

Planning Committee

Date: **4 December 2019**

Time: **2.00pm**

Venue **Council Chamber, Brighton Town Hall**

Members: **Councillors:**Hill (Chair), Childs (Deputy Chair); Littman (Opposition Spokesperson), C Theobald (Group Spokesperson), Fishleigh, Janio, Mac Cafferty, Miller, Shanks and Yates

Conservation Advisory Group Representative

Contact: **Penny Jennings**
Democratic Services Officer
01273 291065
penny.jennings@brighton-hove.gov.uk

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

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

This agenda and all accompanying reports are printed on recycled paper

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

Minutes of the meeting held on 6 November 2019 (circulated separately).

62 CHAIR'S COMMUNICATIONS

63 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 29 November 2019.

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.

MINOR APPLICATIONS

A	BH2019/02619 - Avalon, West Street, Brighton - Full Planning	1 - 18
B	BH2019/02548 - Rear of Cornwall Court, 56 Wilbury Avenue, Hove - Full Planning	19 - 38
C	BH2019/01049 Land to the Rear and Side of 146 Mackie Avenue, Brighton - Full Planning	39 - 56
D	BH019/02589 -Land adjacent to 44 Hythe Road, Brighton- Full Planning	57 - 72
E	BH2019/02674 - 12 Standean Close, Brighton - Full Planning	73 - 84
F	BH2019/02436 - 19 Jevington Drive, Brighton - Full Planning	85 - 100
G	BH2019/02700 - 7A Southover Street, Brighton	101 - 114

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 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **115 - 120**

(copy attached).

68 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None to report at publication date.

69 APPEAL DECISIONS

121 - 126

(copy attached).

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

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

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

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

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

WEBCASTING NOTICE

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

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

ACCESS NOTICE

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

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

FIRE / EMERGENCY EVACUATION PROCEDURE

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

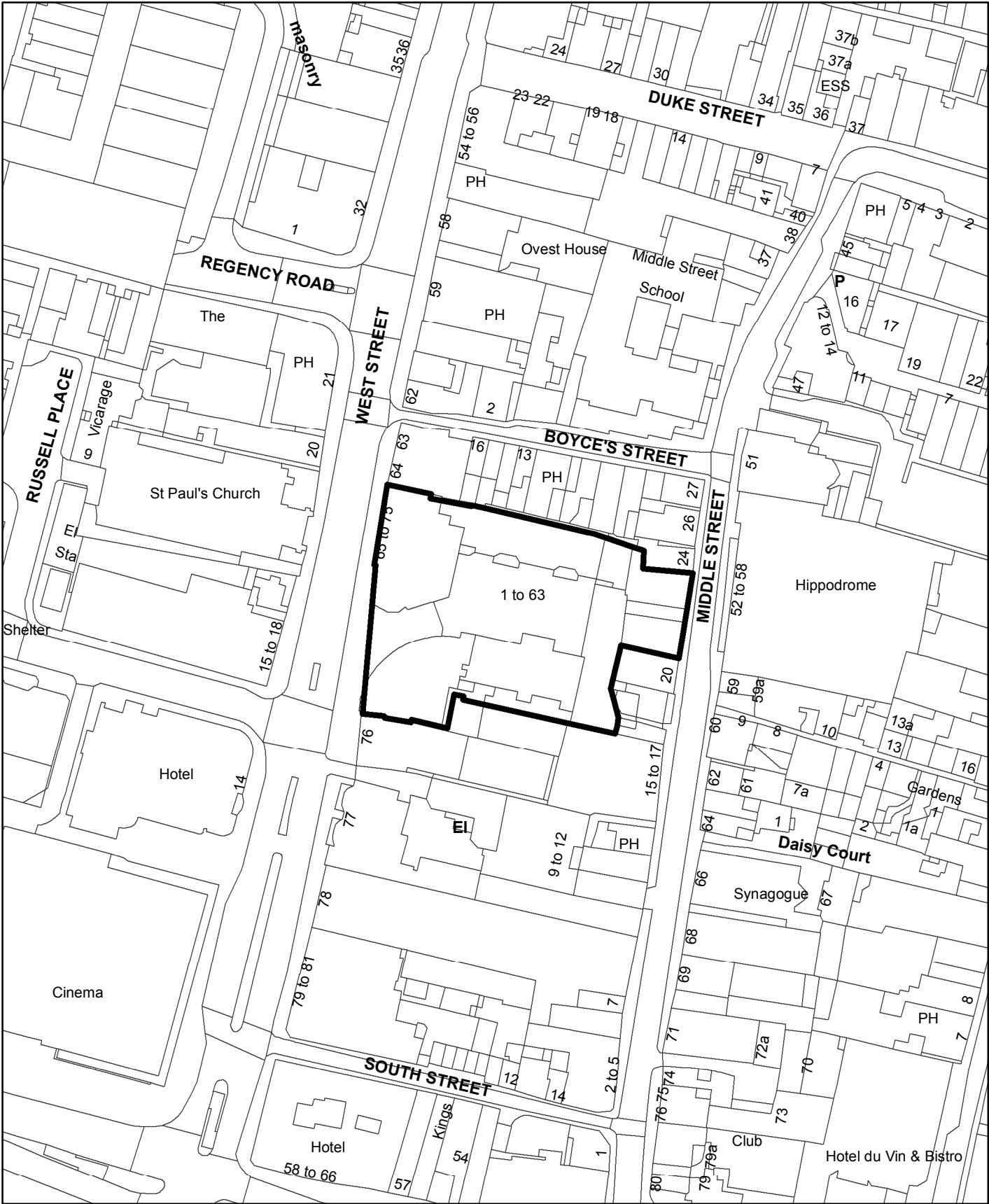
- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it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

ITEM A

**Avalon, West Street
BH2019/02619
Full Planning**

DATE OF COMMITTEE: 4th December 2019

BH2019 02619 - Avalon, West Street



Scale: 1:1,250

<u>No:</u>	BH2019/02619	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Avalon West Street Brighton BN1 2RP		
<u>Proposal:</u>	Erection of additional storey to the North block to create 4no residential units (C3), comprising 3no one bedroom flats and 1no two bedroom flat.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	02.09.2019
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	28.10.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	18.12.2019
<u>Agent:</u>	Stickland Wright Ltd 4 Gloucester Passage Brighton BN1 4AS		
<u>Applicant:</u>	Moretons Investments 16 Ship Street Brighton BN1 1AD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	19029-P-105		6 November 2019
Proposed Drawing	19029-P-110	A	2 September 2019
Proposed Drawing	19029-P-111	B	10 September 2019
Proposed Drawing	19029-P-112	A	2 September 2019
Proposed Drawing	19029-P-113	A	2 September 2019
Proposed Drawing	19029-P-114	B	10 September 2019
Proposed Drawing	19029-P-115	A	2 September 2019
Location and block plan	19029-P-001	A	2 September 2019

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

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

3. The external covered walkway hereby approved shall be for access purposes only and 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. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound
 - (vii) A plan showing construction traffic routes

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

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

5. The development hereby permitted shall not be commenced until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all cladding/ finish materials to be used, including details of colour and their treatment to protect against weathering
 - b) details of the proposed window and door treatments

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.

6. 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.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

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

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

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted under condition 6 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 of the restrictions upon the issuing of resident parking permits.
3. 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.

4. The water efficiency standard is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site, on the eastern side of West Street, is made up of a 4/5 storey residential development, with ground floor commercial, developed in 2004-06. The buildings contain mostly residential (C3) apartments with the addition of office units (B1) on Middle Street and two restaurant units (A3) to the ground floor on West Street. The residential units have access to private amenity space in the form of balconies and a communal courtyard, beneath which is a partially underground car park.
- 2.2. The site is located within the Old Town Conservation Area and falls within the 'West Street and North Street Character Area' but is not noted as being of any particular interest, beyond the contribution of private space within the central courtyard. Immediately opposite the site is the grade II* listed Church of St Paul and there are some listed buildings to the south and east of the site. Previously the site was occupied by light industrial use in the form of a General Post Office Garage.
- 2.3. Historically an entertainment district, the surrounding Old Town along West Street is characterised by a varied townscape, with the six storey former Sheridan Hotel to the south fronting the sea gradually stepping down to the predominately three storey stucco fronted 19th century properties to the north. These structures are interspersed within similarly scaled modern structures, resulting in a varied architectural character. The northern end of West street was widened in 1868, before the whole street was expanded west during the 1930s to create large office blocks.
- 2.4. The application seeks permission for the erection of additional storey to the North block to create a fifth floor consisting of 4no residential units (C3), comprising 3no one bedroom flats and 1 no. two bedroom flat. Alterations to the existing fourth floor include extending the existing staircase and lift which would lead to the new fifth floor accommodation. One flat is entranced via the staircase lobby, off which an external covered walkway would lead to the entrances of the further three flats.

3. RELEVANT HISTORY

- 3.1. There is extensive planning history for this site prior to the development of the existing buildings. The following is a list of the most recent and relevant applications:

- 3.2. **PRE2018/00275** Pre-application advice: Erection of an additional storey to west elevation.
- 3.3. **BH2007/01437** Variation of condition 10 of planning permission ref. no. BH2001/00848/FP to extend opening hours to between 0900 hrs & 0300 hrs every day. Refused 08.06.2007.
- 3.4. **BH2006/02066** Addition of windows to East elevation of apartments 52, 55 and 58 (retrospective). Approved 17.08.2006
- 3.5. **BH2001/00920/CA** Demolition of existing buildings. Approved 18.07.2003.
- 3.6. **BH2001/00848/FP** Redevelopment and change of use to provide 64 residential units, one live/work unit, offices (use class B1), food and drink (use class A3) and 46 parking spaces. Approved 18.07.2003.

4. REPRESENTATIONS

- 4.1. **Twelve (12)** letters have been received objecting to the proposed development. The main grounds for objection are as follows:
- Excessive height
 - Overdevelopment
 - Poor design
 - Overbearing
 - Impact on conservation area
 - Impact on outlook
 - Impact on views
 - Increased traffic
 - Impact on parking
 - Highway safety
 - Overlooking and loss of privacy
 - Overshadowing and loss of light
 - Noise
 - Increase in rubbish/ recycling
 - Inconvenience from build
 - Impact on property values and rental income
 - Loss of business to existing buy-to-let owners
 - Existing height appropriate re previous application
- 4.2. **Councillor Phillips** objects to the application; the letter is attached to the report.

5. CONSULTATIONS

- 5.1. **Historic England:** No objection
- 5.2. **Conservation Advisory Group (CAG):** No objection

- 5.3. **Heritage:** No objection
 20/09/2019: The development would be partially visible from West Street through the gap to the open courtyard but would not significantly impact on the street scene approach from the north and only to a limited degree in the approach from the south. At pre-application stage it was agreed that there would be potential scope for an additional floor on the lower part of the north wing. However it was advised that any impact of the additional height would need to be tested in longer views, including from the top and bottom of West Street and from Boyces Street. Any additional height should not be visible in these views. These views have not been provided so a full assessment cannot yet be made.
- 03/10/2019: Additional information received: There would be no harmful impact in views towards the site.
- 5.4. **Environmental Health:** No objection Subject to a Construction Environmental Management Plan (CEMP).
- 5.5. **Private Sector Housing:** No objection
- 5.6. **Sustainable Transport:** No objection subject to condition relating to 'car free' development and cycle parking provision.

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);
 - Shoreham Harbour Joint Action Area Plan (October 2019).
- 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
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principal of the development, design and appearance and impact on the conservation area and nearby listed buildings, impact on neighbour amenity and highways issues. Objections from neighbours relating to the impact on property values and rental income, and inconvenience caused by the build are noted, however are not material planning 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 housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied

to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, 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).

Planning Policy:

- 8.4. The provision of 4 no. residential units on the site would make a small, but positive contribution towards meeting the City's housing target for a minimum 13,200 dwellings for the plan period as set out in City Plan Policy CP1.
- 8.5. Policy CP19 of the City Plan requires that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city. The provision of 3 no. one bed dwelling and 1 no. two bed dwelling will help to enhance the housing mix and accord with policy.

Design, Appearance, Impact on Heritage Assets:

- 8.6. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.7. The existing development and roofline are prominent in West Street and the height of the existing development as it addresses West Street is considered to be the maximum appropriate to the site, having regard to its location within the tight urban grain of the Old Town conservation area. The roofline is, however, stepped up to 5 storeys at the street frontages only, with four storeys to the elements that run perpendicular to the streets. It is considered that there is scope for an additional storey on the lower part of the north wing.
- 8.8. The proposed additional storey would be flush with the existing frontage on the south elevation. The top floor of the existing north elevation is set in slightly from the lower floors and the development would also be similarly set back. The development would be partially visible from West Street through the gap to the open courtyard but would not significantly impact on the street scene approach from the north and only to a limited degree in the approach from the south. The increase in height of the north wing over the south wing would also reflect the rising topography of the land as it slopes up from the sea. The Council's Heritage officer is satisfied that there would be no harmful impact in views towards the site. Material samples can be secured by condition.

8.9. Therefore, for the reasons outlined above, it is considered that the proposed development would preserve the special character and appearance of the Old Town Conservation Area. Additionally it would not detrimentally impact on the setting of the nearby listed buildings.

Standard of accommodation:

8.10. Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17). The Council does not at present have an adopted policy to require minimum unit sizes. Government has however published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015.

8.11. They provide a useful and highly relevant reference point in assessing standard of accommodation in new residential units. Rooms and units which would provide cramped accommodation and sub-standard levels of amenity often fall below the minimum acceptable sizes set out by Government.

8.12. The one-bedroom flats are proposed at 50m², with up to 2 no. occupants in a double bedroom. The two-bedroom flat is proposed at 62m² with one double bedroom (11.6m²) and one single bedroom (7.8m²) which could house up to 3 no. occupants. The units would comply with the Govt. space standards for a 1 no. bed two person dwelling and 2 no. bed three person dwelling. The dwellings would have good levels of light, outlook and circulation space.

8.13. Private outdoor amenity space is not provided however the constraints of the site are recognised. Despite the proposed two bed dwelling, given the proposed upper floor living and the size of the units, it is recognised that they may not be particularly suitable as family accommodation. Furthermore the occupants would have use of the communal courtyard and the beach and seafront amenity facilities are very close by. Given the above the lack of private outdoor amenity space is not considered to warrant refusal of the application in this case.

8.14. The primary access for refuse removal is from West Street and this justifies the current bin store locations. Currently there are three locations for refuse storage which are considered to be of sufficient capacity for the development as proposed. There is also a communal refuse area proposed at fifth floor near the stairs/ lift. Objectors have commented with regard to an increase in refuse lately and question the capacity of provision. The managing agent has noted that local authority collections had been a little erratic which caused them to make alternative arrangements, to maintain desired collection frequency. It is advised that this event appeared to be a blip and has since improved.

Impact on Amenity:

8.15. 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.

- 8.16. Other than one window which serves a hallway, there is no fenestration proposed to the northern elevation. Therefore there would be no overlooking of the rear of the properties in Boyce's Street to the north. With regard to the proposed covered walkway to the flats, a condition is recommended to ensure that it is not used as an amenity area to prevent overlooking. The proposed dwellings would have views of the existing dwellings in the adjacent block to the south. However given the existing situation, and the distances involved there is not considered to be any significant harm to privacy levels.
- 8.17. A Daylight Study has been submitted using industry standard BRE methodology. The study assesses all the worst case scenario windows in Boyce's Street and the Avalon building opposite to the south. The report concludes that in relation to daylight and sunlight, BRE guidelines would be satisfied. Given that the windows would meet 90% of their former daylight value and the effect on levels of daylight would be negligible, the impact is considered to be acceptable.

Sustainable Transport:

- 8.18. The site has an existing vehicular access from West Street to a partially underground car park. On Middle Street the through access is pedestrian or cycle only. The commercial premises have use of the row of parking to the southern boundary of the site for 9 car parking spaces. The rest of the 37 spaces are used for the residential apartments. The agent has confirmed that individual spaces for both commercial and residential spaces have been individually negotiated within the leasing of properties.
- 8.19. The application states that the proposed residential apartments would not have access to on-site car parking. The Council's Highways officer has recommended that the new residential development is made 'car free'. This can be secured by condition.
- 8.20. An 8-space cycle shelter has been proposed which would contain Sheffield stands. This provides covered cycle parking in accordance with TR14. Ideally, cycle parking would be located in a store to provide maximum security, however it is noted that providing a store in this location would mean that the Sheffield stands would not be accessible. Therefore, in this instance due to site constraints, the proposed cycle parking is considered acceptable, subject to details of the shelter to be secured by condition.

Sustainability:

- 8.21. Policy CP8 requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.

Conclusion:

- 8.22. It is considered that, having regard to the prevailing character of the site, the proposed development would not appear out of character with the surroundings and would not detrimentally impact on the character and appearance of the Old Town Conservation Area or on the setting of the nearby listed buildings.
- 8.23. It is noted that an objection has been received with regard to the fact that the existing height was deemed to be appropriate during consideration of the original approved application for the Avalon development (BH2001/00848/FP). This is a material planning consideration; however the proposed scheme should be assessed on its own merits and with regard to current planning policy and guidance. Given that the original scheme has now been built and can be viewed in situ, it is considered that the proposed development would not have an overbearing impact on its neighbours and has been carefully designed to take account of any potential overlooking and daylight issues.
- 8.24. Subject to conditions it is considered that the proposed development is appropriate in terms of design, scale and impact on amenity, and would provide four new dwellings for the City, of an acceptable size and standard.

9. EQUALITIES

- 9.1. Step free access is offered via the lift which would give access to all proposed flats.

Cllr. Alex Philips
BH2019 02619 - Avalon, West Street

06/10/2019:

To whom it may concern,

I am writing to object to the planning application to build an extra storey on Avalon Court, West Street.

The reasons for this are:

The proposed development is of a scale and form that would have a material adverse impact on the appearance of the property.

The excessive height would result in creating a structure that does not allow for the original form and size to be conceived.

This would be contrary to Policy QD14 of the Brighton and Hove local plan.

The addition of another storey on a recently developed block of apartments would create an overbearing and excessive structure that would impact on the outlook and visual amenity of the neighbouring apartments within this close community.

This would be deemed contrary to policy QD14 and QD27 of the Brighton and Hove local plan.

I have severe reservations about construction activities during any such redevelopment that may well contravene environmental as well as human rights laws.

ITEM B

**Rear of Cornwall Court, 56 Wilbury Avenue
BH2019/02548
Full Planning**

DATE OF COMMITTEE: 4th December 2019

BH2019 02548 - Rear of Cornwall Court, 56 Wilbury Avenue



Scale: 1:1,250

<u>No:</u>	BH2019/02548	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rear of Cornwall Court, 56 Wilbury Avenue, Hove, BN3 6GJ		
<u>Proposal:</u>	Demolition of existing garages and erection of 2no two storey three bedroom dwellings (C3) with habitable roofspace, landscaping, car parking and associated works.		
<u>Officer:</u>	Russell Brown, tel: 296520	<u>Valid Date:</u>	11.09.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	09.12.2019
<u>Agent:</u>	Mr Joseph Pearson Lewis and Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	328 Developments C/o Lewis And Co Planning SE Ltd		

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	TA1147/ 01	B	6 November 2019
Proposed Drawing	TA1147/ 10	C	6 November 2019
Proposed Drawing	TA1147/ 11	A	27 August 2019
Proposed Drawing	TA1147/ 12	D	6 November 2019
Proposed Drawing	TA1147/ 13	C	6 November 2019
Proposed Drawing	TA1147/ 14	A	27 August 2019
Proposed Drawing	TA1147/ 15	B	11 September 2019
Proposed Drawing	TA1147/ 16	A	27 August 2019
Proposed Drawing	TA1147/ 17	A	11 September 2019
Proposed Drawing	TA1147/ 18	B	6 November 2019
Report/Statement	Sunlight Report	Revision 1	31 October 2019
Report/Statement	Transportation Noise Assessment	Issue 1	27 August 2019

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:
- Physical samples of all brick, relief panels and tiling (including the window cills and lintels); and
 - Specification sheets / product brochures for the proposed windows, doors and fascias.

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 QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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

- details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- a schedule detailing sizes and numbers of all proposed trees / plants including details of, as relevant, tree pit design, use of guards or other protective measures and confirmation of location, species and sizes;
- details of all boundary treatments to include type, position, design, dimensions and materials; and
- details of any external lighting.

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

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

5. Prior to the first occupation of the development hereby permitted, details of an acoustic fence in the position shown on the approved on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. It shall be shown as being constructed from a minimum of 20mm thick butt jointed timbers with 12-20mm cover strips fitted over the whole of the butt joint compliant with BS 5589: 1989, Sections 1-6 and Specification of Highway Works Volume 1, Sections 304, 310 and 311. It shall be implemented prior to the first occupation of the proposed dwellings and be retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity, particularly with regard to noise,

and to comply with Policies SU9 and SU10 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

6. The shared 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 Policy CP8 of the Brighton & Hove City Plan Part One and SPD16 Sustainable Drainage.
7. The vehicle parking spaces 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.
8. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
10. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with Policy HO13 of the Brighton & Hove Local Plan.
11. The ground floor west-facing window to House 1 and the first floor north-facing landing window to House 2 of the development hereby permitted shall

not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy QD27 of the Brighton & Hove Local Plan.

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

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

13. 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.

14. Within six 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 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

16. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

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 hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 11.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The water efficiency standard required 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.
6. The applicant is advised that the scheme required to be submitted by Condition 14 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 of the restrictions upon the issuing of resident parking permits.
7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. Planning permission is sought for the demolition of four existing garages to provide 2, four bedroom semi-detached dwellinghouses (Use Class C3) of three storeys, together with hard and soft landscaping, two car parking spaces, cycle storage and the re-covering of the access road to provide a shared surface.
- 2.2. The application site is located to the rear (south) of Cornwall Court and Somerset Court, both of four storeys, on the south side of Wilbury Avenue just to the west of the junction with Wilbury Villas. The site is bounded to the south by the railway line in-between Brighton and Preston Park train stations and that of Hove. The application site comprises land currently used for garaging separated from the car parking pertaining to Cornwall Court by a boundary wall. The access to the garages is shared with that for the parking area, and it passes immediately to the north of the garages. The area is predominantly residential with flatted blocks and semi-detached houses.
- 2.3. It is located within Controlled Parking Zone (CPZ) O.

3. RELEVANT HISTORY

- 3.1. BH2002/01383/OA: Outline application for demolition of 4 existing garages and erection of 3 town houses with on-site parking. Refused 19 September 2002 due to the proposal, by virtue of its proximity to residential buildings, being detrimental to the amenities of the occupiers of surrounding properties by way of loss of sunlight and daylight, overshadowing and overlooking, contrary to policies BE1 of the Hove Borough Local Plan and HO4 and QD27 of the Brighton and Hove Local Plan.

4. REPRESENTATIONS

- 4.1. **Nine (9)** representations have been received objecting to the proposed development for the following reasons:
 - The access road is owned by the leaseholders of Cornwall Court and cannot be sold.
 - Lack of notice to an adjoining landowner who have rights of access over part of the site.
 - Considerable disruption and noise from the building works. Prevention of Cornwall Court residents parking in the car park thus incurring parking permit charges and problems with finding an on-street space.
 - Potential overspill parking into the parking spaces for Cornwall Court.
 - The size of the houses means the density and the occupancy would be too high, causing nuisance in terms of noise, parking, rubbish, etc.
 - The sewers, drains and plumbing for Cornwall Court are insufficient so the new houses should not connect to these.
 - The new houses are too close to the bedrooms and living rooms of Somerset Court taking away natural light, causing overshadowing, reducing views from balconies and privacy, and creating a sense of being hemmed in.

- The new houses will need their own dustbins and recycling bins as the current provision is currently over-stretched / overflowing.
- The access road is currently not maintained and is in a poor state of disrepair, and therefore it and the car park should be resurfaced as part of the proposal.
- Access to the Cornwall Court car park would be disrupted during construction.
- There is no covenant stopping students renting the houses or being advertised on Airbnb, which can cause disturbances and noise.
- No site waste management plan, no low and zero carbon technologies, no provision for food growing, no gardener and no composting are proposed.
- No planning notices were seen posted outside.
- The decision for this scheme should not be any different from the previous refusal.
- Adverse impact on property prices / values of Cornwall Court.
- The building is close to the railway so the new residents will undoubtedly be affected by the noise. A year old noise report may not still be valid.
- No environmental impact study has been submitted to consider the loss of wildlife habitat through the recent removal of many old trees on the plot. Bats have been seen living on-site in the last 5 years so they must be roosting locally. The trees provided privacy from the nearby road bridge and noise mitigation from the railway.

5. CONSULTATIONS

5.1. Highway Authority:

Original comments: Recommended refusal on the basis of insufficient pedestrian access arrangements to the new dwellings unless an amended plan was submitted showing a widened and segregated access for pedestrians.

Further comments: No objection following the submission of amendments was raised subject to a recommended condition relating to details of secure cycle storage.

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);
- Shoreham Harbour Joint Area Action Plan (October 2019)

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
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density

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

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

Supplementary Planning Documents and Guidance:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPGBH 9	A guide for Residential Developers on the provision of recreational space

8. CONSIDERATIONS & ASSESSMENT

8.1. The main planning considerations material to this application are the principle of development, the design of the dwellinghouses, their impact on neighbouring amenity, the standard of residential accommodation created and the impact on the highways network.

Principle of development

8.2. There are no local planning policies that protect garages, although any subsequent impact on the local area, particularly on the availability of parking

spaces, through the loss of parking spaces must be acceptably mitigated. This will be discussed in more detail within the highways section of this report.

- 8.3. The application form states that they are vacant and it has been clarified that they have been continuously used for vehicle storage, although in recent years this appears to have mostly happened on the forecourt with little use of the actual garages.
- 8.4. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings. The Council's most recent land supply position was published in the 2018 SHLAA Update (February 2019) which showed a marginal surplus (4.5 years supply) assuming a 20% buffer as per NPPF paragraph 73 given that there has been significant under delivery of housing over the previous three years. 4130 of these new homes will be delivered within the built up area. The site also counts as a small 'windfall site', and the gain of two dwellings contributes towards meeting the planned housing requirements for the city and ongoing five year supply requirements. The impact of the proposal on the character and appearance of the area, the design of the proposed development, the impact on neighbouring amenity, the standard of accommodation created and other matters are discussed below.

Density

- 8.5. The Wilbury neighbourhood has a gross density of approximately 42 dwellings per hectare (dph), which is considered to be moderately high, although it varies considerably. The proposed development would provide approx. 50 dph.
- 8.6. On the basis that the proposal would be of a high standard of design, would respect the character of this largely residential neighbourhood and would make full, efficient and sustainable use of the land available, Officers consider the proposed density acceptable in line with City Plan Part One Policy CP14. Whether it would better contribute towards creating a sustainable neighbourhood shall be discussed later on in this report.

Design, appearance and landscaping

- 8.7. The existing garages could not be described as positive contributors to the character and appearance of the area. As such, their demolition is considered acceptable.
- 8.8. Brighton & Hove City Plan Policy CP12 and Local Plan Policy QD5 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. These policies require that new infill developments do not result in detriment to the amenity of the surrounding area.

- 8.9. With the exception of Aynsley Court, Cornwall Court, Somerset Court and Janeston Court, the prevalent height in the vicinity is two and three storeys, and many of the former feature roof extensions creating a third floor of habitable accommodation. As such, the provision of 2.5 / 3 storeys is considered acceptable in this location.
- 8.10. Whilst the proposed building would cover more of the plot than the existing garages, space is left to the sides and rear in order to provide an appropriate amount of external amenity space. As such, the amount of plot coverage is considered acceptable.
- 8.11. The roof form is pitched with two gables, one facing the site entrance and one facing west. Where this roof form has not been lost through hip-to-gable extensions, it is prevalent within the area and is therefore considered acceptable to these new dwellings.
- 8.12. Officers consider the materials to be contextual, robust, largely traditional and they appear to be high quality. Further details of samples are recommended to be secured by condition. In the case of the contrasting aluminium relief panels, these are a modern interpretation of the weatherboarding between windows on Cornwall Court and the vertical hanging tiles on some of the inter-war properties on Wilbury Avenue. Subject to further details, these are considered appropriate and therefore acceptable.
- 8.13. In terms of landscaping, indicative details have been shown on the drawings and materials / treatments given. Officers consider that the ratio between hard and soft landscaping is in favour of the latter, which is supported. The rear lawns would help to encourage biodiversity and food growing. Officers would require the trees proposed to be native and mature, but details of these can be provided within a comprehensive landscaping scheme as secured by condition.
- 8.14. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 8.15. It is considered necessary to restrict permitted development rights to avoid any adverse impact upon the architectural form of the new dwellinghouses and the appearance of the area from any kind of extension, outbuilding or new opening.
- Impact on neighbouring amenity**
- 8.16. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.17. It is noted that the previous proposal on this site, although for three dwellings, was refused on the grounds of the loss of sunlight and daylight, overshadowing and overlooking. The nearest blocks of flats existed at that time and the site surrounds remain materially similar. As such, those issues are still a consideration for this proposal.
- 8.18. In terms of sunlight the proposal would cause a loss since the buildings would be situated within 90° due south of windows within Cornwall Court. However, as shown within the submitted report, only ground floor windows 2 and 3 to the eastern-most side of the south elevation would receive less than 80% of their former sunlight hours during the period between 21st September and 21st March. This impact is not considered to be significant enough to warrant refusal of this application.
- 8.19. As regards daylight the proposed development is unlikely to have a substantial effect on the Vertical Sky Component (VSC) received by the ground floor kitchen window within Cornwall Court. This is the only window affected since the other rear window is already setback underneath a balcony. VSC measures the amount of potential light reaching a vertical surface, specifically windows, with obstructions in the way and compares the outcome with the amount of light available in that location under unobstructed conditions.
- 8.20. Annual Daylight Factor (ADF) gives a notional idea of how much natural light is distributed within a space when room layouts are known and therefore applies to new development only. As such, it does not need to be considered here.
- 8.21. The proposal would cause an increase in overshadowing, but it is considered that this would be to the car parking area for the new dwelling and access to the existing parking spaces.
- 8.22. It is considered that the proposed dwellings would be too far away from both flatted blocks to cause a reduction in outlook or create a sense of enclosure.
- 8.23. The lower ground floor kitchen window and first floor bedroom windows would be just over 12m from the windows of the eastern-most rear flats at Cornwall Court. However, given that the former would sit at a lower level than the ground floor kitchen window at Cornwall Court and that the latter serve bedrooms, it is not considered that this would result in a harmful impact on privacy. The first floor landing window to House 2 would be obscure glazed as secured in perpetuity by condition.
- 8.24. Officers are unsure exactly when the garages were last in use, but it is considered that four vehicles and their users would cause more noise and disturbance than up to 16 people and two vehicles. Furthermore, eight vehicles are shown parked spaces associated with Cornwall Court in aerial views and these would use the access, and there is capacity for six more vehicles. This would result in 16 vehicles using the access road.

- 8.25. It is considered necessary to restrict permitted development rights to avoid any adverse impact upon neighbouring amenity from any kind of extension, outbuilding or new opening.

Standard of accommodation

- 8.26. 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.
- 8.27. 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 that would offer occupants useable floor space once the usual furniture has been installed.
- 8.28. The proposed houses would feature four bedrooms, at least two of which would be ensuite, and a bathroom to the upper floors, and an open-plan living room / kitchen / dining / study area at lower ground floor. House 1 would have a Gross Internal Area (GIA) of 142m² and House 2 a GIA of 140m², which both comply with the guidance within the Technical Housing Standards - Nationally Described Space Standard. Furthermore, the proposed section demonstrates that 100% of the GIA would have an internal floor to ceiling height of above 2.3m or above. Bed 2 in House 1 has a GIA of 10.3m² and therefore has to be considered on the basis of single occupancy, but otherwise all of the bedrooms can accommodate double beds. The GIA of Unit 1 allows it to be acceptable both as a seven person dwelling and as an eight. The houses would allow adequate room for furniture and circulation.
- 8.29. Both are family sized dwellinghouse and have substantial external amenity space, which is welcomed and in accordance with Policy HO5. Furthermore, the quality of this is considered to be of a high standard, subject to further detail on landscaping. It is noted that the gardens allow for local food growing and tree planting that improve the environment as encouraged by SA6 Sustainable Neighbourhoods.
- 8.30. The site is quite open in nature and makes good use of its orientation to the south with the gardens located to the rear and lots of glazing. Both are dual aspect (and triple aspect at lower ground floor level of House 1) and therefore both dwellinghouses have sufficient outlook, ventilation and natural lighting.
- 8.31. It is noted that no space within the dwellinghouses is allocated for a lift, but it has been confirmed that the staircases would be sufficiently wide for a stairlift. Furthermore, a power supply has been added to allow for the future installation of a stairlift to the entrance to both dwellinghouses since entry

would be via a staircase with six steps. Compliance with the submitted drawings is recommended to be secured by condition.

- 8.32. The provision of residential units, which are a noise sensitive use, within a noise generating location next to four railway tracks would result in future occupiers being exposed to frequent and prolonged noise, which could be deemed a statutory nuisance.
- 8.33. Noise levels in external amenity areas should not be above the recommendations in the WHO Guidelines for community noise during the daytime period at 50dB, which would be classed as moderate annoyance. However, it is predicted that the daytime (07:00-23:00) noise level at the residential façade would be 58dB and 52dB at night time (23:00-07:00).
- 8.34. A 2.3m high acoustic fence is proposed to be erected to the rear (southern) and side (eastern and western) boundaries to mitigate against this impact. In order to achieve sufficient acoustic benefits, it must be an acoustic fence rather than a close boarded fence or feather edged construction and therefore constructed from butt jointed timbers (minimum of 20mm thick) with 12-20mm cover strips fitted over the whole of the butt joint. Detailed drawings can be secured by a condition prior to the first occupation of the dwellinghouses.
- 8.35. To ensure that noise levels within the dwellinghouses themselves are sufficiently low, a specific specification of double glazing is required. This has been shown on the floor plans, but to clarify, a RRAIL of 29dB is required for bedrooms and a RRAIL of 28dB is sufficient for living areas / studies and dining areas. A through the wall ventilator would allow windows to be closed, but would still allow background ventilation commensurate with Approved Document F of Building Regulations.
- 8.36. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies SU9, SU10, QD27 and HO5 as well as City Plan Part One Special Area Policy SA6.

Highways

- 8.37. The proposal could cause the displacement of four cars onto the street. Even if the garages were in use for vehicle storing, it is unlikely that any of the vehicles would be parked on the street as they are likely one or more of the following:
- are not in daily use;
 - do not have a parking permit;
 - do not have an MOT;
 - do not have insurance;
 - are waiting to be repaired;
 - or are waiting to be sold.

- 8.38. As such, Officers do not consider that the proposal would significantly add to the problems with car parking in the wider Brighton and Hove area, or create parking stress on surrounding streets.
- 8.39. The site is easily accessible by sustainable transport as it is 10 minutes walking or 3 minutes cycling from Hove train station and a 3-4 minutes' walk to the nearest bus stop. Furthermore, it is relatively well-served by local services and community facilities in that Trinity Medical Centre is a 13 minute walk away and the Post Office, a supermarket, a gym and other services on Blatchington Road are 15 minutes away and Hove library is a 20 minutes' walk away. King Alfred Leisure Centre is 25 minutes walking distance. As such the proposal is within a sustainable location.
- 8.40. The proposed off-street car parking spaces are within the maximum standards for a Key Public Transport Corridor and therefore this is considered acceptable. Since car parking would be available off-street, and the area retained in perpetuity by condition, and parking permit uptake within this CPZ is at 91% (a clear sign of excessive parking stress), a condition is recommended to be imposed preventing future occupiers from applying for a parking permit. As such, there could not be any overspill parking from the removal of the four garages.
- 8.41. The site shares an access road with the rear parking court serving Cornwall Court. Given the introduction of further dwellings, this would increase the use of this access road, which is in a poor condition and does not have a separate path for pedestrians, therefore being unsafe. It is noted that occupiers of Cornwall Court do need to use this for pedestrian access once they have exited their vehicles in the car park. Following negotiations, a pedestrian priority shared surface is now proposed as part of this scheme. This would prevent conflict between vehicles and between vehicles and both cyclists and pedestrians. As such, the access road would be re-laid, or more likely re-covered. Given the nature of a shared surface, it is important to use contrasting pavers to informally delineate between pedestrian and vehicle spaces as suggested. The exact materials and lighting are recommended to be secured through a condition prior to the first occupation of the dwellinghouses.
- 8.42. Eight parking spaces are proposed for bicycles, which is welcomed as this is above the requirement of four and, as such, no concerns are raised to the space appearing cramped. Locations for the storage and collection points of the refuse and recycling bins have also been shown on the plans.

Sustainability

- 8.43. 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. Therefore, conditions are recommended to be applied to ensure the development meets those standards.

- 8.44. The site is within Source Protection Zone 2 and therefore surface water run-off should be managed and water supplies safeguarded, and an energy efficiency condition would achieve the latter objective. In terms of the former, SUDS will need to be considered and should form an integral part of the landscaping scheme, particular on this site where land levels step down towards the rear.

Summary

- 8.45. The proposed development would provide two new units of accommodation in the city and would generate some economic activity during construction work. The standard of design, accommodation and amenity space to be provided is considered to be high quality and there would be no significant harm to the character or appearance of the area or to neighbouring amenity. The impact on the highway network can be managed by condition. Furthermore, the proposal would contribute to a sustainable neighbourhood. The application is therefore recommended for approval.

9. EQUALITIES

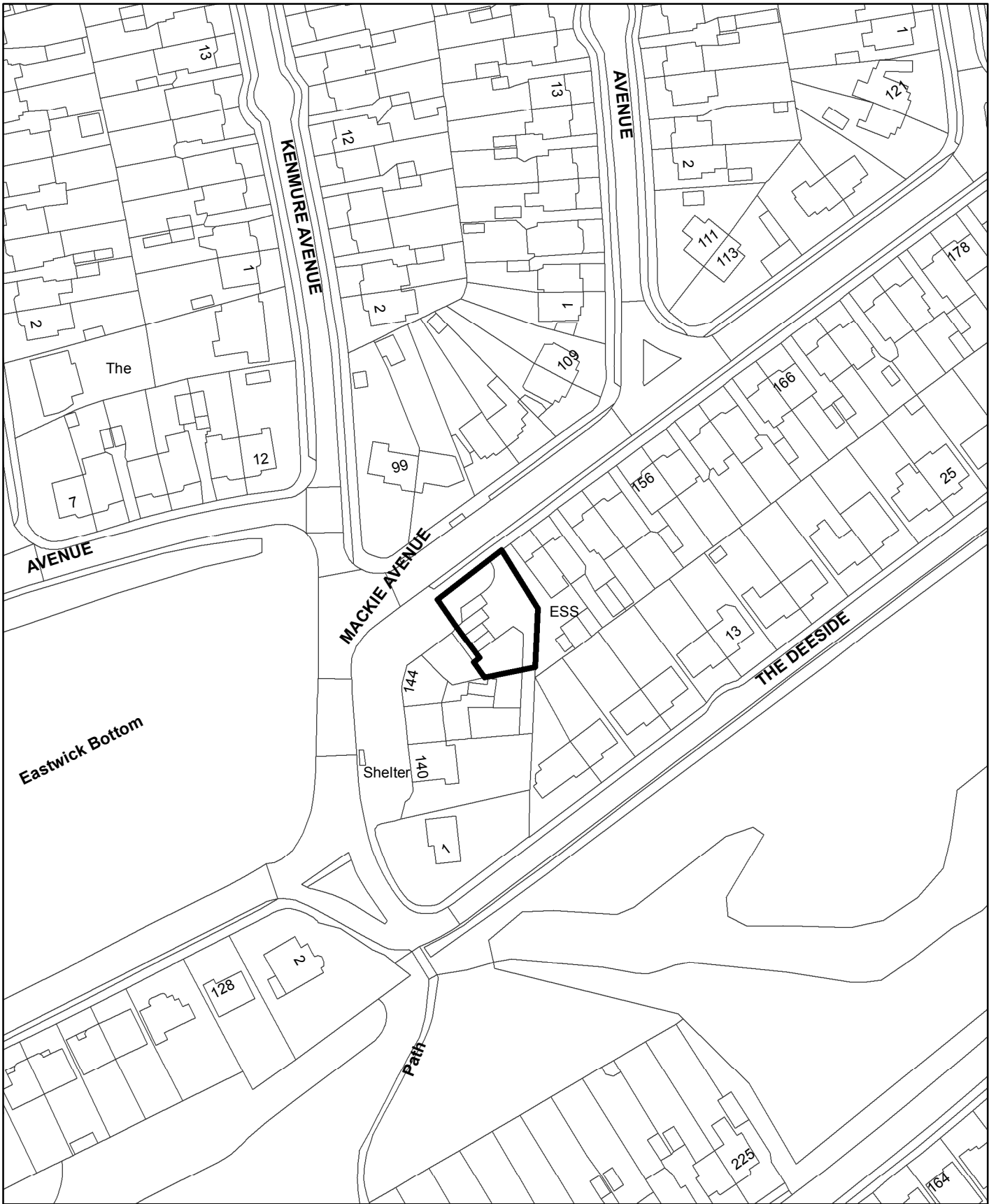
- 9.1. Policy HO13 seeks access standards above normal Building Regulations. Conditions are attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

ITEM C

**Land to the Rear and Side of
146 Mackie Avenue
BH2019/01049
Full Planning**

DATE OF COMMITTEE: 4th December 2019

BH2019 01049 - Land to the Rear and Side of 146 Mackie Avenue



Scale: 1:1,250

<u>No:</u>	BH2019/01049	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To The Rear And Side Of 146 Mackie Avenue Brighton BN1 8SB		
<u>Proposal:</u>	Demolition of existing garages and erection of 2no two storey three bedroom dwellings (C3) with habitable roofspace, landscaping, car parking and associated works.		
<u>Officer:</u>	Russell Brown, tel: 296520	<u>Valid Date:</u>	08.04.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03.06.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Simon Bareham Lewis and Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Roger Abrahams C/o Lewis And Co Planning SE Ltd		

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	TA1064/ 01	B	6 November 2019
Proposed Drawing	TA1064/ 10	F	6 November 2019
Proposed Drawing	TA1064/ 11	C	8 April 2019
Proposed Drawing	TA1064/ 12	C	6 November 2019
Proposed Drawing	TA1064/ 13	C	8 April 2019
Proposed Drawing	TA1064/ 14	B	8 April 2019
Proposed Drawing	TA1064/ 15	B	8 April 2019
Proposed Drawing	TA1064/ 16		7 November 2019
Report/Statement	Arboricultural Assessment and Method Statement		8 April 2019
Report/Statement	Tree Management Schedule		12 November 2019

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

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

3. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted Arboricultural Assessment and Method Statement (Nicholas Jones Consultants Limited, 13 March 2019) are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with Policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.
4. The Ash trees on site shall be maintained in perpetuity as set out in the submitted Tree Management Schedule (Nicholas Jones Consultants Limited, 12 November 2019) hereby approved, other than as may be permitted by prior approval in writing from the Local Planning Authority.
Reason: To continue to enhance the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 (as amended), and in accordance with Policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.
5. 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 Policy CP8 of the Brighton & Hove City Plan Part One and SPD16 Sustainable Drainage.
6. The development hereby permitted shall not be occupied until the modified crossover and access has been constructed. It shall be permanently retained as approved thereafter unless planning permission is obtained from the Local Planning Authority.
Reason: In the interests of highway safety and to comply with Policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
7. The vehicle parking areas 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.

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

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

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

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

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

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

11. The side elevation windows at second floor level and the rear elevation windows at first floor level of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy QD27 of the Brighton & Hove Local Plan.

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

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

13. 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.

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties, to the character of the area and to the protected trees to the rear, 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.

15. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 11.
3. The water efficiency standard required under condition 8 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 planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. Planning permission is sought for the demolition of four existing garages and a front boundary wall to provide 2, three bedroom dwellinghouses (Use Class C3) of two storeys with habitable roofspace, together with hard and soft landscaping, two car parking and associated works.
- 2.2. The application site is located to the southern side of Mackie Avenue and it is bounded to the south west by mixed use commercial with residential flats above and the north east by residential semi-detached properties. The application site comprises land currently used for garaging separated from the highway by a brick wall and recycling facilities. The site includes a group of Ash trees subject to a Tree Protection Order (TPO) and vegetation to the rear as well as a green access route which runs to the rear of the neighbouring terrace immediately to the south of the site. The area is predominantly residential with semi-detached houses interspersed with bungalows.
- 2.3. It is not located within a Controlled Parking Zone (CPZ).

3. RELEVANT HISTORY

- 3.1. BH2015/03658: Planning permission was refused for the demolition of existing garage and erection of 3 two storey three bedroom dwellings. An appeal was also dismissed in May 2016.
- 3.2. BH2017/03450: In September 2018, planning permission was refused for the demolition of existing wall and garages and erection of 2no three bedroom semi-detached dwellings. The reasons for refusal were:

1. The site layout and density would jeopardise the future preservation of 2 on-site trees which are the subject of a Tree Preservation Order, to the detriment of the visual amenities of the area and contrary to policy QD16 of the Brighton and Hove Local Plan.
2. The proposed development, by reason of the proximity of the building to 146 Mackie Avenue and its forward projection, would have an awkward relationship with the adjacent building, appearing unduly prominent and cramped, representing an overdevelopment of the site and causing significant harm to the character and appearance of the locality. The proposals would, therefore, be contrary to policy CP12 of the Brighton and Hove City Plan Part One.
3. The standard of accommodation provided for future occupiers of the proposed development would be compromised by the close proximity of the buildings rear facing windows and outside amenity space to the canopies of mature trees to the rear. The resultant overshadowing would result in gloomy conditions, particularly within the gardens and living areas. The proximity would mean that the outlook from the rear facing windows of the bedrooms within the roof would be unacceptably limited. The proposed development is considered to offer unacceptable living conditions for future occupiers, contrary to policy QD27 of the Brighton and Hove Local Plan.

3.3. BH2018/03022: T1-T2-T3- Reduce height by no more than 1.5m to strong lateral growth, Crown reduce lateral spread by no more than 2m until the lowest lateral branches where up to 2.5m max may be reduced, Crown lift to 4.5m above ground level. Approved 15th November 2018

4. REPRESENTATIONS

- 4.1. **Six (6)** representations have been received objecting to the proposed development for the following reasons:
- Parking stress
 - Increased noise
 - Damaging impact on protected trees
 - Overdevelopment of the site
 - Negative impact on neighbouring amenity such as overlooking, overshadowing, etc
 - Detrimental impact on the visual amenities of the area

5. CONSULTATIONS

5.1. Arboricultural Consultant:

- The arboricultural impact assessment and method statement submitted with the application is in accordance with the recommendations of BS5837:2012.
- There would be a small incursion into the Root Protection Area (RPA) of one ash tree (T1) equating to 2.75% of the total RPA. The remaining part

of the RPA would be protected throughout construction by temporary ground protection. This is considered acceptable.

- The proposed works, subject to compliance with the submitted details, will not have a significant or adverse impact on the health of the trees or the amenity value they provide.
- However, conditions preventing the removal of or damage to trees (if not otherwise replaced on a like-for-like basis) and securing compliance with the AIA and method statement shall be attached to any consent.

5.2. **Highway Authority:** No objection subject to recommended conditions relating to the new crossover and the reinstatement of the footway from a crossover, hardstanding and details of secure cycle storage.

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);
- Shoreham Harbour Joint Area Action Plan (October 2019)

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
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density

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

TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents and Guidance:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPGBH 9	A guide for Residential Developers on the provision of recreational space

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main planning considerations material to this application are the principle of development, the design of the dwellinghouses, their impact on trees, neighbouring amenity, the standard of residential accommodation created and the impact on the highways network.

Principle of development

- 8.2. There are no local planning policies that protect garages, although any subsequent impact on the local area, particularly on the availability of on-street parking spaces, through the loss of private parking spaces must be acceptably mitigated. This will be discussed in more detail within the highways section of this report.
- 8.3. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings. The Council's most recent land supply position was published in the 2018 SHLAA Update (February 2019) which showed a marginal surplus (4.5 years supply) assuming a 20% buffer as per NPPF paragraph 73 given that there has been significant under delivery of housing over the previous three years. 4130 of these new homes will be delivered within the built up area. The site also counts as a small 'windfall site', and the gain of two dwellings contributes towards meeting the planned housing requirements for the city and ongoing five year supply requirements. The impact of the proposal on the character and appearance of the area, the design of the proposed development, the impact on neighbouring amenity, the standard of accommodation created and other matters are discussed below.

Density

- 8.4. The Patcham neighbourhood has a gross density of approximately 17 dwellings per hectare (dph). The proposed development would provide approx. 23.5 dph.
- 8.5. On the basis that the proposal would reflect the neighbourhood's positive characteristics (two storey semi-detached dwellings and diverse architecture reflecting changing styles through time) and would better contribute towards creating a sustainable neighbourhood (the dwellings meet optional technical standards for access and the nationally described space standards, and incorporate environmental sustainability improvements), Officers consider the proposed density acceptable and in line with City Plan Part One Policy CP14.

Design, appearance and landscaping

- 8.6. The site is located at a prominent junction of Mackie Avenue and Kenmure Avenue. In terms of visual qualities along Mackie Avenue and neighbouring roads, the area has a variety of properties both in terms of scale and appearance. There is also a fall in land levels from the north to the south.
- 8.7. Brighton & Hove City Plan Policy CP12 and Local Plan Policy QD5 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. These policies require that new infill developments do not result in detriment to the amenity of the surrounding area.
- 8.8. It is considered that the height, width, form and overall appearance of the properties would complement the immediate neighbouring residential development. With the exception of changes to the front door and porch arrangement, inclusion of obscure glazed windows at high level within the side elevations and the inclusion of two rooflights to each property, they are identical in scale and appearance compared with the previous 2017 application.
- 8.9. Therefore, the proposed semi-detached pair would align with the front building line of the residential properties to the north-east of the site, and would be the same distance from no. 146 to the south-west. It was previously concluded in a report that the relationship between the existing and proposed buildings would be awkward when the site is viewed from the south-west. This was because nos. 140-146, which comprises commercial and residential units, follow the curve of the road and are set back from the established building line of houses (no. 148 onwards) that are to the north east and the curve of the road is no longer evident.
- 8.10. Following a site visit and further design-based rationale being submitted in support of the current site layout, Officers consider that it is more appropriate for the new dwellings to follow the building line of the two storey semi-detached pair to the north east (nos. 148 and 150) rather than the three storey mixed use building that follows the curve of the corner of Mackie Avenue opposite Kenmure Avenue. Whilst in plan form and in views from the car park in front of nos. 140-146 the step or stagger in the building line

appears relatively prominent, the impact of perspective means that any perception of a large step or stagger in the building line is softened. This would be the case in angled views from the open space to the west and from Plainfields Avenue. Siting the buildings in this position would also be beneficial in obscuring the obtrusive side elevation of 148 Mackie Avenue, hiding the poor quality cladding and over-scaled dormer.

- 8.11. Furthermore, the current proposal makes best use of the site considering the location of the protected trees to the rear, the need to provide sufficiently sized external amenity space and car parking spaces to the front. If the houses had been moved backwards, this would have meant increasing their width, bringing them closer to adjoining properties and representing a cramped form of development as referred to in one of the previous refusal reasons.
- 8.12. Therefore, Officers now consider that the proposed dwellings would not have an awkward relationship with the adjacent building (no. 146) since this is of a totally different scale, form and location within the street, and indeed it has an alternative purpose, both in terms of use and forming the corner of the curve in Mackie Avenue. Whilst the step in building line would be approx. 3.4m, this would not be unduly prominent due to only being visible in some views from the south-west, most notably in the car park pertaining to no. 146. Officers do note that whilst it may be preferable to site the buildings exactly in-between nos. 146 and 148 this is not possible due to the location of access to drains and the rear gardens of nos. 140-146. Notwithstanding these constraints, it is not considered that they appear cramped or squeezed into a gap within the streetscene.
- 8.13. As previously noted, the density of the proposed development would only be slightly above the prevalent density in the neighbourhood and, in this case, a density of less than 50dph is considered acceptable.
- 8.14. The proposed dwellinghouses are more traditional in their appearance to reflect the immediate neighbouring dwellings and whilst the residential part of the street has a mix of building types, the proposed dwellinghouses would have similar characteristics to the adjacent properties and no concerns are raised.
- 8.15. In terms of landscaping, a proposed plan has been provided, which shows lawns and timber decked patios surrounded by close boarded timber fences to the rear with permeable pavers to the parking areas at the front, bounded by planting. This is considered acceptable.
- 8.16. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 8.17. It is considered necessary to restrict permitted development rights to avoid an adverse impact upon the trees to the rear, the architectural form of the

new dwellinghouses and the appearance of the area from any kind of extension, outbuilding or new opening.

Trees

- 8.18. Following consultation with the Council's Arboricultural Consultant, it is clear that the amount of incursion into the Root Protection Area (RPA) of the ash tree (marked as T1 on the Tree Protection Plan) is minor in scale and would not warrant a refusal of this application. As such, the current proposal would overcome the first refusal reason of BH2017/03450 in that it would not jeopardise the future preservation of any of the trees on site the subject of a Tree Preservation Order (TPO).
- 8.19. It is noted that the remaining part of the RPA (97.25%) would be protected throughout construction by temporary ground protection as identified in the submitted Arboricultural Assessment and Method Statement, compliance with which is recommended to be secured by condition.
- 8.20. In terms of refusal reason 3 of BH2017/03450, this refers to the canopies of mature trees to the rear. It is worth noting that Trees T1, T2 and T3 have been reduced in height by a maximum of 1.5m, laterally crown reduced by up to 2.5m and have been crown lifted to 4.5m above ground level (as approved by BH2018/03022). This impact upon the proposed standard of accommodation will be discussed later on in this report.
- 8.21. Given that the principle of undertaking works to these trees has been established by BH2018/03022, the development is unlikely to put the trees under pressure to be removed. Tree works shall be controlled in the future through a tree maintenance schedule, which has been submitted, and compliance with it shall be secured by condition. Officers consider that it has been demonstrated that the development would not have an adverse impact on the well-being of the trees.

Impact on neighbouring amenity

- 8.22. 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.
- 8.23. The proposed development is not considered to have a significantly detrimental impact on future occupiers. The positioning, bulk and scale of the proposed building is not considered to represent a harmful impact on the amenity of neighbouring residential properties.
- 8.24. It is considered necessary to restrict permitted development rights to avoid an adverse impact upon neighbouring amenity given the close proximity of dwelling to the side and rear of the site from any kind of extension, outbuilding or new opening. For example, new windows or a new outbuilding within the rear garden of one of the dwellinghouses could cause overlooking to neighbouring gardens.

Standard of accommodation

- 8.25. 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.
- 8.26. 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 that would offer occupants useable floor space once the usual furniture has been installed.
- 8.27. The proposed houses would feature three bedrooms and a bathroom to the upper floors, and an open-plan living room / kitchen at ground floor. The houses would have a Gross Internal Area (GIA) of 114m², which complies with the guidance within the Technical Housing Standards - Nationally Described Space Standard. Furthermore, the proposed section demonstrates that more than 75% of the GIA would have an internal floor to ceiling height of above 2.3m. The bedrooms and living areas are sufficiently sized and would allow adequate room for furniture and circulation.
- 8.28. The proposed gardens are modestly sized. It is noted, however, that there is an extensive public open space to the west of site as well as Mackie Park a seven minutes' walk to the west and Ladies Mile Local Nature Reserve a 10 minutes' walk to the east. In this instance, therefore, it is considered that the provision of outdoor amenity space for occupiers would be adequate and in accordance with Policy HO5.
- 8.29. Concern was raised in the consideration of the previous application about the close proximity of the dwellings' rear facing windows and external amenity space to the canopies of mature trees within the garden, and the subsequent detrimental impact on the proposed standard of accommodation. Since then, the trees have been the subject of works laid out in paragraph 8.20. It has been confirmed that the tree protection and layout plans are accurate in terms of having been produced post-works. As a result it is considered that the gardens of the dwellings would now benefit from acceptable amounts of natural light through the absence of overshadowing during the afternoons. Compliance with a tree maintenance schedule shall be conditioned as laid out in paragraph 8.19.
- 8.30. With regards to the impact on the living areas from the trees, although the internal accommodation for the two houses has not been re-arranged, the combination of natural light from the front (north) and the tree works means that the impact would not be sufficient, nor would it justify a refusal of permission.

- 8.31. The third reason for refusal also mentions the outlook from the rear-facing second floor bedroom windows as being limited. Two conservation style rooflights have now been proposed to light this space and offer some outlook, or at least views of the sky. In light of the standard of accommodation being acceptable when viewed in its entirety, it is considered that the outlook is now sufficient for future occupiers.
- 8.32. As such, proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

Highways

- 8.33. The proposal could cause the displacement of four cars onto the street. Even if the garages were in use for vehicle storing, it is unlikely that any of the vehicles would be parked on the street as they are likely one or more of the following:
- are not in daily use;
 - do not have a parking permit;
 - do not have an MOT;
 - do not have insurance;
 - are waiting to be repaired; or
 - are waiting to be sold.
- 8.34. As such, Officers do not consider that the proposal would significantly add to the problems with car parking in the wider Brighton area, or create parking stress on surrounding streets.
- 8.35. The proposed off-street car parking spaces are within the maximum standards and therefore this is considered acceptable. Overspill parking cannot be controlled as the site is not within a CPZ.
- 8.36. No objections are raised to the proposed changes to pedestrian access arrangements and access for vehicles are also considered acceptable subject to conditions regarding the modifications to the crossovers and dropped kerb, retention of the hardstanding for parking and to ensure its porosity and/or permeability. This and the means of drainage can be included within a landscaping scheme. It is considered that this would also help to ensure the surplus areas / green verges cannot be parked upon.
- 8.37. Four cycle parking spaces, two for each dwelling, are required and it has been suggested that these could be accommodated within the rear gardens. Since both gardens can be assessed to the sides of the dwellings without needing to pass through them, this is considered acceptable. It is not considered necessary to condition details as the stores would not be visible from the public realm, only that they need to be provided as secure and dry.
- 8.38. Refuse and recycling bins can be left on the large area of hardstanding to the front of the dwellings. It has been confirmed that the waste and recycling facilities located on the site can be moved within one month's notice being

served. The relocation of the telecommunications cabinet is not a planning consideration.

Sustainability

- 8.39. 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. Therefore, conditions are recommended to be applied to ensure the development meets those standards.

Summary

- 8.40. It is considered that the current proposal has sufficiently overcome the previous reasons for refusal of the previous scheme. The weight given to the proposed dwellings making a small, but vital contribution to the City's housing supply is considered to outweigh any harm caused and it is considered that conditions can further satisfactorily address any outstanding impacts. The application is therefore recommended for approval.

9. EQUALITIES

- 9.1. Policy HO13 seeks access standards above normal Building Regulations. Conditions are attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

ITEM D

**Land Adjacent To 44 Hythe Road
BH2019/02589
Full Planning**

DATE OF COMMITTEE: 4th December 2019

BH2019 02589 - Land Adjacent To 44 Hythe Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/02589	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjacent To 44 Hythe Road Brighton BN1 6JS		
<u>Proposal:</u>	Erection of a 5no bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	10.09.2019
<u>Con Area:</u>	Adjoining Preston Park	<u>Expiry Date:</u>	05.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Folkes Architects	The Old Forge	6 Church Street Storrington RH20 4LA
<u>Applicant:</u>	Mr Jack Ravan	4 Whylands Avenue	Worthing BN13 3HG West Sussex

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	2.00		29 August 2019
Proposed Drawing	2.01	C	13 November 2019
Proposed Drawing	2.02	C	13 November 2019
Proposed Drawing	2.03	C	13 November 2019
Proposed Drawing	2.04		10 September 2019
Proposed Drawing	2.05	A	13 November 2019

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, and tiling
- details of fenestration
- samples of all hard surfacing materials
- samples of all other materials to be used externally

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

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

4. 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.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

6. The development hereby permitted shall not be occupied until the redundant vehicle crossover to the front of the property has been converted back to a footway by raising the existing kerb and footway.

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

7. The new residential unit hereby approved shall not be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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

8. The new residential unit hereby approved shall not be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

9. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no.2.01 C

received on 13th November 2019, and shall be retained as such thereafter. The layout of the annotated communal area shall be retained as communal space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

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

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

11. The HMO unit hereby approved shall only be occupied by a maximum of six (6) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 5 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.
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a plot of land situated between no's 44 and 48 Hythe Road, located on the southern side of Hythe Road. To the west and east of the site are semi-detached properties (no's 42 and 44 Hythe Road to the west and no's 48 and 50 Hythe Road to the west. The site backs onto the properties of Preston Drove to the rear and is adjacent to the Preston Park

Conservation Area. Hythe Road is residential in character, featuring dwellings of differing scale, type and detailing. The majority of the properties are terraced, featuring extensive roof alterations.

2.2. Planning permission is sought for the erection of a 5no bedroom house in multiple occupation (C4).

2.3. During the course of the application the design of the rear elevation has been amended and the rear balconies removed and amendment to cycle provision.

3. RELEVANT HISTORY

3.1. BH2018/00614 (46 Hythe Road)- Erection of 1no two storey dwelling house with basement (C3). Approved 04.09.2018.

4. REPRESENTATIONS

4.1. **Forty (40)** letters of representation have been received objecting to the proposal for the following reasons:

- Disruptive to services and area
- Loss of amenity
- Attracts certain tenants
- Should be a family home
- Traffic and parking issues
- Littering
- Too many students
- Noise
- Anti-social behaviour
- Loss of privacy and overlooking
- Object to balconies
- Leave the area to greenery
- Universities should provide more housing
- Poor design

4.2. **Councillor Hugh-Jones** objects to the proposal, a copy of the letter is attached.

5. CONSULTATIONS

5.1. **Transport:** No Objection
No objection subject to conditions.

5.2. **Private Sector Housing:**
The applicant will need to apply for a HMO license.

6. MATERIAL CONSIDERATIONS

6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and

proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Action Area Plan (adopted October 2019)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents

SPD14	Parking Standards
-------	-------------------

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relates to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport issues.

Principle of Development:

- 8.2. This application seeks consent for the erection of a 5no bedroom small house in multiple occupation (C4).

- 8.3. No objection is raised in principle to a new dwelling on the site given that it appears to be a suitable site for development. The plot size and space between the dwellings either side of the dwellings would allow for a new dwelling to fit within the space, respecting the building line and general development pattern within the street.
- 8.4. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and applications for new build HMO and states that:
In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for new build HMO, and applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.*
- 8.5. A mapping exercise has taken place which indicates that there are 75 neighbouring properties within a 50m radius of the application property; 3 other properties have been identified as being in use as a HMO. On this basis, the percentage of HMOs within the designated area is thus 4%. Based upon this percentage, which is less than 10%, the proposal to change to a HMO would be in accordance with policy CP21.

Design and Appearance:

- 8.6. Policy CP12 of the Brighton and Hove City Plan Part One sets out the design criteria for applications of this nature. This policy requires proposals to raise the standard of architecture and design in the city and respect the character of the city's identified neighbourhoods.
- 8.7. Hythe Road and Preston Drove to the rear are formed of linear terraces and semi-detached pairs set in a tight urban grain with consistent back-to-back separations and modestly sized rear gardens. Hythe Road, features dwellings of differing scale, type and detailing, the majority of the built form are terraced, comprising Victorian terraces on the north side and modern post-war terraces on the south side. The application site forms a gap in the street on the south side between no's 44 and 48 Hythe Road which are each one half of a semi-detached pair.
- 8.8. The application proposes to erect a four storey dwelling including a basement level and roof accommodation. The proposed dwelling follows the existing building line within the streetscene, and retains a set-back from the highway, which is a characteristic of neighbouring properties. The ridge height of the dwelling would be slightly lower than the ridge of no's 48/50 to the east and slightly higher than no's 44/46. There is a variance of ridge heights within the streetscene and therefore this arrangement respects the general topology

within the street. The mix of materials, featuring face brickwork, slate effect cement tiled roof and aluminium fenestration would be appropriate and would fit within the mix of materials prevalent within the streetscene.

- 8.9. The dwelling would feature large front and rear dormer windows which would be contrary to SPD12 guidance, however based on the addition of a number of front and rear dormers of varying design and scale, these additions would be acceptable in this context.
- 8.10. The rear of the site would be excavated to facilitate a basement level with rear projection. This element of the works would be acceptable in design and scale.
- 8.11. Overall it is considered that the proposed dwelling design would not harm the visual amenities of Hythe Road or the adjacent Preston Park conservation area.

Standard of Accommodation:

- 8.12. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm.
- 8.13. The property would comprise of a communal area with utility/storage and shower room at lower ground floor level, 2no bedrooms and 2no en-suites at ground floor level, 2no bedrooms and 2no en-suites at first floor level and 1no bedroom and en-suite at second floor level.
- 8.14. The communal area at lower ground floor level, measuring approximately 50sqm could adequately accommodate a 5 bedroom (6 person) property. The space would be functional with good levels of circulation space, light and outlook and would provide an acceptable standard of accommodation. Notwithstanding this, a condition is recommended restricting the use of the kitchen/living room for communal use only to ensure that alterations to the layout are not made at a later date that reduces the amount of communal space provide for future occupiers.
- 8.15. The bedrooms meet the government minimum national space standards and are adequate in terms of size, circulation space and layout to cater for the furniture needed and with good levels of natural light and outlook. The basement level is served by large bi-folding doors which would provide adequate levels of light and outlook and would open up onto a garden space. The space and head height within the roof would be adequate in size to cater for a bedroom.

8.16. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Impact on Amenity:

8.17. 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.

8.18. The new dwelling would be positioned between no. 44 Hythe Road and 48 Hythe Road. The property would be built on a similar building line to both neighbouring properties. The rear building line would be shallower than no. 44 to the west and as such no impact is envisaged to the windows serving the rear rooms of this property in terms of loss of light or outlook. The rear building line would project beyond the rear building line of no's 48 and 50 to the east; the projection would be at basement level as the main body of the house would be in line with no's 48 and 50. No. 48 has been subdivided into flats; at basement level the fenestration closest to the application site is a window and door. There would be no change to the existing rear boundary treatment and therefore no loss of amenity would result.

8.19. Whilst objections have been raised in relation to overlooking toward the neighbouring properties of Preston Drove to the rear, the views afforded from the rear windows would be similar to the existing arrangement from neighbouring properties. It is not considered that the views from the proposed dormer window would be substantially different from those from existing rear dormer windows to neighbouring properties and as such no further significant harm over and above existing relationships in the area is considered to result. The rear balconies have been removed from the scheme.

8.20. The erection of a 5no bedroom small house in multiple occupation (C4) would result in a more intensive use of the site and a greater impact on the immediate and surrounding area. It is though considered that the impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission.

8.21. The size of the bedrooms equate to double bedrooms, meaning the five bedroom HMO could accommodate up to ten unrelated adults. Therefore, a condition is recommended restricting the occupants to 6 persons, as an increase in number of occupants above this could result in amenity harm, particularly given that the proposed property is a terraced property. Whilst some properties, predominantly larger detached dwellings, can adequately accommodate more adults without resulting in significant harm to neighbouring amenity, a terraced or semi-detached property would magnify the impact due to the close proximity and the party wall. The level of activity that would occur from more than 6 unconnected adults living together would be more intensive when compared to a typical family, even with a similar

number of members, due to more frequent comings and goings, different patterns of behaviour and the consequential disturbance.

- 8.22. Given the addition of a new build on the site it is considered that that further extensions to the property under permitted development could potentially have an adverse impact on the character of the property or surrounding area or cause detriment to the amenities of occupiers of nearby properties and therefore a condition has been attached removing 'permitted development' rights.

Sustainability:

- 8.23. 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. Therefore conditions will be attached to ensure the development meets the standards set out in policy CP8.

Sustainable Transport:

- 8.24. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 8.25. The applicant is proposing to remove the two existing two parking spaces and therefore the associated crossover will become redundant. Therefore a condition is attached to remove the crossover and the footway and kerb edge reconstructed and reinstated.
- 8.26. The proposed scheme does not provide any on site car parking and therefore overspill may occur on the highway. The site is located within a Controlled Parking Zone (CPZ). Given the potential variance in uptake across a CPZ, where permit uptake is over 80% over the previous 12 months no additional vehicles are permitted without a supporting parking survey. Permit uptake within Zone F for the preceding 12 months averages 92%. Therefore, it is recommended that the development be made car free and that this is secured by condition.
- 8.27. The application is proposing 3no cycles to be stored within a hallway store which are considered acceptable; these will be secured via condition.

9. EQUALITIES

None identified.

Cllr. Hugh Jones
BH2019 02589 - Land Adjacent To 44 Hythe Road

09/10/2019:

I understand that given the number of objections from residents, this application will be coming to Planning Committee. I wish to object to the above development on the following grounds:

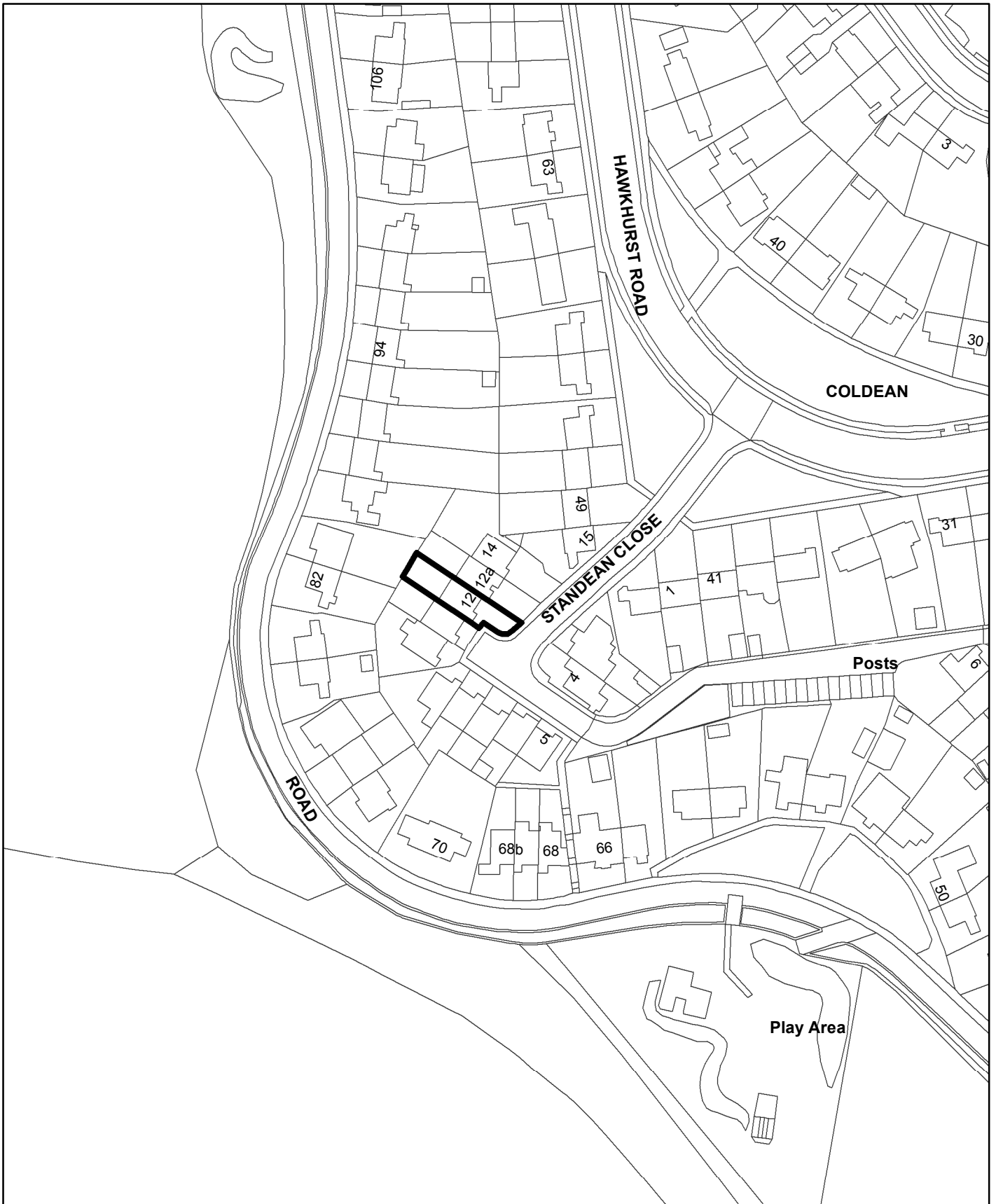
- planning permission for a family home has already been granted on this plot. The application for a change of use before the house has even been built appears highly unusual.
- The plot is extremely small, so I am concerned about the impact of building a 5-bedroom house on a plot that size in terms of the loss of amenity to neighbours.
- Finally, although I welcome the creation of cycle parking in place of the existing car parking spaces, I am concerned that the existing dropped curb could be removed and new car parking spaces created on the street. This would result in an increased burden on what is already a very congested parking area. If planning permission is indeed granted I would suggest that a condition be attached removing the possibility of on-street parking for the residents of the property.

ITEM E

**12 Standean Close
BH2019/02674
Full Planning**

DATE OF COMMITTEE: 4th December 2019

BH2019 02674 - 12 Standean Close



N



Scale: 1:1,250

<u>No:</u>	BH2019/02674	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	12 Standean Close Brighton BN1 9EU		
<u>Proposal:</u>	Change of use from three bedroom residential dwelling (C3) to six bedroom small house in multiple occupation (C4), incorporating conversion of garage into habitable space and associated alterations. (Part-Retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	06.09.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	CAT Architectural Services 2RQ	76 Hawth Park Road	Seaford BN25
<u>Applicant:</u>	Mr John Wright	36 Green Ridge	Brighton BN1 5LL

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	02		6 September 2019
Location and block plan	03		6 September 2019

2. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no.02 received on 6th September 2019, and shall be retained as such thereafter. The layout of the annotated communal areas shall be retained as communal space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

4. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a two storey terrace property located on the north-east side of Standean Close.
- 2.2. The property is not located in a conservation area, but there is an Article Four Direction in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or sui generis use class).
- 2.3. This application seeks consent for the change of use from a three bedroom residential dwelling (C3) to six bedroom small house in multiple occupation (C4), incorporating conversion of garage into habitable space and associated alterations. (Part- Retrospective).
- 2.4. HMO licencing records, Council Tax records and a site visit has identified the property as being in HMO use and therefore the application description has been amended to part-retrospective. No internal or external works have been undertaken.

3. RELEVANT HISTORY

None

4. REPRESENTATIONS

- 4.1. **Thirteen (13)** letters of representation have been received objecting to the proposal for the following reasons:
 - Noise nuisance and anti-social behaviour
 - Traffic and parking issues
 - Already HMOs at no 8, 12a and 15
 - If garage converted no place to store bikes

- External works out of keeping
- Overdevelopment
- Already too many HMO's in the area
- Extra strain on services and parking
- Area needs more family homes
- Loss of Council Tax
- Some neighbours not notified

4.2. **Councillor Fowler** objects to the proposal, a copy of the letter is attached.

5. CONSULTATIONS

5.1. Transport:

No comment

5.2. Private Sector Housing:

The HMO licencing standards should be adhered to.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Action Area Plan (adopted October 2019)

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Supplementary Planning Documents

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relates to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport issues.

Principle of Development:

8.2. This application seeks consent for change of use of existing single dwelling house (C3) to 6 bedroom small house in multiple occupation (C4).

8.3. Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.*

8.4. A mapping exercise has taken place which indicates that there are 34 neighbouring properties within a 50m radius of the application property; 2 other properties have been identified as being in use as a HMO. On this basis, with 2 other properties being identified as being in use as a HMO the percentage of HMOs within the designated area is thus 5.8%.

8.5. Based upon this percentage, which is less than 10%, the proposal to change to a HMO would be in accordance with policy CP21.

8.6. It is noted that neighbours have raised concerns with regards to a number of properties within the 50m radius that they consider to be occupied as a C4 Use. The Council has looked into these addresses and two of the addresses have been identified as being in use as a HMO managed by the University of Brighton. The University of Brighton (as an educational establishment) which manage a dwelling with up to 6 students living together falls within class C3(c) rather than as a C4 HMO. Therefore, the two identified properties have not been counted as part of the mapping exercise and the above HMO percentage within a 50m radius remains as 5.8%.

Design and Appearance:

- 8.7. The proposed external alterations to facilitate the garage conversion would involve the replacement of the existing garage door opening with a window. These works are considered acceptable in design terms and are further considered to be alterations which could be carried out under "permitted development" and therefore not require planning permission. Whilst it is noted that the row of terraces all retain garages at lower level which results in a uniformity, the removal of this feature would not result in significant harm to warrant refusal of the application.

Standard of Accommodation:

- 8.8. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm.
- 8.9. The changes to the internal layout of the property, including the conversion of the garage to habitable space would result in 4no bedrooms and bathroom at first floor level, 2no communal areas, a bedroom and shower and wc at ground floor level and a bedroom at lower ground floor level.
- 8.10. The bedrooms meet the government minimum national space standards and are adequate in terms of size, circulation space and layout to cater for the furniture needed and with good levels of natural light and outlook.
- 8.11. The communal areas, which are not labelled, could adequately accommodate a kitchen/dining area and separate living room and measuring approximately 24.9sqm combined would be sufficient for a 6 person property. The space would be functional with good levels of circulation space, light and outlook and would provide an acceptable standard of accommodation. Notwithstanding this, a condition is recommended restricting the use of the communal areas for communal use only to ensure that alterations to the layout are not made at a later date that reduces the amount of communal space provide for future occupiers.
- 8.12. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Impact on Amenity:

- 8.13. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing

and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.14. The property most likely to be affected by this development is the adjoining properties no's 11 and 12a Standean Close.
- 8.15. The proposed change of use from a C3 dwellinghouse to a six bedroom C4 HMO would result in a more intensive use of the property and a greater impact on the immediate and surrounding area. It is considered that the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission.
- 8.16. The proposed external works would not result in amenity harm.
- 8.17. Given that there is a maximum occupancy of 6 persons and an increase in occupancy any further would amount to a change of use to a Sui-Generis use which would require planning permission in itself, it is not considered necessary to restrict the number of occupants by way of a condition. Furthermore, it is not considered that further extensions to the property under permitted development would have an adverse impact on the character of the property or surrounding area or cause detriment to the amenities of occupiers of nearby properties.

Sustainable Transport:

- 8.18. An uplift in the number of trips could be expected as a result of the proposals. However, it is not considered that this would be substantial or amount to a severe impact upon surrounding highway and transport networks.
- 8.19. Cycle parking has not been proposed and the site does benefit from space to provide this and therefore a condition will be attached requiring details of this.

Other Matters:

- 8.20. It is noted that concerns have been raised regarding neighbour consultations. The Council has looked this and it can be confirmed that these neighbours were notified as part of the validation process.

9. EQUALITIES

None identified.

Cllr. Theresa Fowler
BH2019 02674 - 12 Standean Close

01/10/2019:

Comment Reasons:

- Overdevelopment

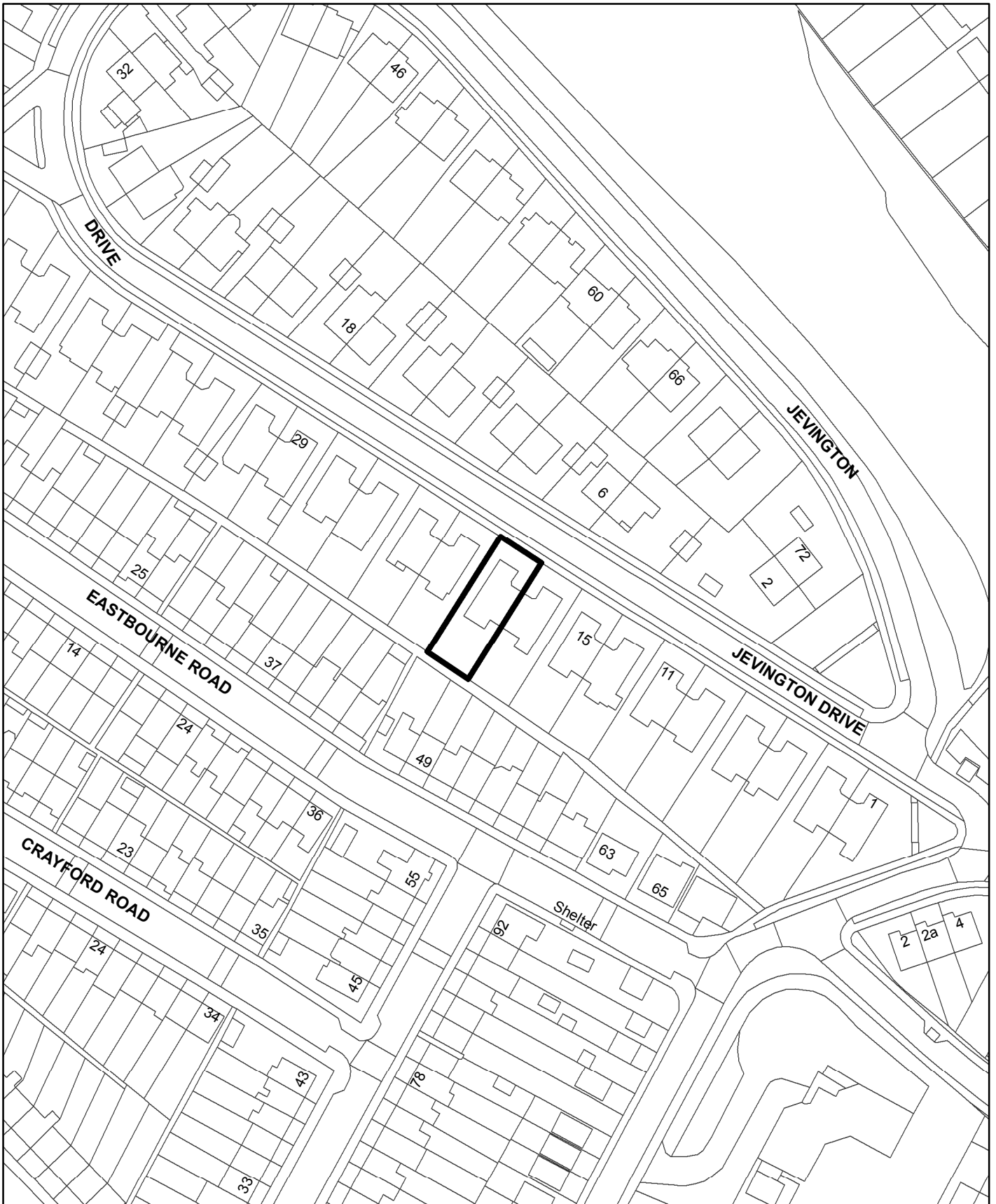
Comment: I object to another HMO in this small Close. There are already 2 student house and I feel that another one with 6 rooms is overdevelopment in a small area. The increase in occupants who most likely will bring cars to the property will cause car parking issues in an area where people already suffer from congested car parking problems. Also 6 more students will upset the balance and is likely to cause more noise disturbances.

ITEM F

**19 Jevington Drive
BH2019/02436
Full Planning**

DATE OF COMMITTEE: 4th December 2019

BH2019 02436 - 19 Jevington Drive



N



Scale: 1:1,250

<u>No:</u>	BH2019/02436	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 Jevington Drive Brighton BN2 4DG		
<u>Proposal:</u>	Change of use from 3no bedroom single dwelling (C3) to a 6no bedroom residential dwelling or small house in multiple occupation (C3/C4) with the insertion of front & rear rooflights. (Retrospective)		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	15.08.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10.10.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	The Planning Practice Ltd 18 Tillstone Street Brighton BN2 0BD		
<u>Applicant:</u>	Brightwhite Developments C/O The Planning Practice Ltd 18 Tillstone Street Brighton BN2 0BD		

1. RECOMMENDATION

- 1.1 That had the Council determined the application prior to an appeal being lodged, the decision of the council would have been to be **MINDED TO GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	01		15 August 2019
Proposed Drawing	02		15 August 2019

2. The rooms annotated as kitchen/dining, and living room, as set out on the proposed floor plans drawing 0179 02, received 15 Aug 2019, shall be retained as communal space and shall not be used as a bedroom at any time.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. Within 3 months of the date of this permission, the cycle parking facilities shown on the approved plans shall 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.

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 semi-detached property on the south side of Jevington Drive.
- 2.2 Permission is sought for the conversion of the property from a dwellinghouse (C3) to flexible use six bedroom House in Multiple Occupation (HMO) (C4) or dwellinghouse (C3), with the insertion of front and rear rooflights. A site visit confirmed that the property is currently occupied as a HMO.
- 2.3 An appeal has been lodged against the non-determination of the application.

3. RELEVANT HISTORY

- 3.1 No planning history.

3.2 Licensing

2019/04752/HMO/PS- received 12/09/2019.

4. REPRESENTATIONS

- 4.1 **Eight (8)** representation has been received, objecting to the proposed development on the following grounds:

- detrimental impact on property prices
- not in keeping with the street
- imbalanced community
- school numbers affected
- increased pressure on car parking
- refuse and recycling issues
- potential noise and disturbance
- light disturbance
- small rooms with lack of soundproofing
- disturbance as a result of refurbishment works
- partition wall harms appearance of the building
- students have moved into the property

- 4.2 **Cllr Dan Yates, Cllr Amanda Grimshaw, and Cllr Kate Knight** object to the proposal, copies of the letters are attached.

5. CONSULTATIONS

- 5.1 **Sustainable Transport:** No objection.

It is recommended that a condition requiring implementation of cycle parking be applied.

5.2 Private Sector Housing: No objection.

Should the application be granted, the applicant would need to apply for a license, and the HMO licensing standards would need to be considered.

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

CP9 Sustainable transport

CP12 Urban design

CP19 Housing mix

CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development

TR14 Cycle access and parking

SU10 Noise Nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Documents:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use, its impact on neighbouring amenity and transport issues.
- 8.2 The application description was amended during the course of the application to fully describe the proposed flexible use as either residential dwellinghouse or a small HMO. It was established at the site visit that property is currently occupied as a small HMO. The application is therefore also updated to reflect that this is a retrospective application.
- 8.3 Planning Policy:**
Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*
- 8.4 A mapping exercise has taken place, which indicates that there are 35 neighbouring residential properties within a 50m radius of the application site. Three (3) other properties have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 8.6%. Based on this assessment, the proposal would be in accordance with policy CP21.
- 8.5 Standard of Accommodation**
The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm. The minimum floor space requires a head height of above 1.5m.
- 8.6 The proposed HMO would comprise a lower ground floor garage with cycle parking, a kitchen/dining/living area (24.5sqm), a shower room, a WC and five bedrooms (13sqm, 11.5sqm, 10sqm, 9sqm, 9sqm) on the ground floor, and a shower room and one bedroom (11sqm) on the first floor.
- 8.7 The first floor bedroom has a floorspace of 11sqm with a head height of over 1.5m and a floorspace of 8.3sqm with a head height of over 1.8m. This

bedroom is served by front and rear rooflights. Based on the size and position of the rooflights, it is considered that this room would benefit from adequate outlook.

8.8 Overall the communal space would be adequate for occupation by 6 persons. The bedrooms and communal areas would benefit from adequate circulation space, and the property overall would benefit from adequate natural light and ventilation. The standard of accommodation is considered to be acceptable.

8.9 Design and Appearance:

Two front and two rear rooflights have been installed. Of these one serves the staircase, another serves the shower room, and two serve the bedroom. It is considered that these do not harm the character and appearance of the building.

8.10 The extension to the rear appears to have been in place for more than 4 years according to Google Earth.

8.11 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.

8.12 The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. However as a small HMO (C4), it is considered that the impact would not amount to significant harm of a degree sufficient to warrant refusal of the application.

8.13 Sustainable Transport:

It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.

8.14 The application site is not within a Controlled Parking Zone, and outside of CPZ's the Local Planning Authority is not usually in a position to control any overspill parking. It is considered that the proposed development would not result in a significant uplift in parking demand sufficient to warrant refusal of the application.

8.15 SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. The application proposes to install two Sheffield stands in the garage, which is considered acceptable. It is recommended that the implementation of these details be secured by condition.

9. EQUALITIES

9.1 None identified.

**Cllr. Amanda Grimshaw
BH2019 02436 - 19 Jevington Drive**

05/10/2019:

Comment Reasons:

- Detrimental affect on property value

Comment: To many HMOs already in the area and this is having a detrimental effect on the community .

Cllr. Kate Knight
BH2019 02436 - 19 Jevington Drive

16/09/2019:

Comment Reasons:

- Because of the Additional Traffic
- Poor design

Comment: As a local ward councillor, I have been approached by a resident who lives in a nearby road, with concerns about this development.

Having looked at the plans, I share his concerns. This is a residential area that, over the past few years has seen an increasing number of properties being developed in this way. The impact on the local community has been highly detrimental, not least because of the greatly increased number of cars that result. Parking is already an issue in the area - with cars regularly parking on verges and blocking drives and providing 4 bike racks seems insufficient in terms of minimising that risk.

I am also concerned about the number of bedrooms (5) on the ground floor, with only one shower.

This seems to me to be case of over-development, without thought for the eventual residents of the property. These are the grounds for my objection.

Cllr. Dan Yates
BH2019 02436 - 19 Jevington Drive

02/10/2019:

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: Reasons for objection:

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the current and previously held licensing registers to check their impact on the 10% rule is properly taken into consideration.

Should the recommendation on this application be to approve I would like this application to come to committee please.

ITEM G

**7A Southover Street
BH2019/02700
Full Planning**

DATE OF COMMITTEE: 4th December 2019

BH2019 02700 - 7A Southover Street



Scale: 1:1,250

<u>No:</u>	BH2019/02700	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7A Southover Street Brighton BN2 9UA		
<u>Proposal:</u>	Change of use from dwellinghouse (C3) to four bedroom small house in multiple occupation (C4). (Retrospective)		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	10.09.2019
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	05.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	16.12.2019
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Alpha Projects (Sussex) Ltd C/O Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2019/17	D	10 September 2019

2. The HMO unit hereby approved shall only be occupied by a maximum of four (4) persons.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. The rooms annotated as utility room, kitchen/diner, and study rooms as set out on drawing 2019/17 D, received 10 September 2019, shall be retained as communal spaces and shall not be used as a bedroom at any time.
Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. Within 3 months of the date of this permission, the layout of the utility room shall be implemented in accordance with drawing 2019/17 D, received 10 September 2019, and shall be retained as such thereafter.
Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

5. Within 3 months of the date of this permission, 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. Within 1 month of the approval of details, the facilities shall be fully implemented and made available for use 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.

6. Within 3 months of the date of this permission, 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 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 6 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 of the restrictions upon the issuing of resident parking permits.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to an end of terrace property on the corner of Southover Street and Hanover Street, within the Valley Gardens Conservation Area. There is a flat in the lower ground floor and a maisonette on the ground, first and second floors above.
- 2.2 The property has been intermittently in use as a House in Multiple Occupation (HMO), and as a single dwellinghouse. The established use is therefore as a single dwellinghouse. It is currently occupied as a HMO, and retrospective permission is sought for the conversion of the property from a dwellinghouse (C3) to a four bedroom HMO (C4).

3.1 RELEVANT HISTORY

BH2019/01474- Change of use from dwellinghouse (C3) to four bedroom small house in multiple occupation (C4). Refused 12/08/2019 for the following reason:

- The accommodation provided by the proposed use of this property, in particular, the kitchen accommodation would not be of an acceptable standard due to insufficient space, with a layout that would provide poor circulation which is compromised further by the access to the toilet. For these reasons the application is contrary to policy QD27 of the Brighton and Hove Local Plan.

3.2 Licensing
2019/03755/HMOADD/PS- received 09/07/2019.

4. REPRESENTATIONS

4.1 **Four (4)** representations have been received, objecting to the proposed development on the following grounds:

- noise, especially late at night
- refuse and recycling issues
- another HMO close by on Southover Street, and Phoenix Halls opposite
- air pollution
- increased traffic
- unsuitable for use as a HMO

4.2 **Cllr David Gibson, Cllr Steph Powell and Cllr Elaine Hills** object to the proposal, copies of the letters are attached.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No comment.

5.2 **Private Sector Housing:** Comment.

A license for occupation by four (4) persons is likely to be granted shortly.

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
- CP9 Sustainable transport
- CP12 Urban design
- CP15 Heritage
- CP19 Housing mix
- CP21 Student housing and Housing in Multiple Occupation

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

- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 This application is a resubmission following the refusal of application BH2019/01474. The objection to the previous proposal was that the accommodation provided by the proposed use, in particular the kitchen which was considered to have insufficient space, and which would provide poor circulation due to the location of a WC. This application has been amended to include a kitchen in the main living space at the front of the property, and laying out the ground floor room at the rear as a utility room. The proposed communal study rooms on the first and second floors are unchanged relative to the previous application.

8.1 The main considerations in the determination of this application relate to the principle of the change of use, its impact on neighbouring amenity and transport issues

8.2 Planning Policy:

Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*

8.3 An updated mapping exercise has taken place, which indicates there have been no changes since the previous application. There are 49 neighbouring residential properties within a 50m radius of the application site. Two (2) other properties have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 4.1%. Based on this percentage, the proposal would be in accordance with policy CP21.

8.4 With regard to the omission of Phoenix Halls from the above mapping exercise, the Use Classes Order 1987 (as amended) includes the following guidance on the interpretation of Class C4:

"For the purposes of Class C4 a "house in multiple occupation" does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004."

8.5 Section 254 of the Housing Act 2004:

"(5) But for any purposes of this Act (other than those of Part 1) a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in Schedule 14."

8.6 Schedule 14:

"4(1) Any building— (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description."

8.7 In this instance, Phoenix Halls is occupied principally by students at the University of Brighton, and the University of Brighton manages the property. Phoenix Halls is therefore neither counted as a neighbouring residential property nor as a HMO.

8.8 Standard of Accommodation

The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm. The minimum floor space requires a head height of above 1.5m.

The proposed HMO would comprise a utility room (6.3sqm), a combined kitchen/diner (12.6sqm) and two WCs on the ground floor, 2 bedrooms (7.8sqm, 8.0sqm), a study room and a shower room on the first and second floors.

At the site visit, it was confirmed that a kitchen has been installed in the ground floor room fronting Hanover Street. However the layout of the utility room as installed does not correspond to the proposed drawings. It is recommended that implementation of the proposed layout be secured by condition.

The rooms with windows to part of the bay fronting Hanover Street and the bay window fronting Southover Street has an awkward shape which limits their circulation space. These rooms are labelled as study rooms. This appropriately indicates that these rooms are intended as communal spaces providing a facility to all occupiers of the property. It is noted that there is no dedicated lounge area on the proposed drawings. It is considered that the overall provision of communal space is satisfactory with the provision of study rooms. It is recommended that the layout be secured by condition and that the utility room, kitchen/diner and study rooms not be used as bedrooms at any time.

While the bedrooms fronting Southover Street would have an awkward layout, this is outweighed by the provision of communal study rooms at first and second floor levels. It is considered that the proposal would provide an acceptable standard of accommodation for four (4) persons, in accordance with policy QD27. It is recommended that the maximum occupancy of four (4) persons be secured by condition.

8.9 Design and Appearance:

When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

At the site visit it was confirmed that the subdivision of the first and second floor rooms fronting onto Hanover Street had been carried out. Whilst this subdivision is included on the "existing plans" it is considered that this subdivision is part of the development proposal. This has resulted in the bay window being split across the two rooms. Whilst this subdivision of the first and second floor front rooms in this way is not considered an appropriate alteration given the limited visibility of this partition from street level it is not considered that a refusal of the application solely on this basis could be sustained.

A front boundary wall has been erected under Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The applicant has indicated that the rendered wall will be painted white, which would match the neighbouring front boundary wall. It is considered that this wall improves the appearance of the property within the streetscene and is welcomed. While the application site is within the Valley Gardens

Conservation Area, there is no Article 4 Direction restricting demolition or erection of boundary treatments. It would therefore be unreasonable to secure the retention of the wall by condition.

8.10 Impact on Amenity:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. Given the presence of the purpose built student accommodation at Phoenix Halls, it is considered that the additional activity would not result in significant harm to the amenity of neighbouring occupiers.

8.11 Sustainable Transport:

It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.

The property is located in an area which is covered by a Controlled Parking Zone, Zone V. The proposed development has the potential to generate some additional on-street parking demand. The impact of this has not been assessed by a parking survey as part of the applicant's submission for this application. It is recommended that occupiers' access to parking permits be restricted by condition.

SPD14 requires two (2) cycle spaces for a development of this type and level of occupation. Cycle parking could be provided on the front hardstanding. While Highways would want the cycle parking to be covered, it is considered that this would have an adverse impact on the appearance of the streetscene. It is recommended that a Sheffield stand be installed, and that details be secured by condition.

The hardstanding has previously been used as a parking space, despite the lack of a dropped kerb to the pavement. This posed a hazard to other road users as motorists would have had to make multiple manoeuvres. The front boundary wall prevents any such parking going forward.

9. EQUALITIES

9.1 None identified.

Cllr David Gibson

I object to planning application BH2019/02700 for 7A Southover St to classify the property as an HMO. The property is in an area where the concentration of HMOs is on average well above the 10% target planning cap designed to achieve a workable balance between long and short term residents. Indeed the property is situated opposite the phoenix student halls and so the community is already imbalanced with more temporary than more long term residents.

Should officers wish to approve the application, I should like the case to be considered in committee and be notified of the date so that I may attend.

Cllr Steph Powell

I have already placed my objection to the original application. I request that this is upheld for the same reasons as outlined in Cllr Gibson's email.

Cllr Elaine Hills

I too object to planning application BH2019/02700 for 7A Southover St to classify the property as an HMO.

NEW APPEALS RECEIVED

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2017/02294

16 - 18 Selborne Road Hove BN3 3AG

Roof extension to facilitate creation of 1 no one bedroom flat with installation of rooflights and side panelling.

APPEAL IN PROGRESS

01/11/2019

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2019/00149

Flat 1 36 Brunswick Square Hove BN3 1ED

Internal alterations to layout of flat, including the removal of the non-load bearing partition stud wall between the living room and kitchen.
(Retrospective)

APPEAL IN PROGRESS

15/10/2019

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2019/01515

Basement Flat 1 9 Selborne Road Hove BN3 3AJ

Erection of single storey ground floor rear extension replacing existing conservatory.

APPEAL IN PROGRESS

01/11/2019

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

BRUNSWICK AND ADELAIDE

BH2019/01902

Lansdowne Place Hotel Lansdowne Place Hove BN3 1HG

Installation of smoke extract roof ductwork and ancillary equipment and powder-coated perforated metal screening around the roof ductwork. (Part retrospective).

APPEAL IN PROGRESS

15/10/2019

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2019/01375

110 Church Road Hove BN3 2EB

Display of 1no externally illuminated fascia sign
and 1no externally illuminated hanging sign.

(Retrospective)

APPEAL IN PROGRESS

25/10/2019

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2019/02036

5 Kings Gardens Hove BN3 2PE

Resurface front entrance path with ceramic tiles,
installation of new gas pipes and removal of
existing rainwater pipes (Retrospective).

APPEAL IN PROGRESS

23/10/2019

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

110 Church Road Hove BN3 2EB

Appeal against

APPEAL IN PROGRESS

25/10/2019

Not Assigned

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2019/01823

41 Denmark Villas Hove BN3 3TD

Removal of condition 3 of application
BH2017/04040 (Alterations to rear elevation
including replacement of existing first floor balcony
with juliet balcony & installation of new bi-fold
doors to ground floor) relating to fenestration paint
colour.

APPEAL IN PROGRESS

15/10/2019

Delegated

WARD

APPEALAPPNUMBER

HANOVER AND ELM GROVE

BH2018/02132

ADDRESS Flat 1 90 Hartington Road Brighton BN2 3PB
DEVELOPMENT DESCRIPTION Change of use from four bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4), (Retrospective).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 11/10/2019
APPLICATION DECISION LEVEL Delegated

WARD **HOLLINGDEAN AND STANMER**
APPEALAPPNUMBER BH2019/01615
ADDRESS 55 Park Road Brighton BN1 9AA
DEVELOPMENT DESCRIPTION Change of use from single dwellinghouse (C3) to four bedroom small house in multiple occupation (C4) (Retrospective).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 23/10/2019
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **HOLLINGDEAN AND STANMER**
APPEALAPPNUMBER
ADDRESS 29 Hollingdean Terrace Brighton BN1 7HB
DEVELOPMENT DESCRIPTION Appeal against enforcement notice requiring - cease the use as a house in multiple occupation (HMO)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 01/11/2019
APPLICATION DECISION LEVEL Not Assigned

WARD **HOVE PARK**
APPEALAPPNUMBER BH2019/00701
ADDRESS Gemini Business Centre 136-140 Old Shoreham Road Hove BN3 7BD
DEVELOPMENT DESCRIPTION Prior approval for change of use from offices (B1(a)) to residential (C3) to create 48no residential units, comprising 8no studio flats, 32no one bedroom flats and 8no two bedroom flats.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 15/10/2019
APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**
APPEALAPPNUMBER BH2018/01038
ADDRESS 64 Barcombe Road Brighton BN1 9JR

DEVELOPMENT DESCRIPTION Certificate of lawfulness for existing use of the property as seven bedroom house in multiple occupation (Sui Generis).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 24/10/2019
APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**

APPEALAPPNUMBER
ADDRESS 49 Goodwood Way Brighton BN2 4PW
DEVELOPMENT DESCRIPTION Appeal against
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 01/11/2019
APPLICATION DECISION LEVEL Not Assigned

WARD **PRESTON PARK**

APPEALAPPNUMBER BH2019/00554
ADDRESS 1B Upper Hamilton Road Brighton BN1 5DF
DEVELOPMENT DESCRIPTION Application for removal of condition 2 of application BH2018/03521 (Prior approval for change of use from shop (A1) to residential self-contained one bedroom flat (C3)) which states that the residents of the development have no entitlement to resident's parking permits other than disabled blue badge holders.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 14/10/2019
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**

APPEALAPPNUMBER BH2017/01945
ADDRESS 7 Bedford Street Brighton BN2 1AN
DEVELOPMENT DESCRIPTION Change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 05/11/2019
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**

APPEALAPPNUMBER BH2019/02201
ADDRESS 206 Queens Park Road Brighton BN2 9ZB
DEVELOPMENT DESCRIPTION Installation of rear dormer and front rooflights.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 23/10/2019

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2019/00282

70 Greenways Brighton BN2 7BL

Demolition of existing bungalow and erection of 2no five bedroom dwelling houses.

APPEAL IN PROGRESS

01/11/2019

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ST. PETER'S AND NORTH LAINE

BH2018/03877

Sainsbury's 93 Lewes Road Brighton BN2 3QA

Display of 1no internally-illuminated projecting sign at car park entrance (Retrospective).

APPEAL IN PROGRESS

22/10/2019

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ST. PETER'S AND NORTH LAINE

BH2019/01639

2 Gloucester Yard 121-123 Gloucester Road Brighton BN1 4AF

Erection of single storey rear infill extension with rooflight.

APPEAL IN PROGRESS

22/10/2019

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WESTBOURNE

BH2019/00818

15 Reynolds Road Hove BN3 5RJ

Erection of rear ground floor single storey extension and associated works (Retrospective).

APPEAL IN PROGRESS

23/10/2019

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

WITHDEAN

BH2017/03676

Land At Varndean College Surrenden Road Brighton BN1 6WQ

DEVELOPMENT DESCRIPTION

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.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

17/10/2019

APPLICATION DECISION LEVEL

Planning (Applications) Committee

APPEAL DECISIONS FOR THE PERIOD BETWEEN 23/10/2019 AND 19/11/2019

<u>WARD</u>	EAST BRIGHTON
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00172
<u>ADDRESS</u>	Keslake House 13 - 14 Chichester Terrace Brighton BN2 1FG
<u>DEVELOPMENT DESCRIPTION</u>	Installation of 5no CCTV cameras at entrance porches and front basement level (retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2018/03309
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00157
<u>ADDRESS</u>	Land Adjacent To 2 Osmond Road Hove BN3 1TE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no two bedroom dwelling house (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2018/01653
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00207
<u>ADDRESS</u>	60 & 62 Davigdor Road Hove BN3 1RF
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of 2no existing small houses in multiple occupation (C4) and erection of part four, part three storey building and basement level to create 17 bedroom large house in multiple occupation (Sui Generis) including solar panels to roof, new boundary wall & associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00992
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HOLLINGDEAN AND STANMER
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00079
<u>ADDRESS</u>	12 Rushlake Road Brighton BN1 9AD

DEVELOPMENT DESCRIPTION Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom large house in multiple occupation (Sui Generis).
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2018/02940
APPLICATION DECISION LEVEL Delegated

WARD **HOLLINGDEAN AND STANMER**
APPEAL APPLICATION NUMBER APL2019/00088
ADDRESS 10 Southmount Brighton BN1 7BD
DEVELOPMENT DESCRIPTION Appeal against: S172 Enf Notice- Without planning permission the material change of use from dwelling house (Use Class C3) to 4 bedroom House in Multiple Occupation (C4)

APPEAL TYPE Against Enforcement Notice
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL Not Assigned

WARD **HOLLINGDEAN AND STANMER**
APPEAL APPLICATION NUMBER APL2019/00123
ADDRESS 44 Roedale Road Brighton BN1 7GB
DEVELOPMENT DESCRIPTION Appeal against S172 requiring the use of the property as a House in Multiple Occupation (HMO) to cease.

APPEAL TYPE Against Enforcement Notice
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL Not Assigned

WARD **HOLLINGDEAN AND STANMER**
APPEAL APPLICATION NUMBER APL2019/00196
ADDRESS Fairhaven 17 Park Road Brighton BN1 9AA
DEVELOPMENT DESCRIPTION Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom house in multiple occupation (Sui Generis).

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2018/03683
APPLICATION DECISION LEVEL Delegated

WARD **HOVE PARK**
APPEAL APPLICATION NUMBER APL2019/00076
ADDRESS 35-39 The Drove way Hove BN3 6LF

<u>DEVELOPMENT DESCRIPTION</u>	Change of use from former Dairy Crest depot (B8) to Mixed-use flexible commercial development of 1383sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court yard, onsite car parking, cycle storage and areas for storage of waste and recycling.
<u>APPEAL TYPE</u>	Against Non-determination
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2017/04050
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee

<u>WARD</u>	PATCHAM
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00208
<u>ADDRESS</u>	1A Beechwood Avenue Brighton BN1 8ED
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey extension to existing detached garage. Alterations and conversion of garage to form habitable space.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00767
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PATCHAM
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00227
<u>ADDRESS</u>	171 Braeside Avenue Brighton BN1 8SP
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations with hip to gable extension, rear dormer and insertion of front rooflight and removal of existing conservatory and erection of rear extension.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01646
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PRESTON PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00218
<u>ADDRESS</u>	Flat 1 18 Grantham Road Brighton BN1 6EE
<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing timber frame windows and sliding doors with new UPVC windows and door.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01417

<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	QUEEN'S PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00175
<u>ADDRESS</u>	17 Circus Street Brighton BN2 9QF
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and store and erection of two storey dwelling incorporating 2no one bedroom apartments (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2018/02088
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	QUEEN'S PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00206
<u>ADDRESS</u>	68 & 68A St James's Street Brighton BN2 1PJ
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from residential maisonette (C3) and retail unit (A1) to six bedroom small house in multiple occupation (C4), with retention of existing retail use at ground floor level. (Retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00359
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00189
<u>ADDRESS</u>	Dental Surgery 4 New Barn Road Rottingdean Brighton BN2 7FN
<u>DEVELOPMENT DESCRIPTION</u>	Erection of first floor extension with extension of roof above extension.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00861
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WESTBOURNE
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00162
<u>ADDRESS</u>	Garages Rear Of 148 To 166 Portland Road Fronting Raphael Road Hove
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of garages and the erection of 1no two storey, two bedroom dwelling house with associated parking.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2018/00169

APPLICATION DECISION LEVEL Delegated

WARD

WESTBOURNE

APPEAL APPLICATION NUMBER

APL2019/00199

ADDRESS

17 Westbourne Villas Hove BN3 4GQ

DEVELOPMENT DESCRIPTION

Conversion of existing loft space to form self-contained room.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/00398

APPLICATION DECISION LEVEL

Delegated

WARD

WITHDEAN

APPEAL APPLICATION NUMBER

APL2019/00226

ADDRESS

73A Eldred Avenue Brighton BN1 5EF

DEVELOPMENT DESCRIPTION

Erection of a dormer on the front roof slope.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/00491

APPLICATION DECISION LEVEL

Delegated
