

PLANNING COMMITTEE ADDENDUM

2.00PM, WEDNESDAY, 9 DECEMBER 2015
THE RONUK HALL, PORTSLADE TOWN HALL

ADDENDUM

ITEN	M		PAGE
114	MIN	UTES OF THE PREVIOUS MEETING	1 - 20
118	то	CONSIDER AND DETERMINE PLANNING APPLICATIONS	21 - 24
	В	BH2015/02917 - 121-123 DAVIGDOR ROAD, HOVE - FULL PLANNING	25 - 54
	I	BH2015/03422 - 18 MCWILLIAM ROAD, BRIGHTON - HOUSEHOLDER PLANNING CONSENT	55 - 64

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 18 NOVEMBER 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Bennett, Deane, Hamilton, Inkpin-Leissner, Littman, Miller, Morris, O'Quinn and Wares

Co-opted Members: Mr Roger Hinton

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager), Paul Vidler (Planning Manager: Major Applications); Liz Arnold (Principal Planning Officer); Mick Anson (Principal Planning Officer) Sanne Roberts (Planning Officer); Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager)

PART ONE

101 PROCEDURAL BUSINESS

(A) Declarations of substitutes

101.1 Councillor Deane was present in substitution for Councillor Mac Cafferty; Councillor O'Quinn was present in substitution for Councillor Barradell and Mr Hinton was present in substitution for Mr Gowans.

(B) Declarations of interests

- 101.2 Councillor Miller declared a personal interest in respect of Application A) BH2015/01783, 106 Lewes Road, Brighton as he lived very close to the site in question; however, he stated that he was of an open and would remain present for the consideration and vote on this application.
- 101.3 Councillor Cattel (the Chair) declared a personal interest in respect of applications C) & D) Land to Rear of 101 Roundhill Crescent, Brighton as the agent was a person friend; she stated that she would withdraw from the meeting during the consideration and vote on this application and allow the Deputy Chair to chair the meeting during this time.

(C) Exclusion of the press and public

- 101.4 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.
- 101.5 **RESOLVED** That the public are not excluded from any item of business on the agenda.
- (D) Use of mobile phones and tablets
- 101.6 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.
- 102 MINUTES OF THE PREVIOUS MEETING
- 102.1 **RESOLVED** That the Chair be authorised to sign the minutes of the meeting held on 28 October 2015 as a correct record.
- 103 CHAIR'S COMMUNICATIONS
- 103.1 There were none.
- 104 PUBLIC QUESTIONS
- 104.1 There were none.
- 105 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS
- 105.1 There were no further requests for site visits in relation to matters listed on the agenda.

106 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- A BH2015/01783 106 Lewes Road, Brighton Full Planning Demolition of existing public house (A4) (retrospective) and construction of a new part 5no part 3no storey student accommodation building (sui generis), comprising 44no rooms, plant room, communal areas, cycle parking, refuse facilities, landscaping and other associated works.
- (1) The application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer (Mick Anson) introduced the report and gave a presentation by reference to plans, photographs and elevational drawings. The application sought retrospective permission for the demolition of a public house and the erection of a purpose built block of student accommodation consisting of 44 studio

flats, communal space, cycle parking and refuse storage; attention was also drawn to matters in the late list. The proposed development would be defined as a tall building, and the applicant had submitted a tall building study and associated landscape impact assessment. In terms of the relationship with the neighbouring petrol station there was a clearance of 4.1 metres. The proposed materials were clarified and the sample board that had been brought to the Committee was highlighted. The building line was set back 3 metres from the carriageway, and the access arrangements for service vehicles was clarified. In terms of landscaping there was an indicative plan, but this was likely to be amended for highways safety reasons. The application was recommended to be minded to grant for the reasons set out in the report.

Questions for Officers

- (3) In response to Councillor Miller it was explained that the material of the gates would be subject to standard conditions. In relation to trees the Tree Officer had requested native species. In terms of congestion it was not considered there would be any negative impact, and the servicing of the building would be low level, approximately once a week; given that the servicing for the pub had been on street this was considered an improvement. A loading bay was considered unsuitable as it would restrict pedestrian movements and would have to manoeuvre into the loading bay the proposal also allowed servicing vehicles to enter and exit in a forward gear.
- (4) In response to Councillor C. Theobald it was confirmed that no enforcement had been taken in respect of the unauthorised demolition as the Planning Authority was aware that the proposed application was coming forward. The height of the building would be the equivalent of six storeys and it was likely the windows would tilt, but not be fully openable, for safety reasons.
- (5) In response to Councillor Wares it was clarified that, under the heads of terms, there would be an agreed process to pick up and drop off students, as well as clear servicing arrangements.
- (6) In response to Councillor Morris it was clarified that, whilst not a material consideration, the refuse collection was likely to be undertaken by a commercial operator.
- (7) In response to Councillor Miller it was clarified that the balcony amenity space would not be accessible at night to prevent noise disturbance.
- (8) In response to the Chair it was clarified that that the terms of the section 106 agreement had not clarified the open space contribution.
- (9) In response to Councillor Inkpin-Leissner it was clarified that policy CP21 addressed HMOs and purpose built blocks; the area was identified for this type of development in the emerging City Plan and considered suitable given the relatively reasonable number of units proposed.
- (10) In response to Councillor Gilbey the Principal Transport Officer clarified that the building had been designed to encourage residents to use the pedestrian crossings.

Debate and Decision Making Process

- (11) Councillor Wares stated that he had doubts in relation to the servicing arrangements at the building, as well as the dropping off and collecting of students at the beginning and end of term. He proposed that the hours for use of the amenity space and the servicing arrangements be formally conditioned to protect the amenity of local residents.
- (12) Councillor Inkpin-Leissner noted he agreed with the points made by Councillor Wares, and would support the conditioning of the amenity space. He went on to add that he liked the scheme and felt it was a good use of the site, was disappointed there would no direct reduction in the number of HMOs as a result of such approvals. He would support the Officer recommendation with the addition of the proposed conditions.
- (13) Councillor C. Theobald stated that she felt the building was a little too tall, and she had concerns about the safety of the students, but she agreed with the additional conditions proposed by Councillor Wares. She went on to add that the application was a good use of the difficult site, and the city needed this type of purpose-built accommodation.
- (14) It was confirmed for Councillor Morris that no space for public art had been identified as part of the scheme.
- (15) Councillor Gilbey noted the improvements that had been to the scheme since the preapplication presentation; she also noted her concerns in relation to road safety, but would support the scheme as the city needed this type of accommodation.
- (16) Councillor O'Quinn noted her previous concerns in relation to noise and pollution, but felt assurance had been provided by Officers.
- (17) Councillor Wares formally proposed additional conditions in relation to hours of use of the amenity space and the hours of deliveries for service vehicles. These were seconded by Councillor Miller.
- (18) The Chair put the proposed additional conditions to the vote, these were **carried**.
- (19) A vote was taken and the 12 Members present unanimously agreed to be minded to grant planning permission subject to a s106 agreement:
- 106.1 **RESOLVED** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section and resolves to be **MINDED TO GRANT** planning permission subject to the conditions and informatives in section 11, and the amended and additional conditions below:

Additional Conditions:

i. Vehicular access to the site shall be from the western elevation (Lewes Road North bound carriageway) only and all vehicles shall leave the site from the eastern elevation onto the South bound Lewes Road carriageway.

<u>Reason</u>: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan."

ii. The gates and bollards on the sites internal access route shall be closed and prevent vehicular access at all times to the site other than between 19.30 to 7.00 and 10.00 to 16.00 daily in order to accommodate deliveries and access by residents in associated with the development.

<u>Reason</u>: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan."

iii. The ground floor glazing to the street frontages shall be retained in clear glass and be transparent and shall not be made opaque by the application of screening, applied film or similar.

Reason: In order to ensure that the proposal maintains an attractive visualrelationship to the public realm and in the interests of designing out opportunities for crime in accordance with policy QD27 of the saved 2005 Brighton & Hove Local Plan"

iv. The balcony amenity area hereby approved as part of this development shall not be in use between the hours of 20.00 and 07.00 daily.

Reason: In the interests of general and residential amenity in accordance with policy QD27 of the saved 2005 Brighton & hove Local Plan

Delete condition 12

Insert the word "plantroom" in condition 14 and delete the words "energy centre"

Condition 10

Add policy references to TR7 and QD5 to the reason.

- B BH2015/02049 67 Falmer Road, Rottingdean, Brighton Full Planning Demolition of existing house and garage and erection of 9no four bedroom houses.
- (1) It was highlighted that the application had been the subject of a site visit prior to the meeting.
- The Principal Planning Officer (Liz Arnold) introduced the application and gave a presentation by reference to photographs, plans and elevational drawings; attention was also drawn to matters in the Late List. There was a boundary to the South Downs National Park close to the front boundary of the application site; permission was sought for the demolition of the existing house and garage on the site and the development of nine houses; there would be two pairs of semi-detached properties at the front and two at the rear together with a single detached property. There was no objection to the principle of demolition and redevelopment of the site, and the proposed plots were considered to be in keeping with the size of others around the site. The proposed height was considered acceptable and the setting of the national park would not be undermined. Each of the new properties had private amenity space as well as

adequate living accommodation throughout. There would also be no significant adverse impact on the existing properties and the application would make efficient use of the plot. The application was recommended to be minded to grant for the reasons set out in the report.

Speaker(s) and Questions

- (3) Duncan Howie and Nigel Smith addressed the Committee on behalf of local residents in objection to the scheme. They referenced policy to highlight that this type of development should be examined in relation to the quality of space in between buildings; the proposed scheme would create noise and pollution, and the scheme would be detrimental to the neighbouring properties that would suffer a loss of sunlight and privacy. It was considered the development would damage the setting of the national park, and there would be no alternative for the residents than to use cars due to the lack of sustainable transport in the area. The design was also considered to be 'unimaginative'. Due to traffic congestion the High Street in Rottingdean was the subject of an air quality management plan, and this development would add to this existing problems. The Council had recognised this problem, and the speakers went on to highlight some of the health risks and impact associated with the air quality issues. The Committee were asked to refuse the application.
- (4) The speakers confirmed for Councillor Miller that the design was inappropriate as most of the buildings were predominantly either two-storeys or bungalows.
- (5) In response to Councillor Wares the speakers confirmed that they were not objecting to the principle of the development, but they felt this scheme was not appropriate and did not comply with policy.
- (6) In response to Councillor Morris the speakers confirmed that the ridge height of the proposed buildings would be greater than those surrounding it.
- (7) Councillor Mears spoke in her capacity as the local Ward Councillor. She stated that there was no objection to the principle of development at the site, but this needed to be inkeeping with the area and the scheme proposed too much on the site. There were already serious parking problems around the site, and the scheme would add further stress to the parking. The land on the site dipped in one corner and there was the potential for flooding, given the history of flooding in this area, with more of the site concreted over there would be more risk of this from surface water. It was also highlighted there was a reduced bus service in the evenings; as well as a lack of infrastructure in the surrounding area. Councillor Mears highlighted that any development on the site needed to take a sensible approach to consider all these issues.
- (8) Parish Councillor Kieran Fitsall spoke in his capacity as a member of Rottingdean Parish Council; he stated that the Parish Council had considered it to be appropriate to support the objections. Like the others speakers they had no objection to the principle of development on the site; however, the height, scale and density of the scheme were all out of character with the area, and could set a precedent for other schemes in the area. The cumulative impact of development also needed to considered, and the housing need of the area would be better served by smaller houses. The stress on

services and amenities was also highlighted, and the Committee were asked to consider the volume of objections against the scheme.

- (9) Mr Jon Tuner and the applicant addressed the Committee in support of the scheme and stated that the design ethos for the new homes was to be sensitive to the surrounding area. Whilst the Local Planning Authority did not have defined separation standards or distances best practise had been applied. There would be no significant adverse impact on sunlight and daylight or the national park there was also no objection from the national park. There was a need for larger properties in the area, and this would help to free up smaller homes in the village. The design was an effective use of the plot, and would contribute towards meeting housing targets across the city.
- (10) In response to Councillor Miller the applicant explained that the '21 metrer' rule applied to face to face properties. In response to a further query it was clarified that the third storey was in the form of dormer windows and there would be screening to the boundaries of the site.

Questions for Officers

- (11) In response to Councillor Miller it was explained that front facing dormers were considered acceptable in line with the SPD on dormer design; there were also similar examples in the nearby area.
- (12) In response Councillor Morris it was confirmed that the proposed buildings would be slightly higher than those around, but would be inkeeping contextually; there were bungalows to the rear, but these were not visible from Falmer Road. In relation to the acoustic fence it was clarified that the full details were set out in condition 23. The Principal Transport Officer confirmed there was detail in the head of terms to help mitigate traffic issues at the nearby junction with Court Ord Road.
- (13) In response to Councillor Inkpin-Leissner it was stated that condition 13 requested the submission of a surface water drainage scheme. The Planning & Building Control Applications Manager also clarified that there was no policy basis to request a higher standard of measures to prevent flood risk than those set out at condition 8.
- (14) In response to Councillor C. Theobald it was explained that the site had been assessed by the County Ecologist and the proposed development was deemed unlikely to have any significant effects on ecology.
- (15) In response to Councillors Gilbey and Miller the Case Officer confirmed the impact of over-looking into the neighbouring No. 6; this was not be significant as the window in question was a rooflight.
- (16) It was confirmed for Councillor Littman that the applicant had submitted a density assessment on the day of the Committee, but Officers had not able to assess this.
- (17) In response to Councillor Morris the Senior Solicitor confirmed that informatives that pointed the applicant towards obligations under separate pieces of legislation could not be made formal conditions as they did not meet the test of being 'necessary'.

- (18) In response to Councillor Bennett it was confirmed that permitted development rights had been removed on the site, but these would not include changes to garages as this would not considered a change of use.
- (19) Councillor Wares drew attention to an email he had received, and queried what weight should be attributed to these comments; in response the Planning & Building Control Applications Manager confirmed that all late comments were reviewed by Officers prior to the meeting including the email referred to and that did not raise any additional matters. The Senior Solicitor went on to advise that any weight given to such submissions should be based on whether they raised material planning considerations, the Committee were obliged to consider all material considerations; if they did not then a decision could be susceptible to challenge.

Debate and Decision Making Process

- (20) Councillor Miller stated that he would not be able to support the Officer recommendation; he had concerns in relation to the impact on No. 6 and the potential for over-looking. He felt the dormers were not inkeeping and agreed with the points made by the speakers that the application would be over-development of the site. He highlighted that a smaller scheme would be more appropriate.
- (21) Councillor C. Theobald stated that she did not think the scheme was bad, but it proposed too many houses on the site; especially given they were essentially three-storeys in height. She highlighted the risk of flooding at the site, and felt that the scheme needed smaller properties to the rear; for these reasons she would not support the Officer recommendation.
- (22) Councillor Hamilton stated that the proposed scheme was too much for the plot given the density of the surrounding area and he would not be able to support the Officer recommendation.
- (23) Councillor O'Quinn stated that she agreed with others in the debate and the overdevelopment of the site would have a negative impact on the surrounding area.
- (24) Councillor Littman highlighted the need to provide housing in the city, but felt that the scheme did not comply with policy and did not take account of the local characteristics.
- (25) Councillor Inkpin-Leissner noted that he agreed with others that the scheme was overdevelopment; he also had concerns about flood risk on the site, and felt the developer could come back with a better scheme were the application refused.
- (26) The Chair stated that she was inclined to agree with colleagues in the debate and vote against the scheme.
- (27) A vote was taken and the Officer recommendation that the Committee be minded to grant permission was not carried on a vote of 11 against with 1 abstention. Councillor Littman then proposed reasons to refuse the application and these were seconded by Councillor Miller. A short recess was then held to allow the Chair, Councillor Littman, Councillor Miller, the Planning & Building Control Applications Manager, the Senior

Solicitor and the Principal Planning Officer to draft the reasons in full. These reasons were then read to the Committee and it was agreed they accurately reflected those that had been put forward. A recorded vote was then taken and the Committee unanimously agreed to refuse planning permission.

106.2 RESOLVED – That the Committee has taken into account the Officer recommendation and the reasons for it, but resolves to REFUSE planning permission for the reasons set out below:

Reasons

- i. The proposed development by reason of its design is out of keeping with the prevailing character of the area and does not emphasise its positive characteristics in terms of prevailing density, height, scale, bulk and relationship to adjoining dwellings contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan 2005.
- ii. The proposed development by reason of its height and proximity to no. 6 Court Ord Road would result in an unneighbourly development contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

Informative

- i. The applicant is advised that the Local Planning Authority would wish to see the incorporation of flood risk measures into any subsequent scheme.
- C BH2015/02786 Land to Rear of 101 Roundhill Crescent, Brighton Full Planning Erection of two storey, three bedroom dwelling (C3).
- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- The Principal Planning Officer (Liz Arnold) introduced the item and gave a presentation (2) in respect of application BH2015/02786 for full planning and application BH2015/02796 for listed building consent by reference to plans, photographs and elevational drawings; attention was also drawn to the late list and a further representation that had been received - neither raised any new material considerations. The application site related to the rear of 101 Roundhill Crescent; Nos. 101-113 Roundhill Crescent were listed properties and the application would result in the subdivision of the garden area. A number of improvements were proposed to No. 101, but these were not considered as part of the application. The break created at the end of the terrace had open views towards Race Hill and Tenantry Down and gave relief in an otherwise dense residential area. The standard of accommodation was considered poor as one of the bedrooms was within the eaves and only served by a single rooflight. The proposal was considered out of character with the adjoining property on D'Aubigny Road; it was also considered overbearing and would create a sense of enclosure at 103 Roundhill Crescent. It was not considered that the advantages of the scheme would outweigh the harm. In relation to the listed building consent this was recommended for refusal in the absence of an acceptable scheme, and the loss of the historic wall would be harmful to

the conservation area. Both applications were recommended for refusal for the reasons set out in the report.

Speaker(s) and Questions

- (3) Steven Rimington spoke in opposition to the scheme in his capacity as a local resident; he stated that he was speaking on behalf of other local residents in objecting to the scheme. He expressed concern in relation to the mass and bulking that had formed the reasons for refusal of previous schemes on this site. This application did not resolve the previous reasons for refusal and it would greatly reduce the open space between the buildings that had existing for over 100 years and ensured open views to the Downs, which local policy also sought to protect. He considered there to be issues with the design which did not enhance or preserve the conservation area.
- (4) The speakers confirmed for Councillor Miller that there was no No. 2 D'Aubigny Road.
- (5) Wendy Jamieson spoke in support of the applications in her capacity as the applicant; she was assisted by her planning agent. She stated that 101 Roundhill Crescent had been her home for all of her adult life, and the area of land concerned was not a garden, but a separate piece of land. She explained she had been responsible for the maintenance of 101 Roundhill Crescent since November 2014. The scheme would make improvement works to 101 Roundhill Crescent possible. She highlighted comments from the Heritage Officer that much of the historic gap would be retained enough for sufficient views and openness. The Heritage Officer had not objected to the principle of the development, and it was considered that these views had not been properly taken account of by the Case Officer. The Committee were asked to approve the scheme.
- (6) In response to Councillor Miller the speakers explained that a comprehensive heritage report had been undertaken which recommended that the scheme mirror the property at No. 4; were the ridge height lowered then the effect of 'pairing' would be lost. The proposed building stepped forward to reflect this feature of the other buildings in the road.
- (7) In response to Councillor Littman the speakers confirmed that it was their view the plot of land may have been originally intended as No. 2.

Questions for Officers

- (8) In response to Councillor Miller the Case Officer confirmed that Officers were not of the view that the building line stepped forward.
- (9) In response to Councillor Wares it was confirmed by Officers that the properties along Roundhill Crescent had been built first; with those on D'Aubigny Road following later. It was highlighted that the plot sizes varied.
- (10) In response to Councillor Morris it was confirmed that the listed wall was in the bungaroosh building style.

Debate and Decision Making Process

- Mr Hinton stated that the CAG were recommending approval of the scheme, and they had noted the deteriorated condition of 101 Roundhill Crescent. Whilst there would be some be some loss of the historic break this would be largely maintained; it was considered that this application was a matter of weighing the costs and benefits and the CAG were minded to believe the gains were greater across the wider site including 101 Roundhill Crescent whereas Officers had taken a different view. They believed the new property was sympathetically designed and picked out features from its context; Mr Hinton also highlighted some minor detailing that could be included were the Committee minded to grant the application.
- (12) Councillor Miller stated he would support both Officer recommendations; he was not opposed to the principle of the development, but considered a more subservient scheme would be appropriate.
- (13) Councillor Morris agreed with Councillor Miller and stated he would support the Officer recommendations.
- (14) Councillor Wares noted he has less concerns with the reduction in the break; however, he was of the view that the approach taken by the applicant would not work for the street scene.
- (15) Councillor Gilbey noted that a number of similar applications had come to the Committee in the last few years that sought some loss of the historic break between buildings; she felt the Committee had recognised the importance of these breaks and for this reason she would support the Officer recommendation.
- (16) A vote was taken by the 11 Members present and the Officer's recommendation that planning permission be refused was carried unanimously.
- 106.3 **RESOLVED –** That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** permission for the reasons set out below:

Reasons for Refusal

i. The proposed development by reason of siting, design, height, detailing and the required reduction in the plot size of 101 Roundhill Crescent would result in a development that would erode and fail to reflect the immediate character of the D'Aubigny Road and Roundhill Crescent street scenes and the wider area including the surrounding Round Hill Conservation Area, compromising the quality of the local environment. Furthermore the applicant has failed to demonstrate that the proposal would not have significant adverse impacts upon the break in the roofline/building line of the existing dense urban built form of the area. The proposal would represent an incongruous development. This identified harm would outweigh the benefit of additional housing and as such is contrary to policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.

- ii. The proposal includes insufficient public benefits to outweigh the harm to the setting of the Listed Building and Round Hill Conservation Area caused by the proposal, namely the partial loss of the existing open space gap between no. 4 D'Aubigny Road and 101 Roundhil Crescent, the general design of the proposed dwelling and the loss of parts of the historic boundary walls, by virtue of the failure of the applicant to include the proposed works to 101 Roundhill Crescent, as set out in the Design and Access Statement within the plans submitted as part of the application. As such the proposal is contrary to policies QD1, QD2, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
- iii. The proposed alterations to the existing historic western boundary wall, namely the provision of piers and cappings to match those at 4 D'Aubigny Road, would result in a boundary treatment out of keeping with the historic front boundaries in the D'Aubigny Road street scene and the surrounding Conservation Area. The proposal is therefore contrary to policies QD1, QD2, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
- iv. In the absence of an acceptable scheme for the development of the site, the demolition of parts of the historic wall would result in loss of historic fabric and form and a gap in the boundary of 101 Roundhill Crescent harmful to the character and appearance of the listed wall and the setting of 101 Roundhill Crescent and the surrounding Conservation Area. As such the proposal is considered contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.
- v. The proposed dwelling would result in a roofspace bedroom providing unacceptable and poor standard of accommodation for future occupants due to limited headroom, circulation space and outlook. This would result in an. The development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
- vi. The proposed south facing window/glazed doors would represent an unneighbourly form of development by virtue of resulting in actual and perceived overlooking and loss of privacy to the occupiers of the flats located in 101 Roundhill Crescent. As such the proposal would have a harmful impact on neighbouring amenity contrary to policy QD27 of the Brighton & Hove Local Plan.
- vii. The proposal by virtue of its scale, bulk and massing close to the boundary with no. 103 Roundhill Crescent would represent an unneighbourly form of development which would appear overbearing and oppressive when viewed from the garden areas of neighbouring properties located to the east of the site and a development that results in a sense of enclosure to the garden area of no. 103 Roundhill Crescent. As such the proposal would have a harmful impact on neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.
- viii. The applicant has failed to demonstrate that the development would accord to the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) contrary to policy HO13 of the Brighton & Hove Local Plan.

Informatives:

i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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.

Note: Councillor Cattell withdrew from the meeting for the reasons stated at minute item 101 B). Councillor Gilbey, the Deputy Chair, assumed the Chair for the consideration of applications C) & D).

- D BH2015/02796 Land to Rear of 101 Roundhill Crescent, Brighton Listed Building Consent Alterations to boundary wall.
- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The presentation and consideration of this application is listed at minute item 106 C).
- (3) A vote was taken by the 11 Members present and the Officers recommendation that planning permission be refused was carried unanimously.
- 106.4 **RESOLVED –** That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** permission for the reasons set out below:

Reasons for Refusal:

i. In the absence of an acceptable scheme for the development of the site, the demolition of parts of the historic wall would result in loss of historic fabric and form and a gap in the boundary of 101 Roundhill Crescent harmful to the character and appearance of the listed wall and the setting of 101 Roundhill Crescent. The scheme is considered contrary to policy HE1 of the Brighton & Hove Local Plan.

Informatives:

i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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

Note: Councillor Cattell withdrew from the meeting for the reasons stated at minute item 101 B). Councillor Gilbey, the Deputy Chair, assumed the Chair for the consideration of applications C) & D).

- E BH2015/02713 Kingsmere London Road, Brighton Full Planning Roof extension to Blocks E & F to provide 8no flats each with own private roof garden.
- (1) The Planning Manager, Major Applications (Paul Vidler) introduced the application and gave a presentation with reference to plans, photographs and elevational drawings; reference was also made to information contained in the late list. The application related to blocks E & F situated at the western edge of the site closest to London Road. The location of the cycle storage was highlighted for the Committee. This was a re-submitted application following a 2012 consent at appeal, and the scheme was recommended for approval for the reasons set out in the report.

Speaker(s) and Questions

- Alan Moxhay spoke in opposition to the application on behalf of the Kingsmere Residents' Association; he stated that he understood the Officer recommendation was in line with the decision of the Planning Inspector, and he highlighted that any reason to refuse the scheme needed to be in relation to new aspects or any that were not considered at the time. He went to highlight disabled access and asked that the Committee insist the lifts be adapted for wheelchair use. The proposed cycle storage at the site was greatly wanted by the residents and the delays in bringing forward the scheme meant that this much needed storage had not been built. Since the consent in 2012 the parking on the estate had reached saturation and the wider site needed a full traffic review.
- (3) In response to Councillor C. Theobald the speaker confirmed that there was planning permission in place to provide additional parking on the site, but this had not been implemented. It was also confirmed that the lifts would need to be adapted for disabled use.
- (4) In response to Councillor Inkpin-Leissner the speaker confirmed that the residents had no power to request that the leaseholder build the cycle storage.
- (5) The speaker also confirmed to Councillor Gilbey there were currently no disabled parking spaces on the site.

Questions for Officers

- (6) In response to Councillor Gilbey it was clarified that the current standard for lifetime homes was the Building and Regulation Optional Requirement; this was the standard the Local Planning Authority now asked applicants to comply with.
- (7) It was confirmed for Councillor Wares that the scheme was identical to the previous consent.
- (8) In response to Councillor Inkpin-Leissner it was confirmed that building regulations would require the lift to be suitable for disabled use. Councillor Morris queried if this were an infringement of equalities and the Planning & Building Control Applications Manager highlighted that there was no information on whether the lift currently complied or not.

- (9) In response to Councillor Gilbey it was confirmed that the transport assessment took into consideration approved but unimplemented schemes.
- (10) In response to Councillor Miller it was confirmed that the application was for eight additional flats, and it was not considered that s106 contributions were necessary to mitigate the impact of the development.

Debate and Decision Making Process

- (11) Councillor C. Theobald noted that there would be an impact on parking across the wider site if the scheme were implemented; she also felt residents were harmed through this type of development.
- (12) Councillor Morris stated that additional parking spaces should be provided for disabled users.
- (13) Councillor Deane stated that the proposals gave the blocks more 'visual interest', and she noted the points made by other Members in relation to disabled access.
- (14) Councillor Littman noted that the Local Planning Authority did not have the power to demand the lifts were suitable for disabled use. He highlighted that given the planning history at the site the Committee had little other option than to approve the scheme.
- (15) Councillor Miller noted he would support the scheme on the basis of the planning history; he did, however, express concern in relation to the piecemeal manner the applications were submitted and felt an application across the whole site would be more appropriate. The Planning & Building Control Applications Manager highlighted that informatives could be added to the consent drawing the applicant's attention to the concerns of residents and the Committees in relation to: a holistic approach to the wider site; disabled parking, cycle storage and the accessibility of the lifts. The Committee agreed to add informatives to this affect.
- (16) A vote was taken by the 12 Members present at the meeting and the Officer recommendation that permission be granted was carried on a vote of 11 in support with 1 abstention.
- 106.5 **RESOLVED** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section and resolves to **GRANT** planning permission subject to the conditions and informatives in section 11, and the additional informatives below:

Additional Informatives:

- i. Planning Committee have noted that there appear to be a lack of cycle and disabled parking across the estate and urge the owner to consider sufficient provision.
- ii. The owner is urged to ensure that sufficient provision is made for the lifts on site to be wheelchair friendly

- iii. Planning Committee have noted that multiple and separate applications have been submitted over time by the same applicant within this estate. These applications and the way they have been submitted mean that it has been difficult for the LPA to assess impacts arising from proposals on the wider estate. This approach is not consistent with the interests of proper planning.
- F BH2015/02562 107 Boundary Road, Hove Full Planning Demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated parking.
- (1) The Planning Manager, Major Applications (Paul Vidler) introduced the application and gave a presentation with reference to plans, photographs and elevational drawings; reference was also made to information contained in the late list. He also noted that the applicant had highlighted inaccuracies in the report and updated the Committee with the correct size of the disabled bay: Officers did not consider any of the other points raised to be matters of inaccuracy. The application sought permission for the demolition of the existing building and the construction of a four-storey block of flats. In 2008 permission was granted at appeal for a block of flats and this was renewed in 2012; an application was refused in June this year for a four storey block of flats; the scheme was refused due to the adverse impact of the neighbouring properties from the car park at the rear as well as the scale and bulk. The main differences in this application were the reduction in height of the outer gable end features, and repositioning of the rear car-parking. Whilst Officers were of the view the car-parking no longer warranted a reason for refusal, following assessment by Officers in Environmental Health, the reason for refusal in relation to the scale and bulk remained. The application was recommended for refusal for the reasons set out in the report.

Speaker(s) and Questions

- (2) Fred Dyer spoke against the scheme in his capacity as a local resident; he stated that he had concern in relation to fumes from the rear car park which would be directly under the window of his neighbouring property.
- (3) John Coleman spoke in support of the scheme as the architect; he stated that the scheme was reworked and was acceptable for the street scene in Boundary Road as the existing building was of little architectural merit. The current application would provide step free access and the objections to the design were based on the perceived bulk of the building as the footprint was identical to the previously approved scheme there were properties in the immediate vicinity that were also bulky. The proposal would sit comfortable in the street scene; the scheme constituted a net gain of 6 dwellings and a disabled car parking space. The scheme was supported by one of the local Ward Councillors; as well backed up, in policy terms, by the NPPF.
- (4) In response to Councillor Inkpin-Leissner the speaker confirmed that the building had been raised up so flat access could be gained to the front door.
- (5) In response to Councillor Miller the speaker confirmed that the current scheme was for 7 two-bedrooms flats.

Questions for Officers

- (6) It was confirmed for Councillor Hamilton that there was ramped access to the front door.
- (7) It was confirmed for Councillor Gilbey that there was no longer an objection from Environmental Health.
- (8) In response to Councillor O'Quinn it was confirmed that each flat had its own private amenity space, as well as a communal garden.
- (9) It was confirmed for Councillor Inkpin-Leissner that there was one parking space to the rear of the proposal.

Debate and Decision Making Process

- (10) Councillor Inkpin-Leissner stated that the scheme proposed too much on the site; he felt the agreed 2008 scheme was more appropriate.
- (11) Councillor Hamilton noted there were already traffic problems at the bottom of the road and the additional traffic generated by the scheme would add to this; he stated he would support the Officer recommendation.
- (12) A vote was taken and the Officer recommendation that permission be refused was carried unanimously.
- 106.6 **RESOLVED –** That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** permission for the reasons set out below:

Reasons for Refusal

i. The proposed development by virtue of its scale, bulk and design would result in an incongruous development that would appear overly dominant within the context of the immediate Boundary Road street scene and would detract significantly from the character and appearance of the site and the wider surrounding area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

Informatives:

ii. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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.

- G BH2014/03826 The Wardley Hotel, 10 Somerhill Avenue, Hove Full Planning Internal alterations to facilitate increased number of bed spaces from 40 to 51 rooms. (Part Retrospective)
- The Planning Manager, Major Applications (Paul Vidler) introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The application site sought permission to increase the number of bedrooms from 40 to 51, but did not propose an external alterations; the applicant had submitted the application for the intensification of the use and requested the Council to determine it. The operators sought to move to a business orientated management model and had removed existing dining and communal space to provide the additional bedrooms. The application had generated a number of objections from residents; however, no objection had been raised by either Sussex Police or Environmental Health. The application was recommended for approval for the reasons set out in the report.

Questions for Officers

- (2) In response to Councillor Wares it was confirmed that there was no change of use and the permission did not cover any HMO use.
- (3) The Committee expressed some concern about the inconsistency of wording in relation to the kitchen/catering facilities provided in the rooms, and agreed to undertake a site visit to clarify the matter.
- 106.7 **RESOLVED –** That the application be deferred to allow a site visit to take place.
- 107 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS
- 107.1 **RESOLVED** That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2014/03826	All Committee Members
The Wardley Hotel, 10 Somerhill	
Avenue, Hove BN3 1RJ	

108 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

- 109 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)
- 109.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.
 - [Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]
 - [Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

110 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

111 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

112 APPEAL DECISIONS

Dated this

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

The meeting concluded at 6.38pm	
Signed	Chair

day of

9th December 2015 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
21	Units 2-8 The Terraces Madeira Drive Brighton	BH2015/02443	Two (2) representations of support have been received from: 26 Montpelier Crescent, Brighton BN1 3JJ 11 Melville Road, Hove BN3 1TH Eleven (11) representations of objection have been received from: 16 Chichester Place, Brighton BN2 1FF 15 Rock Grove, Brighton BN2 1ND 7 Rugby Court, Bristol Gardens, Brighton BN2 5JD 27 Marine Square, Brighton BN2 1DN 23 Camelford Street, Brighton BN2 1TQ The Rector, Benefice of South Elmham & Ilkestshall, Suffolk 10 Camelford Street, Brighton BN2 1TQ 44 Guildford Street, Brighton BN2 1TQ 44 Guildford Street, Brighton BN2 1TG (x2): One (1) representation bn2 9NW 5 Charles Street Brighton BN2 1TG (x2): One (1) representation which contains visuals objecting has been received from: Flat 38, The Van Alen Building, 24-30 Marine Parade, Brighton BN2 1WP Officer response: No new material planning considerations raised. Four (4) email no address objecting: Officer response: No new material planning considerations raised.

Two (2) representations has been received from the following businesses: objecting

Legends Hotel has submitted visuals **Melhor Massage Therapies**

Officer response: No new material planning considerations raised.

A petition bundle of seventy five (75) proforma letters has been submitted stating:

"I wish to Object against the above planning application on the following grounds;

- 1. As it does not contribute to the viability and wellbeing of Brighton Residents under PPG Guidance Achieving sustainable development, paragraph 7
- 2. That the north elevation is very poor and fails to meet the requirements of paragraph 9 of the PPG Guidance.
- 3. That the application fails to pay respect to the core principals of planning as set out in paragraph 17 of the PPG Guidance.
- 4. That this application planning application pays no respect to paragraph 12 Conserving & Enhancing the Historic Environment.
- 5. Object to the loss of "Public Right of Way"
- 6. That the application fails to encompass the PPG Guide lines of change for the better built environment to enhance our wellbeing to the benefit of body & soul improving the place in which we live.

I also fully support the objections of the Kingscliffe Society."

Officer response: No new material planning considerations raised.

Kingscliffe Society: Further letter of objection, refers to loss of sea views, lack of cycle provision for staff and member of the private club and lack of facilities for refuse storage, lack of servicing arrangements.

Officer response: No new material planning considerations raised.

)	53	121-123 Davigdor Road	BH2015/02917	Additional condition: Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times. Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policy TR18 and SPG4.
	159	46 Tongdean Avenue	BH2015/03341	One additional letter of representation received on behalf of the occupants of 36, 53, 1 The Conifers, 59 Tongdean Avenue objecting on the following grounds: This application is no better than the refused application. Unneighbourly development. Demolition will cause greater pollution. Environmental Health: No objection - A plant room is proposed in the basement servicing a swimming pool, sauna and gym. A standard for plant of 5dB below background should be met.
				There are no obvious sources of contamination. However the applicant should be cautious in the construction and excavation of the basement and its associated swimming pool and as such a discovery strategy is considered necessary. Officer response: The list of policies should be updated to include reference to SU10 Noise nuisance and SU11 Polluted land and buildings.
				Additional conditions recommended as follows: Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

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

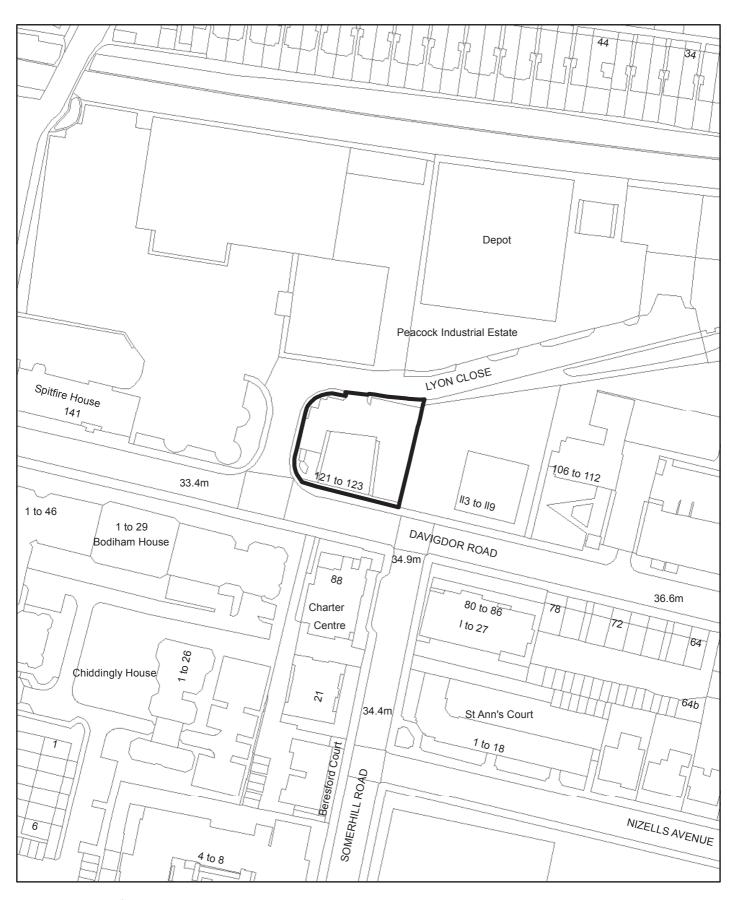
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).

ITEM B

121 – 123 Davigdor Road, Hove BN3 1RE BH2015/02917 Full Planning

BH2015/02917 121-123 Davigdor Road Hove





Scale: 1:1,250

No: BH2015/02917 Ward: GOLDSMID

App Type: Full Planning

Address: 121-123 Davigdor Road Hove

<u>Proposal:</u> Demolition of existing building and erection of a new part five,

six, seven and eight storey (plus basement) building comprising a total of 47 one, two and three bedroom residential units (C3) with balconies, roof terraces (2 communal) to storeys five and seven, community space on the ground floor (D1) together with associated parking, cycle storage, recycling facilities and

landscaping.

Officer: Adrian Smith Tel 290478 Valid Date: 21 August 2015

<u>Con Area:</u> N/A <u>Expiry Date:</u> 20 November

2015

Listed Building Grade: N/A

Agent: Savills (UK) Ltd, 74 High Street

Sevenoaks

Kent

TN13 1JR

Applicant: Crest Nicholson South, c/o Savills (UK) Ltd

74 High Street Sevenoaks

Kent

TN13 1JR

1 RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be MINDED TO GRANT planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a modern three storey plus basement building located on the north side of Davigdor Road at the junction with Lyon Close. The building includes adjacent car parking for 26 vehicles, part of which is occupied by a hand car wash business. Access is via Lyon Close to the rear. The building is occupied by a charity and comprises a series of basement studios for fitness classes with 26 bedrooms to the upper floors, all of which share basement communal facilities. The units are let on a short term emergency accommodation basis
- 2.2 The site is bordered to the east by a two storey office building and car park which has planning permission to be redeveloped into a mixed use building comprising 68 flats and 700sqm of office space. Further to the east is the seven storey P&H office building and three storey Preece House.

2.3 A number of single storey retail warehouses and trade counters sit across Lyon Close to the rear, with the mainline railway beyond. The Charter Medical Centre sits opposite to the south, along with a mix of two, three and four storey residential flats. A car park and a three storey office building sit across Lyon Close to the west. The site is not designated for any purpose in the proposals map for either the Brighton & Hove Local Plan or the Submission City Plan Part One.

3 RELEVANT HISTORY

BH2014/01439- Permanent use of land as hand car wash with associated parking. (Retrospective) Approved 01/09/2014

BH2013/02141- Installation of canvas canopy. (Part-retrospective) Refused 16/08/2013

BH2012/04042- Change of Use of part of car park to hand car wash. (Retrospective) Approved 01/05/2013

BH2012/01054- Change of use of lower ground and ground floors from offices (B1) to community centre (D1). Change of use of first and second floors from community centre (D1) and offices (B1) to residential accommodation for supported living (C2) incorporating 26no bedrooms. <u>Approved 13/07/2012</u>

BH2011/00521- Change of use of first floor from offices (B1) to natural health treatment rooms (D1) <u>Approved 18/05/2011</u>

113-119 Davigdor Road

BH2014/02308- Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works. Approved 05/11/2015

P&H House 106-122 Davigdor Road

BH2014/03006- Prior Approval for change of use from offices (B1) to residential (C3) to form 57 flats. <u>Prior Approval is required and is approved 20/10/2014</u>.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing building and the erection of a part five, six, seven and eight storey building comprising a total of 47 residential units (16 one-bedroom flats, 26 two-bedroom flats and 5 three-bedroom flats).
- 4.2 The proposal includes basement parking for 15 vehicles accessed from Lyon Close to the rear, and two communal roof terraces at sixth and seventh floor

- level. A 115sqm community room is proposed at ground floor level. The application details that 17% (8) of the units would comprise affordable housing, of which 75% (6) would be for affordable rent and 25% (2) shared ownership.
- 4.3 The proposals have been the subject of pre-application review by the Design Council and a pre-application presentation has been made to Members. The scheme has evolved to take into consideration the feedback received.

5 PUBLICITY & CONSULTATIONS

External

Neighbours:

- 5.1 Twenty Five (25) letters of representation have been received from 59, 64, 71 Addison Road; 26 (x2), Flat 4 30, Garden Flat 40, First Floor Flat 40, 56, 62 (x2), 66, 84 Lyndhurst Road; 4, 26 Bodiam House 90-98 Davigdor Road; Montefiore House, Montefiore Road (x3); 24 Petworth House, Davigdor Road; 15 Nizells Avenue; 14 Chiddingly House; savehove (x2); and Unknown (x2), objecting to the application for the following reasons:
 - The building is not in a tall building node or corridor. Eight storeys is too tall
 - Height out of scale with surrounding buildings, and does not take into consideration their scale
 - · Rear elevation not treated as well as front
 - Too many balconies
 - 47 flats is an overdevelopment
 - The building takes its cues from an unbuilt development adjacent
 - Balconies onto a main road is inappropriate and represents a poor quality of life for occupants
 - The site should remain in commercial use
 - Inappropriate for residential use given position at entrance to industrial estate and lack of services
 - Insufficient GP services and school places
 - Insufficient local services
 - Insufficient delivery points
 - Insufficient parking spaces
 - Noise disturbance from deliveries to warehouses
 - Loss of employment space
 - Insufficient infrastructure
 - Introduction of dense high rise development in a low rise area
 - Increased traffic and pollution leading to dangerous roads, including the Lyon Close junction
 - Cumulative impact on services and traffic with the conversion of P&H offices to housing and the development of 113-119 adjacent, a total of 172 additional units
 - Environmental pollution from demolition and possible asbestos removal
 - Overlooking and loss of privacy
 - Overshadowing and loss of sunlight
 - Looming and bulky impact

PLANNING COMMITTEE LIST - 09 December 2015

- Loss of views
- Construction disturbance
- Hemming in of the main road from tall development
- Insufficient landscaping
- Impact on feeling of space within St Ann's Wells Gardens
- Detrimental impact on potential development of industrial sites to rear
- There are already community uses in the area
- 5.2 **One (1)** letter of representation has been received from **78 Lyndhurst Road**, supporting to the application for the following reasons:
 - Provision of much needed housing, particularly if affordable
- 5.3 **Regency Society** <u>comment</u> that the provision of housing is welcome and that the height and form of the building is acceptable. Further consideration should be had to the use of materials, particularly the use of black brisk. A masterplan for the area should be produced.
- 5.4 **District Valuation Service:** No objection

Based on a 75% Affordable Rent and 25% shared ownership tenure the proposed scheme is able to support 8 affordable units. If the tenure is split 55% Affordable Rent and 45% shared ownership the DVS are of the opinion that the proposed scheme can provide 9 affordable units without affecting the viability of the scheme. This includes the proposed re-provision of community floorspace, for which the DVS have identified significant demand.

- 5.5 County Archaeology: No objection
- 5.6 **UK Power Networks:** No objection
- 5.7 East Sussex Fire & Rescue: No objection
- 5.8 **Environment Agency:** No objection
- 5.9 **Southern Water:** No objection
- 5.10 **Sussex Police:** No objection

Internal:

5.11 **Education**: No objection

5.12 **Environmental Health:** No objection

The demolition and rebuilding of the site has the potential to cause noise and dust to the surrounding residents and businesses, therefore a Construction Environmental Management Plan should be devised. This might be secured through the section 106 process and would also contain the requirement for a

PLANNING COMMITTEE LIST - 09 December 2015

developer to apply for a section 61 agreement under the Control of Pollution Act 1990.

- 5.13 The site was used for pharmaceutical manufacturing and bulk storage of fuel oils. The site is also surrounded by contaminative uses, notably the railway land. The proposed development includes a basement, therefore a contaminated land assessment should be sought.
- 5.14 The acoustic report submitted should be extended to include the noise impact from the forced ventilation that is likely to be needed as well as the noise from plant equipment e.g. the lift motor. The proposed housing is on a night bus route and surrounded by existing units that require deliveries in large lorries where the timings are not necessarily restricted. The scheme is mixed use, so there is the potential for noise from the ground floor commercial uses to interfere with the enjoyment of those living immediately above. Bin store units should not be stored immediately underneath bedrooms and living areas. A condition may be applied to secure sound insulation improvements beyond Part E of the Building Regulations. The application also includes some balcony spaces, some of which would overlook Davigdor Road. The noise levels predicted are above the levels in the WHO guidance of 55dB for the onset of annoyance. This requires careful interpretation, as the WHO guidelines are not enforceable.
- 5.15 The community uses may have plant, although at this stage it is unclear as to the type and location. For this reason it is suggested that a condition may be applied to control plant noise levels which it is suggested should be 10dB(A) below background, as per BS4142:2014. Given the commercial and residential mix, conditions are necessary in terms of servicing and opening hours, as these are currently not known. No servicing of the premises shall be carried out, outside of the hours.

5.16 Planning Policy: Comment

The provision of 47 residential units is welcomed as a contribution towards the city's significant unmet housing need, as set out in Policy CP1 of the Submission City Plan, as modified.

- 5.17 However the level of affordable housing proposed falls well below the 40% level required by Local Plan Policy HO2. The applicant states that a higher level of provision would not be viable, however independently scrutinised viability evidence should be submitted to demonstrate this before an exception to policy can be considered.
- 5.18 Local Plan Policy HO20 recognises the importance of retaining community facilities such as that housed in the existing building on the site, and it is therefore welcomed that a replacement facility will be provided in the new development, albeit with a 26m2 net loss of floorspace (a reduction from 141m2 to 115m2).

5.19 **Sustainable Transport**: No objection

Car Parking

Fifteen (15) car parking spaces are proposed in the form of a basement level car park, equating to 0.32 spaces per dwelling. This level of provision is considered acceptable in an area where there is a good accessibility by sustainable means and the presence of a Controlled Parking Zone will constrain opportunities for overspill car parking. The applicant has undertaken calculations to estimate the level of overspill parking based on 2011 car ownership levels for the Goldsmid ward, adjusting these for occupants of flats. They have also indicated through on-street car parking surveys that there is capacity for cumulative overspill from the proposed development and that consented at 113-119 Davigdor Road to be accommodated.

- 5.20 No consideration has been given to P&H House at 106-112 Davigdor Road which also has prior approval to be converted to residential; however, with parking provision in excess of one per unit, the Highway Authority would consider that levels of overspill parking associated with P&H House are likely to be limited, especially considering the surrounding Controlled Parking Zone. Therefore, the overspill and existing capacity calculations included within the submitted Transport Statement for 121-123 Davigdor Road do not appear to be unreasonable.
- 5.21 A S106 contribution of £27,150 is requested in accordance with policies TR1 and QD28 of the Brighton & Hove Local Plan and the council's standard contributions methodology. This will be allocated to the following:
 - Upgrade of westbound Lyons Close bus stop to provide a shelter and real time passenger information; and/or
 - Pedestrian crossing between the proposed development and the southern side of Davigdor Road to cater for pedestrians moving between the development site and Sommerhill Road and the westbound bus stop; and/or
 - Improvements to pedestrian routes between the development site and local amenities including, but not limited to, St Anne's Well Gardens, via Nizells Avenue, and local primary schools.
- 5.22 In addition, it is recommended that two years' car club membership (as part of a residential travel pack) per household be provided. This is in order to ensure that the development provides for the demand for travel it generates and encourages a sustainable travel strategy in accordance with Brighton & Hove Local Plan policies TR1 and TR4 respectively.

5.23 **Housing:** No objection

This scheme currently proposes to provide 47 residential units, with 8 (17%) provided as affordable housing. This assessment of affordable viability has been confirmed by an independent valuation report by the DV (District Valuer). In this instance the offer is a proposed split of 75% affordable rented and 25% shared

ownership accommodation which is acceptable. The site is a central and level access location. Affordable rented accommodation is particularly welcome.

5.24 **Economic Development:** No objection

5.25 Ecology: No objection

5.26 City Clean: No objection

5.27 Sustainable Drainage: No objection

5.28 Sustainability: No objection

5.29 Arboriculture: No objection

5.30 Access: No objection

6 MATERIAL CONSIDERATIONS

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

•

East Suss

Brighton 8

- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
 Saved Policies WLP 7 and WLP8 only site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & H	ove Local Plan:
TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing- 'windfall sites'
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses

Supplementary Planning Guidance:

SPGBH4 Parking Standards SPGBH15 Tall Buildings

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable development
CP1	Housing delivery
CP12	Heritage
CP14	Housing density
CP16	Open space
CP19	Housing mix
CP20	Affordable housing

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, the design of the proposed building and its impacts on the surrounding area, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, and transport, ecology and sustainability issues.
- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.
- 8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.

Principle of Development:

8.4 The site is not designated for employment use or any other use within either the Brighton & Hove Local Plan or the Submission City Plan Part One. As existing the site accommodates a former office building that has been converted into 26 units of supported living accommodation with associated communal rooms and a separate community space. The supported living accommodation falls within the C2 use class however there are no specific policies within either the Brighton & Hove Local plan or Submission City Plan Part One that would resist its loss. The applicants have identified that the supported living units would be re-accommodated within emerging proposals for the 'Flexer Sacks' site in Portslade however this carries little weight given the absence of any live planning application or permission. In any case, it is considered that the benefit of the proposal in providing 47 residential units to meet the city's overall identified housing needs carries significant weight and overrides any harm afforded by the loss of the unprotected supported housing.

- 8.5 A hand car wash facility and burger van currently operate from the car park, the loss of which would be contrary to policy EM6. In this instance, given the nature of the employment use which employs a small number of people and can readily be moved to an alternative site, this loss is not considered harmful when balanced against the significant housing benefits of the development.
- 8.6 Accordingly the residential re-development on the site is considered acceptable in principle, subject to all other material considerations set out below.

Design and Appearance:

- 8.7 The site is currently occupied by a modern three storey plus basement building of a cube design that makes an inefficient use of the site. Given the presence of the taller P&H building to the east and the permission recently granted for a building up to 8 storeys in height on the adjacent plot at 113-119 Davigdor Road, it is considered that a taller building that makes a better and more effective use of the site can be supported in principle.
- 8.8 The proposed building would be formed of three main elements set on a rectangular footprint square to Davigdor Road and Lyon Close. The main frontage would follow the general building line to the north side of Davigdor Road, broadly aligning with the approved development at 113-119 and the existing building at Preece House beyond to the east. In terms of scale, the building would sit five storeys in height fronting Davigdor Road stepping up to a central seven storey element and rear eight storey element. The five storey street frontage would broadly align with the front element to the approved development at 113-119 and the main body of Preece House. This 'shoulder height', in combination with the building line, would serve to significantly improve the continuity of the built frontage along the north side of Davigdor Road, which is currently disjointed and of a poor townscape quality.
- 8.9 The eight storey height of the building (24.5m) constitutes a 'tall building' as defined in SPGBH15 'Tall Buildings'. The site falls outside of the specific nodes and corridors for tall buildings identified in the SPG, however this does not necessarily preclude a tall building if local context dictates otherwise and the tests of SPG15 have been met. As required by the SPG, the applicants have submitted a Tall Buildings Statement within the Design & Access Statement to help justify the scale of building proposed in the local and wider city context.
- 8.10 The key test of the SPG is whether the proposed building is deemed 'significantly taller' than the mean height of surrounding development within a 100m radius. If deemed 'significantly taller' and not within an identified tall buildings node or corridor, such buildings will normally be judged contrary to policies QD1, QD2 & QD4 of the Local Plan.
- 8.11 In this instance the surrounding townscape comprises a mix of single storey retail warehouses and trade counters, 2-4 storey residential buildings, and 2 to 7 storey commercial buildings of between 7m and 28.8m in height. This

variance in scale, which is most pronounced on the northern side of Davigdor Road, is such that a building that meets the mean height of all surrounding development (approximately 18m) would be lower than the P&H building (max 28.8m) but taller than the adjacent office building at 113-119 (7m) and warehouses to the rear (approximately 8-10m). Given that a building of greater overall height and massing has been approved on the adjacent site at 113-119, and given the presence of the scale and massing of the P&H building beyond, it is considered that a building of broadly similar height, whilst taller than the mean height of all surrounding development, would not necessarily be 'significantly taller' such that policies QD1, QD2 & QD4 of the Brighton & Hove Local Plan would be compromised.

- 8.12 The submitted visuals detail that the building would not be readily visible or dominant in views from Dyke Road Park to the north and St Anns Well Gardens to the south, and confirm that the lower massing to the front of the building would continue the general four-five storey built form to the north side of Davigdor Road. The overall scale and massing of the building would be most noticeable from the north, in particular from the railway bridge to the west. However, against the backdrop of P&H house, the approved development at 113-119, and the retail warehouses to the foreground, this impact is not considered so harmful as to warrant refusal.
- 8.13 The proposals have been through Design Review, with the aim to seek independent opinion on the scale and height of the building and its overall design and detailing, amongst other matters. The Design Council considered the overall heights, design approach and stepped arrangement to be acceptable within this street scene context, but suggested that improvements to the treatment of the north elevation and ground floor layouts could be made to improve privacy and light to these flats and introduce a greater number of dual aspect and family units.
- 8.14 The submitted design has responded positively to these recommendations, with a new five storey wing to the rear appropriately breaking up the otherwise sheer eight storey rear street façade fronting Lyon Close. This improvement has also allowed for the provision of more family units and dual aspect units.
- 8.15 In terms of materials, the application proposes a two-tone brick finish with large grey aluminium windows. The main brickwork to the front and eight storey elements would comprise a buff multi-stock intended to closely match that approved at 113-119 and help bring a more consistent material finish to this part of Davigdor Road. A darker grey brick would be used for the central seven storey element and rear five storey wing to help further articulate the different sections of the building. To bring further articulation to the building, the brickwork to the east and west elevations would be corbelled, with timber panelling adjacent to the main windows and dark grey metal balustrading. Subject to a condition to secure final samples of these materials, the building would appear well considered and articulated, thereby helping to strengthen the appearance of this section of Davigdor Road.

- 8.16 Access into the residential part of the building would be via a small landscaped courtyard and undercroft entranceway to the east side, with access to the community space via an undercroft on the Davigdor Road/Lyon Close corner junction. This is considered an acceptable arrangement.
- 8.17 For these reasons it is considered that the building maximises the potential of the site whilst respecting the scale and massing of the adjacent buildings and improving the general rhythm and character of the street. The building would be an appropriate addition to the street in accordance with policies QD1, QD2 & QD4 of the Brighton & Hove Local Plan and the tall buildings guidance within SPGBH15.

Landscaping and ecology:

- 8.18 The site as existing is hard landscaped with onsite parking and minimal planting. Two trees (Sycamore and Birch) are to be removed to facilitate the development however these are poor quality specimens of limited amenity value and the arboriculturalist has raised no objection accordingly. A condition is attached to secure appropriate protection of the street Elm tree fronting the site during construction works.
- 8.19 The proposed building would consume the majority of the site with the remaining areas hard surfaced. The landscaping plans show new areas of planting at ground, fifth and seventh floor levels, including the provision of 10 new trees, climbers and hedges. This represents an improvement on existing and will help soften the appearance of the building in the street scene. Final details of all hard and soft landscaping and boundary treatments are secured by condition, along with a condition to secure a scheme to enhance the nature conservation interest of the site to accord with policy QD17.

Affordable Housing:

- 8.20 The application proposes 47 residential flats, of which 17% (8) would be affordable units. The affordable units would comprise 6 one-bed units and 2 two-bed units, of which 6 would be for affordable rent and 2 for shared ownership units. This provision falls short of the 40% affordable housing requirements set out in policy HO2 of the Brighton & Hove Local Plan and policy CP20 of the Submission City Plan Part One, and the tenure mix set out in the accompanying Affordable Housing Brief.
- 8.21 To justify this shortfall the applicants have submitted a Development Viability Report which contends that the provision of additional affordable housing units on this site is unviable. This case has been forwarded to the District Valuation Service who have agreed that the full 40% affordable provision could not be viably provided on this site. The DVS have fully assessed the applicants case and agreed that the proposed 17% (8 unit) provision is the maximum the scheme could viably provide.

- 8.22 The DVS has noted that the 75/25% affordable rent/shared ownership split differs from the 55/45% split preferred in the Affordable Housing Brief. The DVS has calculated that if the 55/45% split was used an extra unit of affordable housing could be provided. This split would though result in one fewer affordable rent units and 2 additional shared ownership units. In this instance it is considered that the applicants proposal, which maximises the affordable rent provision, should be secured. This conclusion is supported by Housing officers.
- 8.23 Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable RSL are secured within the s106 heads of terms. Accordingly the proposal is considered appropriate having regard policies HO2 & HO3 of the Brighton & Hove Local Plan and policies CP19 & CP20 of the Submission City Plan Part One.

Standard of Accommodation:

- 8.24 The size and layout of each unit is generally considered acceptable, with all rooms having good access to natural light and ventilation and each flat having access to a private balcony as well as the communal roof terraces at fifth and seventh floor levels. Although not all units meet the minimum recommended in the Nationally Described Space Standards, their size and layout still remains of an acceptable standard. It is noted that a large number of units exceed the national standards and have dual aspect outlooks, thereby ensuring a good standard of accommodation throughout the building.
- 8.25 Given the tight constraints of the site no further amenity space is possible other than the 267sqm of communal roof terrace to provide the necessary open space and outdoor recreation space within the site to comply with the requirements of policy HO6. To offset this shortfall a contribution of £101,106 is sought within the s106 Heads of Terms to improve local amenity and recreational facilities in the vicinity of the site. This contribution would go towards improving facilities at St Anns Wells Gardens to the south of the site and Dyke Road Park to the north, as well as improving other recreational facilities in the area.
- 8.26 A Noise Impact Assessment has been submitted to address potential disturbance from traffic movements along Davigdor Road and Lyon Close, and from the rail line. The Assessment calculates the likely noise levels on each façade of the proposed building based on existing recorded levels, and concludes that enhanced double glazing will be required to all 'sensitive' rooms (living rooms, bedrooms etc) on all elevations, with standard double glazing to all remaining windows. The Assessment notes that triple glazing is proposed which would exceed these requirements. Acoustic ventilation is also recommended for all main rooms to avoid the need for open windows. These measures are secured by condition and will ensure a satisfactory standard of accommodation for future occupiers. A restriction on the hours of operation for the community use is also secured by condition to protect adjacent residents, as recommended by the Environmental Health officer.

- 8.27 Policy HO13 requires all new residential units to be Lifetime Homes compliant, with 5% of all units in large scale schemes such as this to be wheelchair accessible. This would require 2 units to be wheelchair accessible in this instance. No information has been submitted with the application to clarify that wheelchair accessible units will be provided in the scheme, however this can be addressed by condition in the event permission is granted.
- 8.28 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the building is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the two wheelchair accessible units, and Requirement M4(2) for all other units.

Impact on Amenity:

- 8.29 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.
- 8.30 The nearest residential properties are located opposite Davigdor Road to the south either side of the Charter Medical Centre, and along Lyndhurst Road to the north. Residents have raised concerns over loss of amenity from the proposed building. The applicants have submitted a daylight/sunlight assessment calculated in accordance with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' and BS8206-2.
- 8.31 To the north, the properties along Lyndhurst Road are set at a minimum separation of approximately 100m from the rearmost part of the proposed building. This separation across the roofs of the warehouses on Lyons Close and the railway line beyond is sufficient to ensure that views from the rear terraces would not be significant or invasive. Further, the separation is sufficient to ensure that the building would not be excessively enclosing or dominating of outlook and would not result in an appreciable loss of daylight or sunlight.
- 8.32 To the south, the site sits directly opposite the Charter Medical Centre, with Somerhill Road to the east of the Medical Centre and flats at Bodiam House to the west. Given the offset position of Bodiam House and the inset layout to the roof terraces at 5th and 7th floor levels, it is not considered that any significant loss of privacy would occur. Likewise any overlooking from the front windows and balconies would not be significant given the separation across a main road.
- 8.33 Although the proposed building would have a greater and more dominating impact on outlook to these flats than the existing building, given the separation

of 20m across a main road to the north and the set back of the main bulk of the building, this harm is not considered excessive. The daylight/sunlight report confirms that daylight and sunlight levels for the development both individually and cumulatively with 113-119 adjacent would meet the BRE test and would not result in significant harm.

- 8.34 The adjacent office building at 113-119 Davigdor Road would not be unduly impacted given its separation. The replacement building includes south facing residential windows at first to fourth floor level close to the western boundary with the application site. Although breaking a 45 degree line, the proposed building is set at a suitable distance and orientation such that daylight, sunlight and outlook would not be unduly restricted.
- 8.35 On this basis no significant harm to the amenities of residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with policy QD27 of the Brighton & Hove Local Plan. A Construction and Environmental Management Plan is required within the s106 to ensure that disruption to adjacent businesses and residents is suitably minimised.

Sustainable Transport:

- 8.36 Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development should provide covered and secured cycle parking facilities for residents.
- 8.37 The application proposes 15 parking spaces at basement level of which 2 would be disabled spaces. This level of general parking provision falls within the maximum standards set out in SPG4, however there is a shortfall of 2 disabled parking bays. Sustainable Transport officers have requested two additional disabled parking at the expense of the remaining 13 general parking bays, however given the constraints of the basement level, no such spaces could be provided that comply with the necessary standards without substantially reducing the remaining provision. Given that two wheelchair accessible units are secured in the development and that street parking for blue badge holders is possible in parking bays in the local area, the provision of two onsite disabled parking bays is considered acceptable in this instance.
- 8.38 The site is located in a Controlled Parking Zone (Zone O) with double yellow lines restricting parking along Davigdor Road to the front and Lyons Close to the rear. Whilst the CPZ restricts parking during the day, evening and overnight parking is not restricted. Residents have raised concern that the overall level of parking provision is insufficient to cater for the development, and will lead to increased parking pressure in the wider area given the new residential units approved at 113-119 and P&H House.
- 8.39 To address this potential impact, the applicants have undertaken surveys of parking availability on surrounding streets and calculated levels of overspill

parking likely to be generated based on 2011 Census data for the Goldsmid ward. These calculations include the demand likely to be generated by the approved development at 113-119. The calculations show a total of 27 cars from both developments overspilling into the local area during the evening and overnight when parking controls are not in force. This compares favourably to the identified 75-88 spaces free each night in the local area. Sustainable Transport officers agree with the findings that there is sufficient capacity for cumulative overspill in the local area, should this arise. It is noted that demand from the residential occupation of P&H house has not been considered. This is on the basis that the on-site parking capacity of P&H house is at a level of more than one space per unit. As such it is not considered that the conversion of P&H house to residential will likely generate significant overspill parking.

- 8.40 The site is also in a sustainable location along bus routes and within a 15-20min walk from both Brighton & Hove Stations and the city centre. As such occupiers would not be solely reliant on car travel to meet their day-to-day needs. On this basis, and having regard the location of the development within a CPZ, the overall level of parking is considered acceptable. This view is supported by Sustainable Transport officers, who raise no objection to the proposals.
- 8.41 Given the sustainable location of the development and the identified capacity for evening and overnight overspill parking in the local area, it is not considered necessary to require that the development be car-free.
- 8.42 In terms of cycle parking, 48 spaces are proposed at basement level with a further 26 spaces at ground floor level. This level of provision meets that required under SPG4 and is appropriate for a development of this scale. Final details are secured by condition.
- 8.43 Sustainable Transport officers have requested that a continuous footway be introduced along the Lyon Close frontage to link to the adjacent site at 113-119 to improve connectivity around the site. The applicants have agreed to this alteration, with final details to be secured by condition. It is noted that this would require alteration to the position of three trees proposed along the northern site boundary, however this can be suitably managed via the landscape condition.
- 8.44 Give the uplift in trips generated by the development a contribution of £27,150 is sought to improve sustainable transport infrastructure in the vicinity of the site, in particular to provide a pedestrian zebra crossing fronting the site, an improved west bound bus stop, and improved dropped kerbs and tactile paving to junctions in the area. The zebra crossing in particular would assist residents safely crossing the street to St Anns Well Gardens to the south and when walking to the town centre. Subject to this contribution secured in the s106 heads of terms the proposal would meet the transport demand it would generate in accordance with policies TR1, TR2, TR4, TR7, TR8 & TR14 of the Brighton & Hove Local Plan. It is noted that this contribution mirrors that sought for 113-119 adjacent therefore in the event the adjacent development commences development first, Sustainable Transport officers have confirmed

that the contribution would be spent on further pedestrian upgrades in the vicinity of the site.

Sustainability:

- 8.45 Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One (proposed further modification September 2015) require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. It also requires the non-residential element to meet BREEAM 'very good'. The Energy and Sustainability Statements submitted with the application state that the scheme will include measures to improve energy performance including photovoltaic panels, mechanical heat recovery and waste water heat recovery. In the event permission is granted conditions can be attached to ensure the above energy and water standards set out in policy CP8 are met.
- 8.46 Refuse and recycling facilities appropriate to the scale of the development are proposed within the northern section of the building fronting Lyon Close. This provision can be secured by condition. For these reasons, and subject to the recommended conditions, the proposed development is considered to reach the sustainability standards required by policies SU2 and CP8.

Other Considerations:

- 8.47 The application includes a Site Investigation Report to address possible land contamination. The Report identifies that the site has a history of uses that is likely to have resulted in potentially contaminated land. The Environmental Health officer has agreed with the report and its recommendation that further investigation works are required. This is secured by condition.
- 8.48 The Economic Development officer has raised no objection to the proposed development, subject to a contribution of £23,500 towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction works. This is secured via the s106 heads of terms.
- 8.49 Residents have raised concern that there are insufficient schools places in the area to meet the uplift in demand this development would create. In line with the methodology set out in the Developer Contributions paper, a contribution of £76,391 is sought towards the cost of providing primary and secondary educational infrastructure for the school age pupils this development would generate. In terms of other supporting infrastructure, whilst a pressure on doctors surgeries has been identified by residents, there is no evidence that local services would be unable to cater for occupants of this development.

9 CONCLUSION

9.1 The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of additional housing, including affordable housing without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Subject to conditions and the s106 agreement the development would accord with development plan policies.

10 EQUALITIES

10.1 The development is required to provide two wheelchair accessible units that meet Requirement M4(3) of the optional requirements in Part M of the Building Regulations, with Requirement M4(2) to be met for all other units.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- An Employment and Training Strategy that includes a commitment to at least 20% local labour during construction of the project.
- Contribution of £27,150 towards improving sustainable highway infrastructure in the vicinity of the site, as set out in the report.
- Contribution of £101,106 towards Open Space, Sport and Recreation in the area, as set out in the report.
- Contribution of £76,391 towards education provision.
- Contribution of £23,500 towards the Local Employment Scheme
- Construction and Environmental Management Plan
- Scheme for affordable housing

Regulatory Conditions:

- 1) 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.
- 2) 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
Site location plan	ZZ-DR-A-4_02- 001	D0-2	21/08/2015
Site block plan	ZZ-DR-A-4_02- 002	D0-1	07/08/2015
Existing roof plan	08-DR-A-4_03- 002	D0-1	13/08/2015
Existing north and east elevations	ZZ-DR-A-4_05- 010	D0-1	13/08/2015

Existing south and west	ZZ-DR-A-4_05-	D0-1	13/08/2015
elevations	011		
Proposed basement plan	B1-DR-A-4_03- 001	D0-1	13/08/2015
Proposed ground floor plan	00-DR-A-4_03- 001	D0-1	13/08/2015
Proposed first floor plan	01-DR-A-4_03- 001	D0-1	13/08/2015
Proposed second floor plan	02-DR-A-4_03- 001	D0-1	13/08/2015
Proposed third floor plan	03-DR-A-4_03- 001	D0-1	13/08/2015
Proposed fourth floor plan	03-DR-A-4_03- 001	D0-1	13/08/2015
Proposed fifth floor plan	05-DR-A-4_03- 001	D0-1	13/08/2015
Proposed sixth floor plan	06-DR-A-4_03- 001	D0-1	13/08/2015
Proposed seventh floor plan	07-DR-A-4_03- 001	D0-1	13/08/2015
Proposed roof plan	08-DR-A-4_03- 001	D0-1	13/08/2015
Proposed north elevation	ZZ-DR-A-4_05- 001	S0-1	13/08/2015
Proposed east elevation	ZZ-DR-A-4_05- 002	D0-1	13/08/2015
Proposed south elevation	ZZ-DR-A-4_05- 003	D0-1	13/08/2015
Proposed west elevation	ZZ-DR-A-4_05- 004	D0-1	13/08/2015
Proposed north and east street elevations	ZZ-DR-A-4_05- 005	D0-1	13/08/2015
Proposed south and west street elevations	ZZ-DR-A-4_05- 006	D0-1	13/08/2015
Proposed soft landscape	L-500	С	21/08/2015
Proposed hard landscape	L-200	С	21/08/2015
Landscape plan- 5 th floor	L-120	С	21/08/2015
Landscape plan- 7 th floor	L-140	С	21/08/2015
Tree constraints plan	8818/01	-	13/08/2015
Proposed section AA	ZZ-DR-A-4_04- 001	D0-1	13/08/2015
Proposed section BB	ZZ-DR-A-4_04- 002	D0-1	13/08/2015
Proposed section CC	ZZ-DR-A-4_04- 003	D0-1	13/08/2015
Proposed section DD	ZZ-DR-A-4_04- 004	D0-1	13/08/2015

Proposed section EE	ZZ-DR-A-4_04- 005	D0-1	13/08/2015
Proposed section FF	ZZ-DR-A-4_04- 006	D0-1	13/08/2015

3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

4) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

5) Other than the dedicated balconies to each flat and the communal roof terraces at fifth and seventh floor levels detailed on the approved plans, access to the flat roofs over the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

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

The Party Walls/Floors between the community use and the residential units directly above and adjacent, between the substation/plant and the residential units directly above, and between the lift shaft and residential units directly adjacent, shall be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats.

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

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

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

8) The community use hereby permitted shall not be open except between the hours of 07:00 to 22:00 hours Monday to Friday and 08:00 to 22:00 Saturdays, 10:00-18:00 Sundays and not at anytime on Bank or Public Holidays.

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

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

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

11.3 Pre-Commencement Conditions

10) No development, including demolition, shall commence until fences for the protection of the street Elm tree fronting the site have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11) No development other than demolition works shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory

means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 12) No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority.
 - Detailed drawings showing the design of the ramp to the basement car park, including kerb positioning;
 - Detailed drawings and information to demonstrate that the proposed retaining wall to the basement car park and access ramp will be able to withstand highway loading;
 - Full details and drawings of any shutter and traffic management control system, including details of any signal locations and road markings/signage that may be required to manage the safe passage of vehicles in the site and ensure that vehicles entering the site have priority and do not reverse out onto the highway.

The development shall be carried out in accordance with the approved details and made available for use prior to the occupation of the development hereby approved and shall thereafter be retained for use at all times.

Reason: To improve visibility and awareness of vehicles entering and exiting the site via the access ramp, in the interest of highway safety and to comply with policy TR7 or the Brighton & Hove Local Plan.

- 13) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority, if the desk top study identifies potentially contaminant linkages that require further investigation then,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

and, unless otherwise agreed in writing by the Local Planning Authority, the results of the site investigation are such that site remediation is required then,

- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority

verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

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

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

11.4 Pre-Ground floor Slab Level Conditions

No development above ground floor slab level of any part of the development hereby permitted shall take place until a written scheme on how and where ventilation will be provided to the various flats including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

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

No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

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

- 17) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick,
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 & QD14 of the Brighton & Hove Local Plan.

11.5 Pre-Occupation Conditions

- 18) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
 - **Reason**: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 19) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. details of all hard surfacing:
 - b. details of all boundary treatments:
 - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

20) Prior to first occupation of the development hereby permitted, a scheme to introduce a continuous footway along the northern site boundary fronting Lyon Close shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall include dropped kerbs and tactile paving to the new vehicular access, shall be constructed prior to the first occupation of the development hereby permitted and retained as such thereafter.

Reason: In the interests of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

21) 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 SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

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

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

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

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

24) Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Submission City Plan Part One (Proposed Further Modifications September 2015).

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

26) The residential units hereby permitted shall not be occupied until the measures to minimise road traffic noise disturbance set out in paragraphs 5.10-5.13 of the Noise Impact Assessment received on 13 August 2015 as a minimum have been fully implemented. The measures shall thereafter be retained as such.

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

- 27) Within 3 months of first occupation of the development hereby approved, the developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (carers, staff, visitors, residents & suppliers).
 - **Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.
- 28) No external lighting shall be installed until full details have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

29) No photovoltaic panels shall be installed until full details have been submitted to and approved in writing by the Local Planning Authority. The installation shall be carried out in accordance with the approved details and thereafter retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 & QD2 of the Brighton & Hove Local Plan.

Informatives:

- In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:

 (Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-
 - The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of additional housing, including affordable housing without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Subject to conditions and the s106 agreement the development would accord with development plan policies.
- 2. The applicant is advised that a formal connection to the public sewerage system and water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk
- 3. The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 4. The applicant should note that no works can commence on the adopted highway until all details have been agreed and approval to work on the highway has been granted by the Highway Authority. Although in this case the majority of proposed works would be within the site boundary,

- associated works would need to take place on the adopted footway of Lyons Close
- 5. The applicant is advised that this planning permission does not override the need to go through the Approval in Principle (AIP) process for the necessary works adjacent to the highway, prior to the commencement of any construction works. The applicant must contact the Council's Highway Engineering & Projects Team for further information.
- 6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see <u>Gov.uk website</u>); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under <u>Part L1A 2013</u>, paragraph 2.13.
- 7. The water efficiency standard required under condition 22 is the 'optional requirement' detailed in <u>Building Regulations Part G Approved Document (AD)</u> 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 <u>AD Part G Appendix A</u>.
- 8. The applicant is advised that the details required by Condition 17 are to be delegated for agreement to the Planning and Building Control Applications Manager in consultation with the Chair, Deputy Chair and the Opposition Spokesperson.

ITEM I

18 McWilliam Road, Brighton BN2 6BE BH2015/03422 Householder Planning Consent

BH2015/03422 18 McWilliam Road, Woodingdean







Scale: 1:1,250

No: BH2015/03422 Ward: WOODINGDEAN

App Type: Householder Planning Consent
Address: 18 McWilliam Road Brighton

Proposal: Hip to gable roof extensions, creation of rear dormers and

insertion of front rooflights.

Officer: Rebecca Fry Tel 293773 Valid Date: 30 September

2015

<u>Con Area:</u> N/A <u>Expiry Date:</u> 25 November

2015

Listed Building Grade: N/A

Agent: Malcolm Lewis, 18 Brgy Narra

San Manuel Pangasinan

2438

Applicant: Mr Ryan Kendall, 18 McWilliam Road

Brighton BN2 6BE

1 RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason set out in section 11.

2 SITE LOCATION & DESCRIPTION

2.1 The application relates to a detached bungalow on the east side of McWilliam Road. The surrounding area is residential in nature, predominantly comprising of detached hipped roofed bungalows and chalet bungalows particularly on the east side.

3 RELEVANT HISTORY

- 3.1 **BH2015/01959**: Hip to gable roof extensions, creation of rear dormer and insertions of front rooflights. **Refused** 10/09/2015 for the following reason:
 - The proposed roof extensions and rear dormer, by virtue of their scale and form, represents an unduly bulky roof form which would give the recipient property a top heavy appearance that fails to respect the character and appearance of the recipient property or the continuity of the scale and bulk of roofs within the McWilliam Road streetscape, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

Appeal (ref: APP/Q1445/D/15/3134936). This decision was appealed by the applicant, a <u>decision is awaited</u>.

4 THE APPLICATION

Planning permission is sought for a revised scheme for roof alterations comprising hip to barn end gable roof extensions and the erection of two rear dormers and installation of three front rooflights.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** None received.
- 5.2 **Councillor Simson,** Conservative Member for Woodingdean Ward <u>supports</u> the scheme. Letter attached.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
 - Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
 Saved policies 3,4,32 and 36 all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
 Saved Policies WLP 7 and WLP8 only site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD14 Extensions and alterations QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the recipient building and street scene, as well as the impact on the amenity of neighbouring residents.

Planning Policy:

- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
 - a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - d) uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 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.

Design:

8.5 Design of the Scheme:

This application follows the refusal of a previous scheme (BH2015/01959) which sought hip to gable roof extensions and one rear dormer and three front roof lights. The refusal was appealed by the applicant and a decision from the Planning Inspectorate is awaited. The current application is seeking planning permission for a revised scheme for roof alterations.

8.6 This application seeks to address the concerns raised in the previous refusal. When compared with the previous refused scheme, the current proposal

would include small barn end hips to the proposed gable extensions and two dormers which would cover slightly less of the rear roof slope than the previously refused rear dormer. The three proposed front rooflights remain the same.

- 8.7 The existing building incorporates a hip roof to the main building with pitched roof front projection with gable facing the street. Similar to the previous refused scheme the proposed barn end gables would retain the existing ridge height and would both measure 4.1 metres in depth. The newly proposed inclusion of barn ends would hip approximately 0.9m off the proposed ridge extension. The barn ends do not introduce a significant hip and do little to address the previous concerns raised in respect of increased bulk that would be uncharacteristically top heavy in the street scene.
- 8.8 The height and placement of the proposed dormers within the rear roof slope is similar to the dormer in the previously refused scheme. The proposed flat roof of the dormers would be 0.5 metres below the roof ridge and the base of the dormers would be 0.7 metres above the eaves height and would have a height of 2m. However, the current scheme would reduce the width of the roof slope to be covered from 9m to approximately 6.8m. The dormers would not be of equal widths, one would be approximately 2.6m wide and the other 4.2m, both with 0.85m set backs (please note the proposed first floor/roof plan fails to accurately show the two proposed dormers).
- 8.9 It is considered the roof alterations would conflict with good design principles as set out in SPD12. The formation of gables with a minor hip detail by virtue of the proposed barn ends, would still alter the basic shape of the roof and result in an unsympathetic bulky alteration to the recipient building within the street. Despite the reduction in width and increase in set back the proposed dormers are not considered to be modest in scale and would form significant features. The size of dormers proposed would not be possible on the existing roof. They would consume much of the extended rear roofspace, have poor window alignment with the building below and have excessive areas of cladding. This runs contrary to the design guidance within SPD12, which specifically identifies box dormers such as this which consume the majority of the width and/or height of a roof slope as being inappropriate. There are no circumstances within the immediate vicinity of the site that would reasonably justify a departure from this guidance.
- 8.10 The previous refusal did not include a reason relating to the three proposed front rooflights. Whilst it is acknowledged the proposed rooflights do not align with fenestration below and add undue clutter within the roof it is not considered appropriate to introduce this as a reason for refusal.
- 8.11 For the reasons detailed above the resultant roof form would significantly change the balance of the property, from one with a low profile roof to one which would result in the property having a top-heavy appearance out of keeping with the character of the street. If permitted, the rhythm and continuity of the rooflines within the street scene would be detrimentally affected, by virtue of the scale and bulk of the proposed roof alterations. As such, and for

the above reasons, the proposal represents a harmful over extension of the roof of the recipient property resulting in harm to the street scene contrary to policy QD14 and SPD12 guidance.

8.12 It is acknowledged inappropriate alterations to the roof could be carried out under permitted development rights, indeed there are examples of unsympathetic roof alterations in the street, however, this does not set a precedent or justification for accepting further incongruous, bulky and unsympathetic alterations.

Design in Context:

8.13 It is acknowledged that opposite the application site are side gable ended semi-detached bungalows with rooflights to the front, however, the gable ends form part of the bungalows original design. Other that these properties hip roofs prevail within the surrounding area, in particular there are similar bungalows to the application site immediately adjacent along the east side of the street.

Impact on Amenity:

8.14 The application property is set sufficiently away from neighbouring properties so that the additional bulk at the property would not result in significantly harmful overshadowing, loss of outlook or increased sense of enclosure to neighbouring properties. No side facing windows are proposed. The rooflights to the front elevation would have an aspect which would prevent significantly harmful overlooking and loss of privacy to neighbouring properties. The proposed windows in the dormers would increase overlooking to the rear. However the properties at the rear have small rear gardens and are set down on lower ground thus the impact would be negligible on these properties. The increased depth of the properties to the south and north would negate much of the impact of overlooking it is not therefore considered, also taking into account the existing dormer windows in the area and permitted development rights, that the resultant overlooking would be sufficiently harmful as to warrant a reason for refusal.

9 CONCLUSION

9.1 The proposed development, by virtue of the scale of the roof extensions and dormers, represents an unduly bulky roof form which would give the recipient property a top heavy appearance that fails to respect the character and appearance of the recipient property or the continuity of the scale and bulk of roofs within the McWilliam Road streetscape, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

10 EQUALITIES

None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

The proposed roof extensions and rear dormers, by virtue of their scale, positioning, form and excessive areas of cladding, represents an unduly bulky roof form which would give the recipient property a top heavy and incongruous appearance that fails to respect the character and appearance of the recipient property or the continuity of the scale and bulk of roofs within the McWilliam Road streetscape, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

11.2 Informatives:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan			22/09/2015
Existing floor and sections plan	1201 01		22/09/2015
Existing elevations plan	1201 02		22/09/2015
Proposed ground floor plan	1201 03		30/09/2015
Proposed first floor plan (nb. the	1201 04	Α	30/09/2015
states in error roof plan and f			
accurately show the two dormers			
Proposed elevations plan	1201 05	Α	22/09/2015



PLANNING COMMITTEE LIST 9 DECEMBER 2015

COUNCILLOR REPRESENTATION

COUNCILLOR DEE SIMSON Chair of Overview & Scrutiny

Brighton & Hove City Council King's House Grand Avenue Hove BN3 2LS

Rebecca Fry Planning Department Brighton& Hove City Council 20 October 2015

Re: 18 McWilliam Road, Woodingdean

BH2015/03422

Dear Ms Fry

I have been contacted by Mr Kendall of 18 McWilliam Road regarding their planning application for roof extensions, rear dormers and rooflights.

I am very familiar with this road which is a mixture of many property designs, some houses, some bungalows and some which have already extended their buildings in a similar way. In fact there are very few similar properties as the road was developed on a very ad-hoc basis.

Neighbours are not objecting to this development and bearing in mind the mixed nature of the road, it would not appear to be against planning policy to approve this application to create a family size home which is much needed.

The design, whilst different to its neighbouring properties, is sympathetic and balanced and would not have a detrimental impact on the street scene.

If you are minded to refuse this application, I would ask that the final decision is made by the Planning Application Sub Committee following a site visit. This will allow them to see for themselves the diversity of the buildings in the vicinity.

Regards

Dee Limson

Conservative Member for Woodingdean Ward