matters raised the appeal should be dismissed.

AJ Steen

INSPECTOR



Appeal Decision

Hearing Held on 11 September 2018

Site visit made on 11 September 2018

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

an Inspector appointed by the Secretary of State

Decision date: 17 October 2018

Appeal Ref: APP/Q1445/F/17/3183880

Queens Park Villa, 30 West Drive, Brighton BN2 0QU

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by P Godfrey Investment Services Ltd against a listed building enforcement notice issued by Brighton & Hove City Council.
 - The enforcement notice was issued on 9 August 2017.
 - The contravention of listed building control alleged in the notice is unauthorised internal and external alterations and additions to a Grade II listed building consisting of (i) the installation of two doors on the lower ground floor patio (opening no 3 and no 5 looking north from the street; (ii) the removal of the living/kitchen ceiling on the first floor (south-west) and (iii) the construction of patio stairs and introduction of wall coping detail on the patio (south-west).
 - The requirements of the notice are (i) remove the two external doors on the lower ground floor patio and reinstate with two windows to match the design, dimension, materials and finish of the existing windows alongside, and masonry to match the existing façade, in accordance with details submitted and approved by planning permission BH2016/05287, plan 1233.05 revision A, dated June 2014; and listed building permission BH2016/03035, plan 1233.61 revision B received 1 December 2016; (ii) reinstate the living/kitchen ceiling of the first floor flat located on the south-west of the building with flat plasterboard ceiling to a level below all of the exposed timber members in accordance with permission BH2016/005524 the approved section XX 1233-33 Rev B and (iii) remove the stairs on the south-west of the patio (closest to the driveway) and reinstate the garden wall coping detail to match the existing wall.
 - The period for compliance with the requirements is 8 weeks.
 - The appeal is made on the grounds set out in section 39(1)(c),(e),(h),(j) and (k) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Procedural Matters

1. At the hearing it was agreed that the appellant's indication that window 5 had listed building consent for the opening should be the subject of a ground (b) appeal. It was also agreed that breach of conditions associated with any previous consent is not an issue in this case. The appellant withdrew the appeals on grounds (j) and (k).

Decision

2. It is directed that the listed building enforcement notice be varied as follows:
3. The appeal succeeds on ground (c) in relation to door opening 5 and the external steps and it is directed that the listed building enforcement notice be varied by deleting "(i) remove the two external doors on the lower ground floor

- patio and reinstate with two windows” and inserting “(i) remove the external door from window opening 3 on the lower ground floor patio and reinstate the window”, and by deleting requirement (iii).
4. The ground (e) appeal is allowed in part and listed building consent is granted for the new door in opening no 5 and the removal of the coping adjacent to the stair in the south-west of the patio.
 5. The appeal is dismissed in part and the listed building enforcement notice is upheld as varied, insofar as it relates to (i) the installation of a door on the lower ground floor patio (opening no 3 looking north from the street) and (ii) the removal of the living/kitchen ceiling on the first floor (south-west).

Reasons

Ground (b) – Window 5

6. Some of the evidence relating to the history of this window is directly contradictory, including photographs that appear to indicate different situations at a similar time and plans where some indicate a form of door opening and others that do not. It is not possible to fully explain these contradictions from the evidence provided.
7. The appellant has uncovered permissions from the 1980s that indicate that planning permission and listed building consent was granted for a pair of doors in the position of window 5, the swings of the pair of door being clearly indicated on the plan. However, there is no other evidence that shows what the arrangement was of the approved doors or little indication of what might have been subsequently constructed other than what was there before the alleged work. The appellant indicates that a French window was there when purchased in the form of three sliding sashes that went from window head height to ground level; the bottom two sashes being raised to walk through the opening. This is supported by a letter from a previous owner, although I note she appears to suggested that window 5 and 6 were of this arrangement, which is not a case put by either main party.
8. There is a photograph of the French window with the 3 sash arrangement from the outside and one from the inside with the top sash remaining in place. There is also evidence on other drawings that door 5 was a means of escape and escape signs to it were inside the building.
9. I acknowledge that the Council’s external photograph of the front elevation taken recently suggests that all the windows are the same. However, while I cannot explain this, I would note that unfortunately the view below the windows is cut off by the retaining wall in front. The apparent lower rail and cill could be caused by alignment of rails in the sash windows. Therefore, because of the limited view I attach less weight to this. I also appreciate the note on the recent drawings that indicate the row of six sliding sash windows are to be retained and restored, although this could be considered reasonably accurate if window 5 was a French windows with the 3 sliding sashes, as the drawing does not show the cill heights.
10. Overall, on the balance of probability, I conclude that consent was given for a down to ground level opening in the position of window 5 and the opening was formed. The door swings on the plan suggest a pair of doors probably of a French door type, but there is no detail available beyond the double swing

shown. However, in all probability it appears that a French window was inserted with three sliding sashes as shown in some of the photographs, as there is no evidence to show that French doors were inserted at the position and then changed to the French window. Clearly the consented opening was formed and is lawful, but the arrangement of a single leaf door as now constructed was not consented.

11. The appeal on ground (b) partially succeeds in relation to the large opening formed at window 5, but the alleged contravention in relation to the new door has taken place.

Ground (c)

The significance and architectural and historic interest

12. The development includes the Brighton and Hove City Plan and the Brighton and Hove Local Plan. Also relevant is the Council's supplementary Planning Documents.
13. Policy CS15 indicates that the city's historic environment will be conserved and enhanced in accordance with its identified significance, giving the greatest weight to designated heritage assets and their settings and prioritising positive action for those assets at risk through neglect, decay, vacancy or other threats.
14. Policy HE1 indicates that listed building proposals involving the alteration, extension or change of use of a listed building will only be permitted where: a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and b. the proposal respects the scale, design, materials and finishes of the existing building and preserves its historic fabric.
15. Supplementary Planning Document SPD 09 relates to architectural features. In relation to windows it notes that altering the size and proportions of existing windows will only be permitted where the proposals relate well to, and do not disrupt, the rhythm and proportions of the overall architectural design of the building and the unity of historic groups.
16. The history of the building is set out in the list description, which was agreed by the parties. The building, Pennant Lodge, is identified as being built in 1851 with stucco wall finish and hipped and pitched roof with slate covering. The main principal elevation to West Drive is described with the low retaining wall in front. It is noted that the interior was not inspected and its history as a nursing home and then office is identified.
17. It is clear from what remains in the listed building and the appellant's evidence that the interior has been subject to considerable change and I accept that the contribution of this to the significance of the overall building is reduced, but still has some importance in terms of its contribution to the character of the building of this period. Overall I consider that the significance and architectural and historic interest relates to the age of the building, its design, detailing and components, particularly externally and this also contributes to the historic layout of the streets, with the parkland contributing to the conservation area.

Windows 3 and 5

18. The front elevation is a major feature of the building, facing out to the park and road and the spacing and proportion of the windows are an important aspect of the elevation. The design and arrangement has less imposing windows at basement and upper floor level, with the major emphasis occurring to the central floor, which is articulated by the canopy and iron railings. The symmetry, hierarchy and consistency of the windows at each level is also important in defining the style and character of the building. This hierarchy and proportion of the windows are an important aspect of the significance and architectural and historic interest. Changing the design and size of the individual windows clearly affects the consistency of the window arrangement at this level and affects the overall appearance of the front elevation.
19. However, I have found above that window 5 has been lawfully altered and while there is some question as to the infilling of it, the change of shape is authorised. To this extent some inconsistency has already occurred and the symmetry of the façade has been affected to a small extent and that has been taken into consideration.
20. I consider that the introduction of a new enlarged opening in window 3 with a new door will remove some original structure, change the hierarchy of the windows, and 'compete for attention' with the more important windows above. While the wall below the window cannot be seen at a distance, it can be seen when approaching the building and its alteration harms the significance and architectural and historic interest of the building.
21. It seems to me that the window that was inserted into opening 5 after it was enlarged to be a door was the 3 sliding sash arrangement. Clearly this arrangement was not historic and its loss did not affect the historic fabric of the building or historic arrangement. However, I consider that the three sash French window arrangement was a good design solution, ensuring the impact on the appearance of the building was minimised and maintaining the sash character and appearance. While the door provided has been carefully designed to match rails etc, it is in a single plane and does not have the articulation of a sash window and I consider that it does affect the significance and architectural and historic interest of the listed building to a small extent.
22. I conclude that the insertion of the door and opening at window 3 and the new door in window 5 does affect the building's character as a building of special architectural and historic interest, so the appeal on ground (c) fails.

Kitchen/living ceiling

23. Although questions were asked about the original ceiling, there was little evidence as to its position at the time of undertaking the office conversion, when the suspended ceiling was inserted. Whether or not the suspended ceiling was meant to be inserted below the original ceiling or the original ceiling removed is not known. However, to my mind the spaces and shapes of rooms traditionally associated with this type of building are important to its character and significance, and a horizontal ceiling would be an important part of the definition of the internal spaces set below the roof space. To remove this horizontal layer, whether or not a more recently inserted suspended ceiling, would clearly change the shape, character and appearance of the rooms and

affect the building's character as a building of special architectural and historic interest, so the appeal on ground (c) fails.

Steps/Coping

24. The insertion of the steps has little impact on the design, appearance or character of the listed building, being discretely located inside the patio area adjacent to the retaining wall. To my mind, these steps have no impact on the significance and architectural and historic interest of the listed building. However, the stone coping to the retaining wall is an important feature along the whole of the front of the building, integrating with the walls and piers around the complex, forming a prominent part of the setting for the front of the building. Removal of part of the stone coping is removal of historic fabric, which also alters the continuity of the coping between piers and affects the building's character as a building of special architectural and historic interest so the appeal on ground (c) fails in relation to the coping, but succeeds in relation to the steps.

Ground (e)

Windows 3 and 5

25. As noted above, the hierarchy and consistency of the windows at each floor level is important to the significance and architectural and historic interest of the listed building. While I accept that opening 5 is consented and has some effect on the character and appearance of the listed building, that is not sufficient to justify the insertion of another door opening in the position of opening 3. The formation of this opening in a prominent position towards the centre of the building has a considerable further impact on the consistency of the front elevation and causes harm to the significance and architectural and historic interest of the listed building.
26. I have found that the new door inserted in opening 5 does affect the significance and architectural and historic interest a small amount. However, it is the formation of the opening itself and its impact on the hierarchy and consistency of the elevation that has the most effect. The new door, while not being a traditional solution, is much better than would be the case with the double swing door as appears to have been initially consented, even if not necessarily constructed. The appearance from much of the front is limited by the door being to the far side of the entrance drive and partially obstructed by the retaining wall. Overall, the harmful impact is limited.
27. The public benefits in the high quality restoration that has taken place and securing the long term future of the building are sufficient to outweigh the small amount of harm caused by the new door in opening 5, but these together with the benefit to the occupiers in gaining direct access to the garden is not sufficient to outweigh or justify the 'less than substantial' harm caused by the new door and door opening no 3.
28. The appeal succeeds in part on ground (e) in this respect in relation to the new door in opening 5.

Kitchen/living ceiling

29. While I acknowledge that the interior of the building, because of the recent history and use of the building, is less important than the exterior, it still is

important in the understanding and appreciation of the building. I have concluded above that having the rooms without ceilings alters their character and appearance and affects their significance and architectural and historic interest. To my mind, the substantial change to the room shape by removal of the ceilings and exposing the underside of the roof causes harm and does not preserve the architectural and historic interest of the building, particularly relating to room proportions, and is unacceptable. I note the appellant's preference to have the large open space and while I acknowledge that, I do not consider it is a public benefit. I acknowledge that reuse of the building is occurring because of the quality work that the appellant has undertaken, but to my mind that can occur whether or not the ceiling is inserted at the correct level and therefore I attach little weight to this. In terms of the Framework the public benefits do not outweigh the 'less than substantial' harm that has occurred. The appeal on ground (e) fails in relation to the ceiling.

Coping

30. While there is a small loss of historic fabric in the form of the stone coping and the significance and architectural and historic interest is affected, the impact is limited in that the section of stone removed is small and there is a similar arrangement at the opposite end of the wall, so removing the short section of the coping at this end makes the arrangement symmetrical.
31. I acknowledge that there is considerable benefit to the occupiers of the two units in gaining access to the garden from the lower area and accept that considerable care has been taken in making the garden a very attractive feature in the area. The limited impact, the symmetry and improvement to the garden, which is a public benefit, are matters to be weighed in the balance. I conclude overall in relation to the removal of the small length of the stone coping that the harm is less than substantial and that the development has secured the optimum viable use, so the public benefits outweigh the small degree of harm. The appeal succeeds in part on ground (e) in relation to the coping.

Ground (h)

32. The work that is required to remedy the breaches will need careful consideration to ensure that what is undertaken is of a quality and arrangement to suit the architectural and historic interest of the building. This will take some planning, time to commission and time to undertake the work. To my mind 8 weeks is not sufficient for this, but a reasonable allowance would be 6 months. The appeal on ground (h) succeeds.

Graham Dudley

Inspector

DOCUMENTS HANDED IN AT THE HEARING

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| Document | 1 | Notification letter |
| | 2 | Enlarged copy of plan showing doors for previous applications |
| | 3 | Photographs, including appendices 6a and 9a |
| | 4 | Council's further comments – August 22, 2018 |
| | 5 | Interested party letter |
| | 6 | Roof structure drawing |
| | 7 | Attendance list |

