

# Planning Committee

Date: **5 April 2023**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Littman (Chair), Ebel (Deputy Chair), Childs, Barnett, Hills, Janio, Moonan (Opposition Spokesperson), Shanks, C Theobald and Yates

Conservation Advisory Group Representative

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# AGENDA

## 101 PROCEDURAL BUSINESS

**(a) Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

### **(b) Declarations of Interest or Lobbying**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

**(c) Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

## 102 MINUTES OF THE PREVIOUS MEETING

1 - 14

Minutes of the meeting held on 8 March 2023.

## 103 CHAIR'S COMMUNICATIONS

## 104 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 30 March 2023.

## **105 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

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

*Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.*

**Public Speakers Note:** A person wishing to speak at a meeting of the Committee shall give written notice of their intention to do so to the Democratic Services Officer **four clear days** before the meeting (normally, the Committee meets on Wednesdays which means the notice has to be **received by 5.30pm the preceding Friday**). Please email Democratic Services at: [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

### **MAJOR APPLICATIONS**

A	BH2022/03892 - Moulsecoomb Place, Lewes Road, Brighton - Full Planning	<b>15 - 84</b>
B	BH2022/03893 - Moulsecoomb Place, Lewes Road, Brighton - Listed Building Consent	<b>85 - 100</b>
C	BH2022/02821 - 65 Orchard Gardens Hove - Full Planning	<b>101 - 134</b>

### **MINOR APPLICATIONS**

D	BH2022/03840 - 72 Crescent Drive South, Brighton - Removal or Variation of Condition	<b>135 - 148</b>
E	BH2023/00026 - Studio, 49 Elm Drive, Hove - Full Planning	<b>149 - 170</b>
F	BH2022/03842 - 2 Bishops Walk, Crown Street, Brighton - Householder Planning Consent	<b>171 - 184</b>
G	BH2023/00127 - 8 The Upper Drive, Hove - Householder Planning Consent	<b>185 - 194</b>
H	BH2023/00136 - 10 County Oak Avenue, Brighton - Householder Planning Consent	<b>195 - 204</b>

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|---|---|------------------|
| I | BH2023/00097 - Brighton Dome, Church Street, Brighton - Full Planning           | <b>205 - 220</b> |
| J | BH2023/00098 - Brighton Dome, Church Street, Brighton - Listed Building Consent | <b>221 - 232</b> |

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

**INFORMATION ITEMS**

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

None for this agenda.

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

None for this agenda.

**110 APPEAL DECISIONS**

**233 - 256**

(copy attached).

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

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

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### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Shaun Hughes (email: [shaun.hughes@brighton-hove.gov.uk](mailto:shaun.hughes@brighton-hove.gov.uk) ) or email: [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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Date of Publication - Tuesday, 28 March 2023



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 8 MARCH 2023**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Littman (Chair), Ebel (Deputy Chair), Hills, Janio, Moonan (Opposition Spokesperson), Shanks, C Theobald and Yates

**Co-opted Members:** Jim Gowans (Conservation Advisory Group) and Mr Roger Amerena (Conservation Advisory Group)

**Officers in attendance:** Nicola Hurley (Planning Manager), Katie Kam (Lawyer), Don Anyium (Transport Manager), Paul Davey (Arboricultural Officer), Russell Brown (Principal Planning Officer), Marina Briggins Shaw (Planning Team Leader), Paul Davey (Arboricultural Officer), Steven Dover (Planning Officer), Steve Tremlett (Planning Team Leader), Wayne Nee (Principal Planning Officer), Maria Seale (Planning Team Leader), Emily Stanbridge (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**91 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

91.1 There were none for this meeting.

**b) Declarations of interests**

91.2 Councillor Hills declared they would be addressing the committee on planning application BH2022/01490: Enterprise Point And 16-18 Melbourne Street Brighton and would withdraw from the decision making process. Councillor Theobald declared they knew a resident near Saxon Works, however they remained of an open mind on the application.

**c) Exclusion of the press and public**

91.3 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.

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

**92 MINUTES OF THE PREVIOUS MEETING**

92.1 **RESOLVED:** The minutes of the meeting held on 1 February 2023 were accepted as a correct record.

**93 CHAIR'S COMMUNICATIONS**

93.1 There were none for this meeting.

**94 PUBLIC QUESTIONS**

94.1 There were none for this meeting.

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

95.1 There were none from this meeting.

**96 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

96.1 Following the Call Over process the committee agreed to discuss the following items: A, B, C, D, F, G and H. Items E and I were not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

**A BH2022/02534 - Land at King George VI Avenue (Toads Hole Valley), Hove - Outline Application All Matters Reserved**

1. The Case Officer introduced the application to the committee and noted that one further objection had been received, however, no new issues had been raised.

Answers to Committee Member Questions

2. Councillor Moonan was informed that affordable housing formed part of the entire development, not just the section being discussed under this application. The biodiversity gain off site is being investigated and talks were being held with providers in Lewes District . It was noted that the developer can only be encouraged to have the gain within the city boundary.
3. Councillor Yates was informed that it was possible to include an informative to request the biodiversity gain be provided within the city.
4. Councillor Theobald was informed that the development had not been started as reserved matters were still to be agreed. It was noted that no consultees have objected.
5. Councillor Hills was informed by the Highway Agreements Officer that no adverse effects were found, and a robust travel plan for the whole site will be provided.



6. Councillor Janio was informed that the application was considered on balance to be a sustainable neighbourhood with mixed uses under policy DA7.
7. Councillor Shanks was informed that other possible uses for this section of the whole site could not be discussed and the application should be considered as submitted to the committee.
8. The agent noted that the need for a secondary school had been in doubt for some time as the need has changed. 40% affordable housing is being provided across the whole site, the multi use pitch is much needed and it was appropriate to submit the application at this time.

Debate

9. Councillor Moonan supported the application as there was a need for housing, and not many large sites coming forward. The councillor requested that the biodiversity gain be provided within the city.
10. Councillor Shanks supported the application. The councillor considered the need for a secondary school was difficult to predict and the onsite children will need to travel to school. The councillor requested the whole site include affordable housing.
11. Councillor Yates seconded Councillor Moonan's proposal for an informative to request the biodiversity gain to be in the city. The councillor supported the application as it was felt then the rest of the site could move forward. The councillor considered an opportunity had been missed and it was the council's fault.
12. Councillor Janio stated they had been to drop-in sessions by the developers and considered it a good development overall. The councillor considered the committee should hold their nerve as the site will be sold off in parcels and they should refuse this application and then the developer would come in with a better offer. The councillor did not support the application.
13. Councillor Theobald considered the application would result in over development of the site and more family homes were needed. The councillor requested the application be deferred.
14. Councillor Littman considered there was no sound reason to defer the application.
15. The committee agreed the informative motioned by Councillor Moonan and seconded by Councillor Yates to retain the biodiversity gain within the city if possible. The wording to be agreed by the Planning Manager.

Vote

16. A vote was taken, and by 5 to 2, with 1 abstention, the committee agreed to grant planning permission.

17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** outline planning permission subject to:
- A) Completion of a Deed of Variation to the s106 Agreement attached to BH2022/00203 to include this application and secure the Heads of Term as set out at Appendix A;
  - B) The Conditions & Informatives set out at Appendix B **SAVE THAT** should the s106 agreement not be completed on or before 8<sup>th</sup> July 2023 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix C of the report.

**B BH2021/04068 - Saxon Works, Land to the rear of 303-305 Portland Road, Hove - Full Planning**

1. The Planning Manager introduced the application to the committee.

Speakers

2. Ward Councillor Sankey considered the principle of development was acceptable, however, this was an extensive overdevelopment of the site. The proposals, on elevated land, overlook neighbours' gardens resulting in loss of privacy. The development will result in more vehicles in the area, where there have been numerous accidents. There is an absence of affordable housing. The financial viability assessment states the development is not viable, however if the development were car free, the underground car park would not be needed. Works for seven days a week would not be good.
3. Stuart Duncan, objecting to the application, stated they represented their family and other residents. They had a number of concerns regarding the development: the commercial building will be hard up to the boundary with house at 305 Portland Road and daylight will be affected with a 57% loss of light to windows including kitchen and dining room; Martello Lofts use land currently for parking and will need to get parking permits and this seems unfair; should be 39 parking spaces not 26 as proposed. The application is an overdevelopment of the site. Seven days construction working is not acceptable, please reduce to five.
4. Guy Dixon addressed the committee as the agent and stated that the proposals would regenerate a brown field site and there was a housing need under the 5 year land supply. The application has undergone many amendments reducing the scale and moving away from neighbours. The daylight and sunlight assessments found the development acceptable. The increase in employment floor space will result in more jobs. The financial viability assessment concludes the development is currently unable to support the provision of affordable housing. The development includes underground parking, eco boxes and is sustainable, and will support local jobs. The committee were requested to support the application.
5. The Planning Manager clarified the construction times would be defined by condition under the demolition plan and construction plan. Any issues on neighbouring sites and the behaviour of the developer are not to be considered by the committee.

## Answers to Committee Member Questions

6. Councillor Yates was informed that the outline planning permission had not been granted for the larger development on Portland Road, as the S106 agreement had not been agreed.
7. Councillor Moonan was informed by the case officer that there was no parking for the commercial building as the site was a sustainable location. The commercial space would not have any permitted development rights and would need planning permission to change to housing as it is conditioned to be used for commercial. The development is 5.6m from the neighbouring property boundary and 18.5m from the windows of the property.
8. Councillor Ebel was informed that the condition 3 restricted certain elements of use class E: Condition 3 restricts the commercial areas to office use only.
9. Councillor Shanks was informed that the 'Late Stage Review' will take place once the flats are being sold. The case officer confirmed that there would be parking for retail units and there was existing parking on the industrial estate. It was considered there would be minimum trips to the site and this could be covered by existing on street parking areas.
10. Councillor Theobald was informed by the agent that the current parking on the land to be developed was informal.

## Debate

11. Councillor Moonan stated they were against the application, with concerns regarding parking as people will drive to the commercial spaces. The frontage onto Olive Road overlooks the existing properties. The proposals are an overdevelopment of the site. The councillor requested a more proportionate development.
12. Councillor Theobald considered the loss of employment space an issue, as was the lack of affordable housing. The councillor considered the proposals would be higher than others in the area and very dense. The proposals were of a poor design, and it was a shame to lose the existing trees. Parking was also a concern. The councillor stated they were against the application.
13. Councillor Ebel was considered at the lack of affordable housing; however, they noted the proposals were policy compliant and therefore supported the application as the applicant would win at appeal.
14. Councillor Yates considered the transport issues were not significant as the site would be accessible by sustainable transport. The parking for the office use was not good and there was no affordable housing. The councillor considered looking at the larger site at this location would be better. The councillor was against the application.
15. Councillor Janio considered the council would lose at appeal and they did not have any concerns regarding affordable housing. The councillor supported the application.

16. Councillor Littman noted a number of issues had been raised and considered the application to be better than the existing one on this constrained site.

Vote

17. A vote was taken, and by 2 to 4 against, with 2 abstentions, the committee voted against the officer recommendation.

18. A motion to refuse the application was proposed by Councillor Moonan and seconded by Councillor Yates.

19. A recorded vote was taken, and Councillors Moonan, Shanks, Theobald, Yates and Littman voted for the refusal. Councillors Ebel and Janio voted against the refusal and Councillor Hills abstained.

20. **RESOLVED:** The application be refused for the following reasons:

- 1) *The proposal, as a result of its scale, bulk, proximity to the site boundaries and location of balconies on the residential building, would result in an overbearing impact, overlooking and loss of privacy to the Olive Road residential properties. This is contrary to policy DM20 of the Brighton & Hove City Plan Part Two.*
- 2) *The scale, bulk, and height of the proposed residential building would be out of keeping with the pattern and scale of the surrounding area. The number of proposed units and the scale of the development represents an overdevelopment of the site. This is contrary to policies CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 and DM19 of the Brighton & Hove City Plan Part Two, and SPD17: Urban Design Framework.*

## **C BH2022/00456 - Former Dairy, 35-39 The Droveaway, Hove - Full Planning**

1. The Planning Manager introduced the application to the committee.

Speakers

2. Kevin Brown addressed the committee as an objecting neighbour and stated that they represented neighbours, the main issue was unit 12 and they considered the new plans to be much worse than the previous, resulting in overlooking, loss of privacy, and an increase in mass and bulk. The light levels were an issue for the kitchen window and harm was great with too much glass in the proposals. The proposed ridge height was higher than the existing 12 Mallory Road and out of keeping. The trees on the boundary should be retained. Foundations were already underway. The earlier scheme was better, please refuse the application.
3. Tim Cropper addressed the committee as the agent and stated that unit 12 would be closer to the neighbour by 2.3m, with a 7.6m separation remaining, which rises to 9m. The height of unit 12 has been reduced and is lower than the previous approval. The impact on the neighbours' secondary windows was deemed acceptable, with obscure glazing proposed. The mass of unit 12 has been reduced. The separation distance has

been reduced, with no significant impact on the existing neighbours. The scheme will include affordable housing and employment benefits.

#### Answers to Committee Member Questions

- Councillor Theobald was informed by the agent that the scheme had been carefully revised from the previous approval to improve the corner plot. The previous design had a poor relationship with the existing streetscene, and the new application is considered to have a more positive impact. A consultation process has been undertaken and Planning officers agree this is an improvement. Unit 12 will be 2.6m closer to the neighbour. The existing tree is to remain.

#### Debate

- Councillor Yates did not consider the application an improvement on the previous planning permission, with the corner plot appearing to be a combination of bad ideas. The proposal does not sit well on the site, or with Mallory Road. The visual benefits are not good; however, the scheme is policy compliant and therefore acceptable. The councillor supported the application.
- Councillor Theobald was very pleased the wall will be rebuilt and the tree would be retained, however, the move closer to the neighbour at 16 Mallory Road was not good.

#### Vote

- A vote was taken, and by 7 to 1 the committee agreed to grant planning permission.
- RESOVLED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the following Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 8th July 2023 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of the report.

#### **D BH2022/01490 - Enterprise Point and 16-18 Melbourne Street, Brighton - Full Planning**

- The Planning Manager Introduced the application to the committee.

#### Speakers

- Ward Councillor Gibson addressed the committee and stated the developer was waiting for planning approval to buy the site and existing property owners have expressed concerns regarding loss of light. The co-living appears to be student accommodation, and this was not good.
- Ward Councillor Hills addressed the committee and stated that they concerned at the density of the proposals. A transient population would not be good for the community. The height of the proposals would lead to overshadowing, over looking and impact on

the safety of the children in the school next door. The local residents are not in favour of the scheme and the councillor backed them. The councillor stated that co-living was not wanted in the city.

4. Holly Beeston addressed the committee as an objecting neighbour and stated that they represented the residents of Melbourne Street, and they were concerned that the area would be saturated with students. The one way street will not cope with more traffic and the drop offs to the school will be an issue. The proposals are an overdevelopment of the site. The committee were requested to refuse the application.
5. Mike Evans addressed the committee as an objecting neighbour and stated that 3 months minimum contracts were not right for the development. There are concerns over safety. The scheme adds nothing to the community with the possibility of just student living.
6. Julian Howland wished to address the committee as an objecting neighbour, however, due to technical difficulties they were unable to speak. With the Chairs agreement Holly Beeston spoke again and stated that residents were concerned as the proposed high rise blocks proposed would be too close to neighbours.
7. Robert Shaw addressed the committee as the agent and stated that they were the representative of Cosy Co-Living and Co-Working scheme. Phase one of the development has already received planning permission on this sustainable site. The accommodation is by condition not for students, but for young professionals on 12 month leases. There will be a single monthly payment for all residents. £2.5m has been set aside as a commuted sum for affordable housing. Cosy will pay for the relocation of existing residents and propose a new playground for the school next door. The agent has worked with officers to reduce issues. There will be 24/7 on site management. The committee were requested to approve the application.

#### Answers to Committee Member Questions

8. Councillor Janio was informed by the case officer that the 12 months would be the standard time for a short lease, and it was not usual to control the length of time. A condition limiting minimum term of leases to 3 months was suggested by condition.
9. Councillor Moonan was informed by the case officer that the ground floor would be used for co-working, gym, laundry, cycle store and vehicle access with disabled parking spaces. The main areas would have individual seating, informal seating, meeting rooms, quiet rooms, tea making facilities and guest rooms. The agent noted there were also toilets and kitchen facilities on the ground floor, with a variety of open and private spaces with a 24/7 management scheme. The areas will have key card access with limited times. Daylight will enter the ground floor via windows on one side of the ground floor and rooflights. Guest rooms can be rented by residents. The case officer stated the co-working area had daylight/sunlight with level access. The roof gardens are at first floor and for residents only, with rooflights within the amenity spaces. Condition 51 clarifies the units are not for students in full time education.
10. Councillor Ebel was informed by the agent the units were 24sqm and communal areas are large. The applicant stated that they had looked at the overall market in Brighton

and Hove and considered all types of housing was needed. This new model would broaden choice. The Planning Manager confirmed that the applicant would need planning permission to change the use class by condition.

11. Councillor Yates was informed by the agent that Cosy Co-Living leases states the resident should not be in education. The intention is to attract those living in house shares and others coming out of education. The case officer confirmed the tenancy agreement was not a planning matter. Council Tax would be included in the monthly charges.
12. Councillor Shanks was informed that the relocation of existing occupants was not a planning consideration.
13. Councillor Theobald was informed by the agent that the existing tenants will be relocated. The existing building is substandard. A similar scheme exists in London, and the style of living was growing fast.
14. Councillor Moonan was informed that the design fulfilled a particular need for those in flat shares and Houses in Multiple Occupation (HMOs).
15. Councillor Littman was informed by the case officer that the previous application had been refused as it was not suitable for the site, and the standard of accommodation was not good enough. The current scheme of co-working and co-living suited planning policy. The new scheme improves the layout and amenities. During the pre-application process amendments have been made, with the higher elements reduced to six floors, not 7/8 as before. The blocks have been relocated further away from the neighbours. Block D is half a floor higher, however, the impact on Shanklin Road is considered acceptable.
16. Councillor Ebel was informed by the Highway Agreements Officer that a loading bay was included in the scheme and a travel plan was required by condition. It was noted that demand for parking was to be reduced and not exceeded. A traffic management plan would be required.

#### Debate

17. Councillor Yates considered the development to be an intense use of the site. Co-living was not new and already existed in the city. Concerns related to no students or children. A mix of tenants would be better. The inclusion of council tax in the monthly payments was good. The councillor considered that the Housing committee should come up with a co-living policy for guidance. The numbers of residents would be very large in one place and HMOs are not together and in one place.
18. Councillor Ebel considered the impact on the area and neighbours. Flat sharing would be better financially. The councillor considered that the developer may put in a planning application to change use to AirBnB or similar. The councillor was against the application. The impact on Shanklin Road would be great and the councillor was not reassured about the potential traffic issues.

19. Councillor Theobald considered there were some good points to the scheme as the design was good, however the height of the proposed blocks was an issue.
20. Councillor Moonan considered there were some good arguments for co-living spaces, however the bulk and scale was an issue on this confined site with limited access. 75% of the scheme would be better.
21. Councillor Janio considered the scheme was better than flat sharing and they supported the application, with sympathy for the residents.
22. Councillor Littman considered the model to be fine and was not similar to HMOs. The size and height were close to neighbours and boundaries. The bulk of the design was too big for the site. The councillor was against the application.
23. Councillor Janio proposed a condition restricting tenants to at least 3 months and was seconded by Councillor Yates. The committee agreed to the additional condition.

#### Vote

24. A vote was taken, and by 2 to 4 the committee voted against the officer recommendation.
25. Councillor Ebel proposed a refusal on the grounds of overdevelopment, impact on neighbours, loss of privacy/amenities, traffic issues, scale and intensification of site.
26. A vote was taken, and the following Councillors voted for the refusal: Ebel, Moonan, Shanks, Yates and Littman. The following Councillors voted against the refusal: Janio and Theobald.
27. **RESOLVED:** That planning permission be refused for the following reasons:

*1. The intensification of the development, by reason of the scale and bulk of the development and the intensification of uses and large number of units proposed in the development would represent an overdevelopment of this constrained site. This is contrary to policies CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 and DM19 of the Brighton & Hove City Plan Part Two, and SPD17: Urban Design Framework.*

*2. The development by reason of excessive scale and bulk and close proximity to neighbouring occupiers would result in an unneighbourly development resulting in overshadowing and loss of privacy. This is contrary to policy DM20 of the Brighton & Hove City Plan Part Two.*

#### **E BH2022/03823 - 54 Waterloo Street, Hove - Full Planning**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.



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

**F BH2022/03139 - 30 Bennett Drive, Hove - Householder Planning Consent**

1. The Planning Manager introduced the application to the committee.

Speakers

2. Madeleine Grinyer addressed the committee as an objecting neighbour and stated that Bennett Drive curves and many properties do not have solar panels, therefore the impact will differ. Numbers 30 and 32 are close together, the sunlight assessment did not take this into account. The development will have a detrimental impact on the light and amenity of rooms near the neighbour and solar panels. The scaffolding will also affect the solar panels. The committee were requested to refuse the application.
3. Julia Mitchell addressed the committee as the agent and requested that the committee support the officer recommendation. The previous planning permission was not implemented. This application reduces the effect on the neighbours. The sunlight/daylight assessment found the proposals acceptable. The ridge height is to be increased by 0.3m and the area has many similar height extensions.

Debate

4. Councillor Yates considered the 4% reduction in sunlight to be acceptable and supported the application.
5. Councillor Theobald considered the design to be fine and supported the application.

Vote

6. A vote was taken, and the committee agreed unanimously to grant planning permission.
7. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**G BH2022/03474 - 36 Gorham Avenue, Rottingdean - Householder Planning Consent**

1. The Planning Manager introduced the application to the committee.

Speakers

2. Tim Hodgson addressed the committee as an objecting neighbour and stated that they were not against the principle of development, however the proposals were overshadowing with loss of light, stopping the winter sun which provides heat. The neighbouring family included a child with special needs, and it was considered that the loss of light would have a significant impact. The speaker requested that the

development be on the other side of the house. The proposals will be 110cm away from the neighbouring property.

3. Gill Greenhalgh addressed the committee as the applicant and stated that upstairs accommodation was very small with one bathroom to serve three bedrooms. The proposals include solar panels to be more energy efficient. The proposals have been carefully designed to minimise the impact on the neighbours with no side windows. A cat slide roof will face the neighbour and should not lead to loss of light. The plans would offer an ensuite bathroom, three further bedrooms, and a family bathroom, all on the first floor. Concessions have been made and it is proposed that works are restricted to 8.30am to 4.30pm, with no loud music or parking across driveways.

#### Answers to Committee Member Questions

4. Councillor Janio was informed that the neighbouring properties have extensions. The agent confirmed that the lounge windows are part of the original house, not the extension, with two facing south.

#### Debate

5. Councillor Yates stated that the approval of the parish council did not carry a lot of weight. The councillor considered the development proportionate and support the application.
6. Councillor Shanks considered the proposals to be reasonable.

#### Vote

7. A vote was taken, and the committee agreed unanimously to grant planning permission.
8. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

## H **BH2022/03066 - Land to the East of The Vale, Brighton - Removal or Variation of Condition**

1. The Planning Manager introduced the application to the committee.

#### Speakers

2. Ward Councillor Fishleigh addressed the committee and stated that the developers appeared to remove trees against the law. The mature trees on the site were a wildlife corridor, and this has gone for ever. The committee were requested to condition the application to include 15 year old tree planting. The councillor considered that if the committee agreed permission, they would be setting a precedent.

#### Answers to Committee Member Questions

3. Councillor Moonan was informed by the case officer noted tree works had already been agreed to trees with Ash die-back and 5 additional damaged trees. The application is to amalgamate all the works into one. Twenty two trees are to be removed in total and 22 are to be planted. The Enforcement team Manager stated that the applicant had been asked for tree protection measures to be put in place. However, the Planning Manager noted that the protection measures were not conditioned by the Planning Inspector when the appeal was allowed. The application before the committee was to mitigate the damage that has been done.
4. Councillor Littman was informed by the Enforcement Manager that the application before the committee would have no effect on the current enforcement investigation.
5. Councillor Janio was informed that the investigation details could not be discussed.
6. Councillor Theobald was informed by the council Arboriculturist that the developer had been requested to provide evidence and it was noted that the tree roots had been severed and the trees had no long term viability.
7. Councillor Ebel was informed that if the committee refused permission the applicant could appeal, or another way forward would need to be found.
8. Councillor Shanks was informed by the Arboriculturist that a condition to have trees of 20/25cms girth was attached, and these would cost in the region of £600/800 each.

#### Debate

9. Councillor Moonan noted the original application was refused at committee and granted at appeal. The tree roots have been damaged and this was noticed by the vigilant neighbours and Ward Councillor. The councillor stated they wanted the biggest replacement trees possible, then they would support the application.
10. Councillor Yates considered it was partially the council's fault. The councillor noted some trees had Ash die-back and others have been lost, and these were not good. The councillor stated that supporting the application before the committee was the best option for the site and to mitigate the loss of the trees.
11. Councillor Littman was informed the replacement trees would be eleven Red Maple and eleven Field Maple.
12. Councillor Moonan was informed there was a watering condition attached.

#### Vote

13. A vote was taken, and the committee agreed unanimously to grant planning permission.
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

#### I BH2022/02689 - 126 Gloucester Road, Brighton - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the following Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 8 July 2023 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of the report.

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

97.1 There were none from this meeting.

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

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

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

99.1 None for this agenda.

**100 APPEAL DECISIONS**

100.1 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 6.55pm

Signed

Chair

Dated this

day of

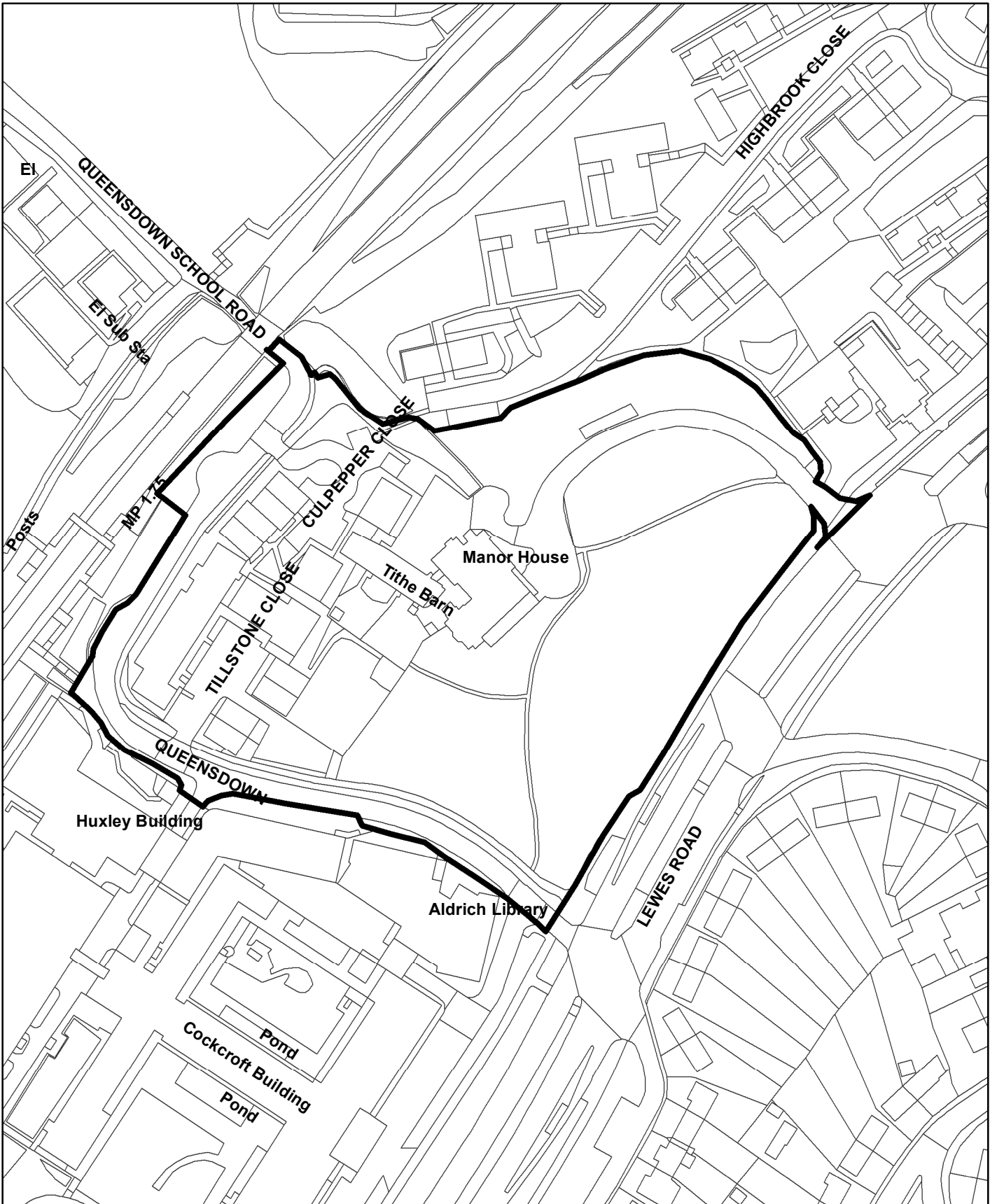
# **ITEM A**

**Moulsecomb Place, Lewes Road  
BH2022/03892  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**



# BH2022 03892 - Moulsecomb Place, Lewes Road



N



Scale: 1:1,500





<b><u>No:</u></b>	<b>BH2022/03892</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Moulsecoomb Place Lewes Road Brighton BN2 4GA</b>		
<b><u>Proposal:</u></b>	<p><b>Demolition of existing student accommodation and replacement with 4 student accommodation buildings with total of 566 student beds (Building A (15 storeys)), (Building B (11 storeys)), (Building C (4 storeys)) and (Building D (part 5/part 9 storeys)) (Sui generic use) with associated ancillary use consisting of student gymnasium/ well-being studio, separate 100 sqm (GIA) flexible community space (Class F2 (b)) and 87 sqm (GIA) commercial floorspace (Class E), with associated disabled and cycle parking, public realm and landscaping improvements within the site and adjacent public highway, and proposed minor demolitions/ alterations, repair, extension (including single storey extension to link the Manor House and Tithe Barn and accessible lift to northern side of Tithe Barn). Use of the listed Manor House and Tithe Barn for retention of Moulsecoomb Social Club (Sui generic), and creation of hub use incorporating mix of public house (Sui generic), restaurant and events space (Class E), 10no guest bedrooms (Class C1), car parking and associated alterations to hard and soft landscaping.</b></p>		
<b><u>Officer:</u></b>	<b>Mick Anson, Tel: 292354</b>	<b><u>Valid Date:</u></b>	<b>19.12.2022</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>20.03.2023</b>
<b><u>Listed Building Grade:</u></b>	<b>II</b>	<b><u>EOT:</u></b>	<b>5<sup>th</sup> May 2023</b>
<b><u>Agent:</u></b>	<b>NTR Planning 118 Pall Mall London SW1Y 5EA</b>		
<b><u>Applicant:</u></b>	<b>Cathedral (Moulsecoomb) Advisory LLP Moulsecoomb Place Lewes Road Brighton BN2 4GA</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **26<sup>th</sup> July 2023** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 14.1 of this report:

### Section 106 Head of Terms:

1. The Developer covenants with the Council to commission and install on the property an Artistic Component to the value of £82,608 including installation costs prior to first occupation of the development

2. S.278 Works to provide service bays; accessible parking bays and public realm improvements
3. Permissive Path Agreement
4. Accessible Footpath within site to be provided prior to occupation of Purpose Built Student Accommodation
5. Phasing requiring Listed Building works to be completed before Purpose Built Student Accommodation is occupied
6. Ecology monitoring fees

**Conditions:**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Site Plan	0418-SEW-ZZ-ZZ-DR-A-000001	P01	19.12.2022
Demolition Site Plan	0418-SEW-SB-ZZ-DR-A-000002	P01	19.12.2022
Site Location Plan	0418-SEW-ZZ-ZZ-DR-A-000006	P01	19.12.2022
Existing Site Sections	0418-SEW-SB-ZZ-DR-A-000200	P01	19.12.2022
Existing Site & Context Elevations	0418-SEW-SB-ZZ-DR-A-000300	P01	19.12.2022
Proposed Site Plan	0418-SEW-ZZ-ZZ-DR-A-001000	PO2	17.03.2023
Proposed Site Plan	0418-SEW-ZZ-ZZ-DR-A-001001	PO2	17.03.2023
GA Plan - Park Level (Level -01)	0418-SEW-SB-B1-DR-A-001100	PO2	17.03.2023
GA Plan - Ground Floor Level (Level 00)	0418-SEW-SB-00-DR-A-001101	PO2	17.03.2023
GA Plan - Upper Ground Floor Level (Level 01)	0418-SEW-SB-01-DR-A-001102	PO2	17.03.2023
GA Plan - Level 02 (Lower Typical Floor)	0418-SEW-SB-02-DR-A-001103	PO2	17.03.2023
GA Plan - Level 03	0418-SEW-SB-03-DR-A-001104	PO2	17.03.2023
GA Plan - Level 04 (Upper Typical Floor)	0418-SEW-SB-04-DR-A-001105	PO2	17.03.2023
GA Plan - Level 05	0418-SEW-SB-05-DR-A-001106	PO2	17.03.2023
GA Plan - Level 06	0418-SEW-SB-06-DR-A-001107	PO2	17.03.2023

GA Plan - Level 07	0418-SEW-SB-07-DR-A-001108	PO2	17.03.2023
GA Plan - Level 08	0418-SEW-SB-08-DR-A-001109	PO2	17.03.2023
GA Plan - Level 09	0418-SEW-SB-09-DR-A-001110	PO2	17.03.2023
GA Plan - Level 10	0418-SEW-SB-10-DR-A-001111	PO2	17.03.2023
GA Plan - Level 11	0418-SEW-SB-11-DR-A-001112	PO2	17.03.2023
GA Plan - Level 12	0418-SEW-SB-12-DR-A-001113	PO2	17.03.2023
GA Plan - Level 13	0418-SEW-SB-13-DR-A-001114	PO2	17.03.2023
GA Plan - Level 14	0418-SEW-SB-14-DR-A-001115	PO2	17.03.2023
GA Plan - Level 15	0418-SEW-SB-15-DR-A-001116	PO2	17.03.2023
GA Plan - Level 16 (Roof Plan)	0418-SEW-SB-16-DR-A-001117	PO2	17.03.2023
GA Sections - Sheet 1 of 2	0418-SEW-SB-ZZ-DR-A-001200	PO1	19.12.2022
GA Sections - Sheet 2 of 2	0418-SEW-SB-ZZ-DR-A-001201	PO1	19.12.2022
Block A - GA Elevations	0418-SEW-SB-ZZ-DR-A-001301	P02	17.03.2023
Block B - GA Elevations	0418-SEW-SB-ZZ-DR-A-001302	P02	17.03.2023
Block C- GA Elevations	0418-SEW-SB-ZZ-DR-A-001303	P02	17.03.2023
Block D - GA Elevations	0418-SEW-SB-ZZ-DR-A-001304	P02	17.03.2023
Sitewide - West and Internal East Elevations	0418-SEW-SB-ZZ-DR-A-001305	P02	17.03.2023
Sitewide - South and Internal West Elevations	0418-SEW-SB-ZZ-DR-A-001306	P02	17.03.2023
Proposed Site & Context Elevations	0418-SEW-SB-ZZ-DR-A-001307	PO1	17.03.2023
Delivery Parcels Pan	0418-SEW-ZZ-ZZ-DR-A-000005	PO1	16.03.2023
Proposed Landscape Plan – Whole Site	0418-SEW-ZZ-00-DR-L-001100	PO2	21.03.2023
Proposed Detail Plan – North	0418-SEW-ZZ-00-DR-L-001101	PO2	21.03.2023
Proposed Detail Plan – South	0418-SEW-ZZ-00-DR-L-001102	PO2	21.03.2023

Landscape Site Sections	0418-SEW-ZZ-00-DR-L-002100	PO1	19.12.2022
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2. No works pursuant to this permission shall commence on each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- a) Purpose Built Student Accommodation
  - b) Listed Buildings Site Parcel
  - c) Highways Site Parcel
  - d) Lift Site Parcel
  - e) Access Ramp Site Parcel
- until there has been submitted to and approved in writing by the local planning authority:
- (i) 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+A2:2017; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
  - (ii) 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.
3. The development of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- a) Purpose Built Student Accommodation
  - b) Listed Buildings Site Parcel
  - c) Highways Site Parcel
  - d) Lift Site Parcel
  - e) Access Ramp Site Parcel
- hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition 1 (i) that any remediation scheme required and approved under the provisions of condition 1 (ii) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ is suitable for use.
- Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.
4. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method

statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

5. No development, including demolition, of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

shall take place until a Demolition and Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways). The document shall include:

- (i) The phases of the Proposed Development including demolition phase and the forecasted completion date(s);
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
- (iii) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- (v) details of hours of construction including all associated vehicular movements and adequate on-site parking provision for all construction staff vehicles
- (vi) a plan showing construction traffic routes and haul routes
- (vii) details of any site entrances and their management, construction compound and offices
- (viii) details of any oversailing of the highway construction, falsework, formwork and scaffolding
- (ix) details of the use of any cranes, lifts, escalators and lifting equipment's.
- (x) details of any Department for Transport Abnormal Load Notification and/or Order

The construction shall be carried out in accordance with the approved Demolition and Construction Environmental Management Plan.

**Reason:** In the interests of amenity and road safety and to comply with policies CP1, CP2, CP3, CP7, CP9, CP11, CP12, CP13 and CP15 of the City Plan Part One and policies DM20, DM33 and DM40 of the Brighton and Hove City Plan Part 2.

6. No development shall take place above level B1 (as indicated on the hereby approved drawings) of the Purpose Built Student Accommodation Site Parcel (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):  
until large scale 1:50 elevations showing details and sections of typical window and entrance reveals and openings to the new student blocks have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
7. No development shall take place, including demolition works, until details of how all existing flint walls that are to be retained in situ, as shown on drawing 0418-SEW-SB-ZZ-DR-A-000002 will be protected during demolition and construction works and retained thereafter.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.
8. No development shall take place of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):  
a) Purpose Built Student Accommodation  
b) Listed Buildings Site Parcel  
d) Lift Site Parcel  
e) Access Ramp Site Parcel  
until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
9. No development shall take place (including demolition and all preparatory work), until a detailed Tree Protection Plan for all retained trees and an Arboricultural Method Statement (AMS) incorporating a Construction Method Statement for all groundwork within designated Root Protection Areas shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.
10. No development shall take place of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- e) Access Ramp Site Parcel

until an ecological design strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, including an Ecological Lighting Strategy, provision of 5 bat boxes and landscape planting of high wildlife value has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed ecological works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, eg. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) suitably qualified persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

**Reason:** To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the NPPF, and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Two, respectively

11. No development shall take place (including any demolition, ground works, site clearance) of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- e) Access Ramp Site Parcel

until a method statement for protected species (bats, badgers, amphibians, reptiles, breeding birds, hedgehogs) and invasive plant species has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

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

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017.

12. No development shall take place (including demolition, ground works, vegetation clearance) of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- i) risk assessment of potentially damaging construction activities;
- ii) identification of “biodiversity protection zones”;
- iii) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv) the location and timing of sensitive works to avoid harm to biodiversity features;
- v) the times during construction when specialist ecologists need to be present on site to oversee works;
- vi) responsible persons and lines of communication;
- vii) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
- viii) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

**Reason:** To ensure that any adverse environmental impacts of development activities are mitigated.

13. No development shall take place of the Access Ramp Site Parcel (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1 hereby approved), until further details of the pedestrian access ramp on the site are submitted to and approved in writing by the Local Planning Authority, to demonstrate that the proposed routes are full accessible and step free. This further information should include:

- a) Stopping points
- b) Railings where required
- c) Benches
- d) A scheme for lighting and



e) Signage directing residents and users of the site to public transport and cycle hubs. The approved details shall thereafter be implemented in full.

**Reason:** To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2.

14. No development shall take place of the development hereby approved, until infiltration survey results confirming suitability of the ground for infiltration, a complete assessment of water contamination risk and mitigation potential of proposed Sustainable Urban Drainage measures, with reference to the CIRIA SuDS Manual (or better), including a maintenance schedule, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the occupation of the development, and maintained throughout the use of the development, in accordance with the maintenance schedule.

**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 policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

15. No development shall take place of the development hereby approved until construction drawings for all components of the drainage system have been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in full.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding by ensuring the provision of satisfactory drainage systems and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

16. No development shall take place until a drainage strategy detailing the proposed means of foul water disposal to include peak discharge rates, CCTV survey results and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. Evidence of Southern Water approval should also be provided. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

17. Notwithstanding any details shown on the approved plans, of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ- DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

no development above Level B1 of parcel a) Purpose Built Student Accommodation (as indicated on the hereby approved drawings) nor commencement of any part of parcels b) to e) of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- i) Samples/details of all brick and tiling
- ii) samples of all cladding to be used, including details of their treatment to protect against weathering
- iii) samples/details of all hard surfacing materials
- iv) samples/details of the proposed window, door and balcony treatments
- v) samples/details of all other materials to be used externally

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12/CP15 of the Brighton & Hove City Plan Part One.

18. Prior to installation of new or replacement flintwork hereby approved on any of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

a sample panel of flintwork shall be constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel prior to the development hereby permitted being occupied.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

19. No development shall take place of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel

until a soundproofing scheme shall be submitted to and approved in writing to the Local Planning Authority to protect the amenity of occupants of student and hotel guest accommodation. Where there are mixed uses between floors, there shall be an enhanced level of sound insulation. For the avoidance of doubt, for new build premises, this shall be a vertical airborne sound insulation value of 5dB above Building Regulations Approved Document E (resistance to the passage of sound). For the Listed Buildings on site, reasonable endeavours shall be undertaken to achieve a vertical airborne sound insulation value of 5dB above Building Regulations Approved Document E for the conversion of premises s whilst ensuring that no harmful impact would result to the heritage features of this listed building.

Enhanced sound proofing shall also be applied for circumstances where residential accommodation is placed above plant rooms. The approved scheme shall thereafter be implemented in full prior to occupation of the development, and as such maintained thereafter.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

20. No development shall take place on each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel

until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Noise 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 the existing LA90 background noise level. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such. The Rating Level and existing background noise level are to be determined as per the guidance provided in BS 4142:2014 (or as updated).

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

21. No development shall take place on each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- b) Listed Buildings Site Parcel

until a Noise Management Plan has been provided in writing to the local planning authority for approval to detail what soundproofing measures will be in place to ensure that commercial noise from the pub in the Manor house, including music and patron noise, is contained within the premises, and from external areas. The approved Scheme shall thereafter be implemented in full.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

22. No development shall take place on each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel

until an acoustic report shall be provided to detail the predicted external sound pressure levels for the student accommodation and converted habitable space at the Manor house. The report shall provide details of the required Sound Reduction Index (SRI) for each façade and how this is capable of being achieved in terms of glazing and/or ventilation to achieve table 4 values in BS8233:2014 to demonstrate the worst-case façade elements for each new block (ie. A-D) and converted space(s).

The acoustic report shall also detail where windows may be opened for overheating purposes. If thermal comfort is not capable of being achieved, a strategy shall be provided to detail what measures are needed to prevent overheating and be linked back to any thermal modelling approach or overheating assessment submitted as part of the application. The approved details shall thereafter be implemented in full prior to the occupation of the development.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

23. Notwithstanding the drawings hereby approved, no development above Level B1 of parcel a) Purpose Built Student Accommodation (as indicated on the hereby approved drawings) shall take place until further design details of the wind baffles, to confirm their required frequency and depth of projection to address wind mitigation, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the development and maintained as such.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

24. The Tithe Barn shall not be occupied until full details of its lift, to include hours of operation and maintenance, have been submitted and approved in writing by the local planning authority. The lift shall thereafter be operated in full accordance with the approved details.

**Reason:** To ensure the development provides for the needs of disabled staff, occupiers and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2.

25. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

26. No part of the following parcel of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- b) Listed Buildings Site Parcel

shall be occupied until a scheme has been submitted in writing to the Local Planning Authority for approval with details of how the history of the buildings and whole site will be displayed and interpreted through on-site and/or digital means. The approved details shall be implemented in full prior to the occupation of the development and maintained as such.

**Reason:** To ensure that the significance and historical value of these buildings can be appreciated by the wider community and to comply with policy DM27 of the City Plan Part Two.

27. The Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1): hereby approved, shall not be occupied until the accommodation built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

28. No development above Level B of parcel a) Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1), shall take place until details of the photovoltaic array and heat pump plant rooms to include their layout on the roof tops shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details and maintained as such.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

29. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

shall be brought into use until an external lighting design strategy has been submitted to and approved in writing by the local planning authority.

The strategy shall:

- i) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- ii) show how and where external lighting will be installed and operated (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. This will include the recommendations above with regards to lighting along the Secondary

Entrance and protecting the dark corridor along the north and north-east parts of the site.

- iii) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained, thereafter, in accordance with the strategy. No additional external lighting should be installed without the agreement in writing of the local planning authority.

**Reason:** Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

30.

- a) No development above Level B of parcel a) Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1), shall take place until details of Swift bricks to be incorporated in accordance with the Special Guidance A: Swift Boxes and Bricks for New Developments for major developments have been submitted to the Local Planning Authority for approval in writing. Details shall include an Installation Plan detailing the type, number, location and timescale for implementation of the bricks has been submitted to and approved in writing by the Local Planning Authority. Advice from a Suitably Qualified Ecologist (SQE) should be sought when designing the Installation Plan and they should provide on-site supervision including 'Tool-Box-Talks' where appropriate, to ensure swift bricks are installed correctly.
- b) The applicant must submit to and have approved in writing by the local planning authority details of the completed installation prior to occupation of the building.

**Reason:** To ensure appropriate integration of new nature conservation and enhancement features in accordance with Policy CP10 of the Brighton & Hove City Plan Part One, Supplementary Planning Document SPD11 Nature Conservation and Development and Special Guidance A: Swift Boxes and Bricks for New Developments.

31. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- e) Access Ramp Site Parcel

shall be occupied until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- i) description and evaluation of features to be managed;
- ii) ecological trends and constraints on site that might influence management;
- iii) aims and objectives of management;

- iv) appropriate management options for achieving aims and objectives;
- v) prescriptions for management actions, together with a plan of management compartments;
- vi) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii) details of the body or organisation responsible for implementation of the plan;
- viii) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.

32. Prior to first occupation of the Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1) hereby permitted, a 5 year travel plan for the whole development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include arrangements for funding, monitoring, review, amendment and effective enforcement. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies DM35 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

33. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel

shall be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with polices DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.

34. Notwithstanding the plans hereby approved, the Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005

Rev PO1) development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

35. Prior to the first occupation of the Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1) development hereby approved, a Move In/ Move Out Strategy, which details how the moving in and out of students at the start and end of the academic year will be co-ordinated and managed shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be implemented thereafter in accordance with the approved details.

**Reason:** In order to ensure that the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policy CP21 of the City Plan Part One and policies DM20 and DM33 of the Brighton and Hove City Plan Part Two.

36. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

shall be occupied or brought into use until details of a Wayfinding scheme for the site and its connections to on site uses, public transport, the University of Brighton campus and other key destinations have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the development and maintained as such.

**Reason:** To improve wayfinding legibility into the site and to comply with policy DM18 of the Brighton and Hove City Plan Part Two and Supplementary Planning Document 17: Urban Design Framework.

37. The vehicle parking area(s) shown on the approved plans in respect of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ- DR-A-000005 Rev PO1) shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel



**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

38. Within 6 months of first occupation of the following parcel of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- a) Purpose Built Student Accommodation
- a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the accommodation built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
39. Within 6 months of first occupation of the following parcel of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- b) Listed Buildings Site Parcel
- a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development has achieved a minimum BREEAM rating of 'Very Good' with reasonable endeavours to achieve a rating of 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
40. Within 6 months of first occupation or use of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- a) Purpose Built Student Accommodation
  - b) Listed Buildings Site Parcel
  - c) Highways Site Parcel
  - d) Lift Site Parcel
  - e) Access Ramp Site Parcel
- a Completion report, to include predicted and actual performance against all numerical targets on embodied carbon emissions across the lifecycle of the development, to include an updated Bill of Materials shall have 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 materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
41. No works to the Manor House shall take place to the windows until full details of all new and replacement windows, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, have been submitted to and approved in writing by the Local Planning Authority The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.
- The development hereby permitted shall not be commenced until samples of the materials to be used in the construction of the Manor Yard roof hereby

permitted have been submitted to and Development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

42. The casement windows to the south elevation of the Manor House and the sliding sash windows to the south elevation of the Manor House's rear wing shall be retained in situ and single glazed unless otherwise agreed in writing by the Local Planning Authority upon submission of 1:1 scale section details of the existing windows and of any proposed upgraded or replacement windows.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
43. The mitigation measures set out in the Wind comfort assessment prepared by RWDI submitted on 19<sup>th</sup> December 2022 shall be implemented prior to first occupation of the development and retained as such permanently thereafter.  
**Reason:** To ensure the comfort, safety and amenity of the locality and to comply with policy DM20 of Brighton & Hove City Plan Part 2.
44. The trees and pergolas as shown in the Wind comfort assessment prepared by RWDI submitted on 19<sup>th</sup> December 2022 shall be installed and retained as such permanently thereafter.  
**Reason:** To ensure the comfort, safety and amenity of the locality and to comply with policy DM20 of Brighton & Hove City Plan Part 2.
45. The restaurant/event space and pub hereby permitted within the Manor House and Tithe Barn shall not operate except between the hours of 07:00 and 23:00 on Sundays to Thursdays and from 07:00 to 00:30 on Fridays and Saturdays, with the last customer entry no later than 23:30.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
46. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to full occupation of the development and to comply with policy DM42 of Brighton & Hove City Plan Part 2.
47. Prior to the first occupation of the Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1) (except for emergency lighting) all corridors and stairwells together with communal kitchen/lounge/diners shall be fitted with Passive Infrared Sensor (PIR) lighting with timers. Details of the specification, location and times of operation shall be submitted in writing to the Local Planning Authority for approval. The approved details shall be implemented in full prior to the occupation of the development and maintained as such throughout its operation.

**Reason:** In order to minimise the impact of lighting from within the buildings on the setting of the National Park which has dark sky status, to protect and enhance habitat and biodiversity interests and in the interests of energy efficiency and to comply with policies CP8 and CP12 of Brighton and Hove City Plan Part 1 and DM37 and DM44 of the Brighton and Hove City Plan Part Two.

48. Prior to first occupation or use of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

a) Purpose Built Student Accommodation

b) Listed Buildings Site Parcel

a Community Use Agreement setting out details of the use of the Block D community room, the Block A café and the Manor House and Tithe Barn facilities and grounds shall be submitted to and approved in writing by the Local Planning Authority. The Agreement shall set out a commitment to the following:

a) Management, availability and use of the community room and public access to the cafe

b) Regular community events at the Manor house and Tithe barn property and its the grounds

c) Community activities such as experiences, training, classes and hospitality at reasonable or no cost for local residents to the site.

The approved Agreement shall be implemented in full from the start of the first academic year after the occupation of the development.

**Reason:** To ensure the provision of appropriate community facilities within the development and to comply with policies DA3, CP17 and CP18 of the Brighton & Hove City Plan Part One and DM9 of the Brighton & Hove City Plan Part 2.

Informatives:

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

2. 'Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/> '

3. Once works are due to start on site, an additional request for information and updated maps must be made to Scottish National Power via the online system to ensure the safety of the site and to protect the gas pipes. In the event gas pipes are present on the site there may be restrictions on the work being undertaken.

4. The CEMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV

loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

5. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
6. Please note that the development will need to meet the requirements of the Building Regulations 2021 including Part L on carbon emissions and Part O on overheating.
7. Swift bricks/boxes can be placed on any elevation but should avoid areas that are exposed to extended periods of direct sunlight or prevailing weather conditions, with shade casting eaves and gable ends being optimum locations. They should be installed in groups of at least three, approximately 1m apart, at a height no lower than 4m (ideally 5m or above), and preferably with a 5m clearance between the host building and other buildings, trees or obstructions. Where possible avoid siting them above windows, doors and near to ledges/perches where predators could gain access. You should use models that are compatible with UK brick/block sizes and consider the potential for moisture incursion and cold spots in the building design. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place. If it is not possible to provide swift bricks due to the type of construction or other design constraints, the condition will be modified to require swift boxes.
8. The applicant is advised to contact the Council's Streetworks Team ([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
9. The applicant is advised during construction to be aware of local Air Quality Management Areas and seek to ensure that they meet the euro-VI emission standard available since 2014. Non-Road Mobile Machinery (including bulldozers, loaders, and tower cranes) should aim to meet emissions standard IIIB. Form 2025 NRMM should aim to meet emission standard stage IV. Diesel generators and other constant speed engines should aim to meet emissions stage V from 2025.
10. The applicant should be aware that the site is in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements

should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

## **2. SITE LOCATION**

- 2.1. The application site has an area of 2.1 hectares and is located between the Lewes Road (the A270) on its south-east boundary and the railway line between Brighton and Lewes on its north west boundary. The site is bounded by Queensdown School Road (QSR) on its southern and western boundaries as the road wraps around the existing buildings before passing west through a tunnel under the railway line. The railway embankment is screened from the site by a thick belt of trees.
- 2.2. The topography of the site is such that it rises steeply from its east boundary at the Lewes Road valley floor up its west boundary on QSR with an overall rise of 10 metres.
- 2.3. Opposite the site to the south is the University of Brighton Watts campus and specifically, the University's Aldrich library fronting Lewes Road and up the hill of QSR, the Huxley academic building. The library is 5 storeys in height, as is the Huxley building but with deeper floor to ceiling heights. Both buildings have a contemporary design, the latter featuring extensive silver/grey coloured metal cladding with narrow horizontal glazing whilst the library is predominantly glazed with metal frames.
- 2.4. To the north of the site are Moulsecoomb Hall (2 storey) and the single storey library. A 4 storey block of flats is located to the north west which occupies an elevated position on Highbrook Close above the application site but heavily screened by trees. East of the site on the opposite side of the duelled carriage way section of Lewes Road are 2 storey dwellings.
- 2.5. The application site is currently occupied by the University of Brighton as 2 distinct parcels at different levels. The current student halls of residence are on an upper tier with the listed buildings at a lower level. The Manor House is fronted by extensive open grassed amenity lawns and there is car parking on site.
- 2.6. Opposite the railway line to the west and the Watts campus to the south are currently 163 purpose-built student units occupied by University of Brighton students in a low- rise part 2 and 3 storey format built in the 1990's. Access is on the south boundary on QSR.
- 2.7. At the lower level, the Listed Manor House dating from 1790 are occupied by the University as administrative and support services. It comprises 2 storey plus accommodation in the roof. The back of the Manor House is occupied by a social club and bar separately accessed.
- 2.8. To the rear is the Tithe Barn, also Listed, dating from 18<sup>th</sup> century timber framed barn attached to a 19<sup>th</sup> century barn. This was occupied by the

University nursery but closed in 2021 and has a handful of university administrative staff in occupation of the top floor.

- 2.9. To the rear of the listed buildings are a small courtyard and garden enclosed by flint walls. The open lawns on the site frontage providing the setting of the Manor House include a significant number of trees, many covered by a group Tree Preservation Order (No.7 1993).
- 2.10. The site includes 36 parking spaces for use by users of the listed buildings whilst QSR has unrestricted on street parking on one side which adjacent to the railway line becomes very informal and unmanaged.

### **3. RELEVANT HISTORY**

- 3.1. **PRE2021/00139** Proposed conversion and reuse of listed Moulsecoomb Place Manor House and Tithe Barn and demolition and new build at the rear for provision of intensified Purpose-Built Student Accommodation (PBSA) use. Advice issued 18<sup>th</sup> Nov 2021.
- 3.2. Further pre-application submissions of the same description were submitted as follows:
- 3.3. **PRE2021/00160** Advice issued 8th March 2022.
- 3.4. **PRE2022/00050** Advice issued 2nd August 2022.
- 3.5. **PRE2022/00121** Advice issued 25th October 2022.
- 3.6. **PRE2022/00153** Advice issued 14th Nov 2022.
- 3.7. A summary of the design evolution through the pre-application stages is as follows:
  - A more dynamic community offer including the provision of a dedicated community space within the ground floor of PBSA block D, together with community use of the lawns, retention of the social club and potential community benefit afforded by the listed buildings hub use;
  - Initially the proposals formed 4 blocks ranging in height from 6 storeys to 14 storeys. Block C behind the listed Manor House was reduced to 4 storeys and a distinctive gap between Block B and C created to afford more respect to the Manor House profile. Block D was significantly reduced from part 10 and 7 storey to the now proposed part 9 and 4 storey whilst some redistribution of massing led to an additional floor on Block A to 15 storeys. There has been a reduction of circa 35no. student rooms overall.
  - The form of building roof treatment and separation between blocks (A to B and B to C) has been refined to reduce the perceived coalescence between blocks from key views. A greater differentiation in building heights between building A (15 storeys) and B (11 storeys) was developed to reduce coalescence;

- A raked profile to Block C combined with the lower floor to floor heights helped to reduce its visibility behind the listed building from key views along Lewes Road;
- A general reduction in PBSA floor to floor height to reduce overall height and mass for all buildings without compromising the internal floor to ceiling clearance height.
- Refinement and articulation of the form and appearance of the PBSA blocks including sculpting of the form of the buildings with inclusion of chamfers and angled roof profiles and detailed review of the appearance of the facades including materiality, reveals and fenestration;
- Layout footprints and the orientation of the blocks twisted (particularly Block D) to optimise student room window orientation and minimise the number of north facing rooms;
- The quality of student rooms and internal spaces within PBSA blocks was improved to maximise daylight levels; room layouts ergonomically optimised; communal spaces provided within each of the four blocks to encourage the co-living concept; external amenity spaces have also been added;
- An increase in PBSA cluster bedrooms has been incorporated into the scheme to improve affordability of rooms and meet policy requirements;
- The twisting of block D has also enabled the opening up of the Moulsecoomb Lane public space and thoroughfare running through the PBSA site and improving linkage with the University of Brighton thoroughfare opposite;
- Daylight and sunlight performance levels of student rooms have been improved by thorough examination of each window within the blocks;
- With regard to the listed building, a number of improvements including: retention of a greater proportion of the historic flint wall. An appropriate mix of future uses for the listed building (retained social club, and hub use of pub, restaurant, events space and guest rooms), and improved accessibility and interlinkage serving the listed buildings through the inclusion of the single storey link between the Tithe Barn and Manor House and the provision of the new lift at the rear;
- The introduction of a ground source heat pump within the grounds of the listed building was added following consultation.
- Parking serving the listed building has been consolidated and minimised to protect both the wider setting of the listed buildings and to constrain encroachment into designated open space;
- The trees and landscaping strategy to respect the historic curtilage of the listed assets whilst repairing the Moulsecoomb Lawns as a functional amenity asset;
- The landscaping and public realm strategy in response to the Design Review Panel comments has sought to provide more legible connections linking the city and the Downs;
- The biodiversity net gain of the proposals has been improved through the pre-app process culminating in a biodiversity net gain
- The accessibility strategy for the site has been improved in terms of ultimate user benefit focusing on an accessible route through the site.

- 3.8. The applicants also presented their proposals to the Design South East (DSE) panel in January 2022 who issued a report on 8<sup>th</sup> February 2022. DSE's main points were:
1. Establish robust sustainability principles and adjust the design to reflect them. Continually test the design against these principles and ensure high standards are met.
  2. Develop a 'day in the life' narrative for the residents, staff and visitors, to test legibility and accessibility and further inform the approach to building and landscape design.
  3. Create a landscape strategy that takes into account the buildings but that can stand alone too. More legible connections should be made towards the city and the South Downs, through cycle routes and pedestrian paths.
  4. Allocate a car-free amenity space that would serve as the 'heart' of the development and as a focal point for gatherings.
  5. Present a transition between the suburban and urban context, using different heights for the new buildings that better reflect the character.
  6. Create character areas that will make the development more legible and site specific. The listed buildings should be integrated with the rest of the development, and not stand apart from the new.
- 3.9. **BH2020/01177** Part demolition and rebuilding of flint boundary wall located between Tithe Barn Nursery and Moulsecomb Student Residences with associated repair works. Granted: 29 April 2020
- 3.10. **BH2014/01709** Erection of timber deck area and balustrades to replace existing ramps with new door onto deck replacing existing window and replacement of existing door with new window and erection of flint faced retaining wall. Granted: 4<sup>th</sup> December 2014
- 3.11. **BH2011/03610** Replacement of existing temporary footpath with new permanent footpath for disabled access. Granted: 19<sup>th</sup> January 2012
- 3.12. **BH2011/01587** Erection of timber deck area and balustrading to replace existing ramps with new door onto deck replacing existing window and replacement of existing door with new window and erection of flint faced retaining wall. Granted: 9<sup>th</sup> May 2012
- 3.13. **BH2010/00265** Removal of conservatory and reinstatement of canopy on South East elevation, incorporating maintenance and remodelling of hard standing. Creation of disabled access through French doors. Granted 11<sup>th</sup> May 2010

#### **4. APPLICATION DESCRIPTION**

- 4.1. The proposed scheme comprises the complete redevelopment of the existing student accommodation on the western parcel of the site and the construction of 4 blocks (A-D) of student accommodation containing 566 rooms.



- 4.2. The 4 blocks would each include an ancillary student gymnasium, wellbeing studio and internal communal amenity space.
- 4.3. In addition, Block A would include a public ground floor retail/café (87 sq.m.) opposite the station steps, and Block D would include a separate ground floor community use space (100 sq.m.)
- 4.4. It is also proposed to restore and re-use the listed Manor House and Tithe Barn to include the retention of the Moulsecoomb Social Club in situ, a new integrated hub as a pub and 10 guest bedrooms with integrated restaurant and event/meeting space.
- 4.5. Other ancillary works include the creation of new accessible landscaped pedestrian routes across the front lawns and up to the Tithe Barn via new lift; front lawns to be incorporated as public open space; the partial demolition of a listed wall; the recreation of the walled garden and courtyard; and the re-arrangement of on-site car parking and provision of new servicing and loading on QSR, disabled parking bays and public realm enhancement around station entrance and site access.
- 4.6. A separate Listed Building application (BH2022/03893) in respect of the Manor House, Tithe Barn and boundary walls is under consideration and appears on this planning committee agenda.
- 4.7. Block A, the tallest at 15 storeys, would be sited in the south west corner of the site on the bend of the road opposite the Huxley building and Moulsecoomb station steps and would be integrated with Block B (11 storeys) and Block C (4 storeys) to its north. Block C would be sited in alignment behind the listed Manor House. These three buildings would have a dual aspect facing east towards Lewes Road and the listed buildings and backing onto the railway and QSR. Block D would be downhill (and east) from Block A also opposite the Huxley building. It would be part 9 storeys stepping down to 5 storeys northwards towards the south flank of the Manor House.
- 4.8. The blocks would all be in brick as the predominant external material.
- 4.9. The student rooms would be a mix of cluster rooms (60%) and studios (40%).
- 4.10. A proposed new north-south pedestrian throughfare is proposed between blocks A and D which would align with the existing internal access road on the Watts campus to the south. This new pedestrian lane would link up with the listed buildings at lower level by way of a newly created winding accessible footpath through a newly created landscaped embankment. The station arrival point would also feature new hard landscaping across QSR up to the base of the station steps.
- 4.11. The student accommodation would be car free. Eight accessible parking spaces would be created on QSR adjacent to the railway line on the public highway so would be useable by the public. Thirty-three parking spaces

(including 3 disabled bays) would be retained on the site itself for use by users and operators of the Manor House and Tithe Barn.

4.12. 458 cycle parking spaces are proposed.

## 5. REPRESENTATIONS

5.1. **Twenty-Nine** (29) letters of representation have been received objecting to the proposed development on the following grounds:

- Adverse impact on listed buildings
- Loss of original flint walls
- Inappropriate height of the development which is above the tree line and impacts the skyline
- Overdevelopment and excessive scale of development
- Poor design
- Numerous new student housing blocks in the area. Not needed.
- Need for housing not student accommodation
- Student accommodation has changed the character of the area and should be better integrated
- This type of development results in more HMO's which create problems of overcrowding, excess rubbish and no sense of community.
- The development does not serve the needs of an existing local community
- Infrastructure implications of the students eg dentistry and GP practices not addressed. Drainage.
- Students housing does not provide council tax income. Impact on property values
- Additional noise and late-night activity
- Restriction of view
- Loss of daylight and sunlight
- Overlooking and loss of privacy
- Overshadowing
- The proposed public house is inappropriate
- Additional traffic
- Parking pressures
- Impact on air quality
- Further impacts Lewes Road as a wind tunnel
- The development should not impact protected or priority trees
- Harm to local wildlife
- Demolition of existing buildings is not environmentally friendly

5.2. **Twenty-two** (22) letters of representation have been received supporting the proposed development on the following grounds:

- Proposals would restore and open up the listed buildings to the public is welcomed.
- Proposals include sensitive regeneration. Good design.
- The station area improvement is welcomed

- More dedicated student accommodation is needed and will help to reduce the demand for houses being converted into student lets and reverse the trend.
  - The proposals make a better use of the site
  - The proposals provide a central point for local people and students to meet using amenities and community space provided.
  - Welcome the new pub and place to eat as there is little else in the area. Events space is welcomed
  - The proposals will improve the social life and amenities for students and facilities at social club.
  - Creation of jobs for local people and attracts more businesses
- 5.3. **One** (1) letter of Comment has been received in relation to the proposed development which raises the following:
- Although the height of the buildings is excessive, the aim for 24% Biodiversity net gain is welcomed though this shouldn't be watered down when it comes to the detail design.
  - Any section 106 money should be put towards improving the disabled access at Moulsecoomb station or a swimming pool at Moulsecoomb leisure centre.
- 5.4. **Councillor Fowler** Objects to the proposed development. Comments attached.
- 5.5. **Brighton Society Committee** Objects
- Detrimental impact on the listed buildings
  - The removal of an original flint wall would be a significant loss to the historic fabric.
  - The proposed student housing would dominate and overshadow the Manor House
  - The demolition of the existing student housing would go against the current aims of the construction industry which seeks to avoid demolition. Coupled with the proposed construction materials results in significant levels of carbon emissions.
- 5.6. **Brighton and Hove Economic Partnership Support**  
The proposed development which will generate economic benefit for occupants, visitors and community members of Moulsecoomb.

## 6. **CONSULTATIONS**

### Internal:

- 6.1. **Air Quality Officer:** Support  
Recommend approval with conditions. Buildings are set back from the carriageway by at least 50 metres such that future residents will avoid exposure to road traffic emissions. The landscaping in front of the site will help improve urban realm and provide a healthier environment.

- 6.2. Use of Air Source Heat Pumps is welcomed in preference to chimneys and flues. Provision of electric vehicle charging points is required in accordance with SPD14 and building regulations Part S.
- 6.3. **Arboriculturist:**  
 Tree Preservation Order TPO 1993/7 covers the site, composed of 54 individual trees and one area grouping of Sycamore trees. The tree survey identifies ten individual and six groups of trees, along with the partial removal of two groups and a hedgerow to facilitate development; the majority of these within the proposed footprint. It is worth noting that T10 – Yew, G8 – Sycamore and G9 Sycamore / Horse Chestnut / Holly identified for removal are protected status trees. Although the loss of these trees is to be regretted there will be minimal change to current landscape amenity, in particular the Lewes Road aspect will remain largely unaffected; the proposed 84 new trees are considered sufficient mitigation to have no significant concern regarding amenity loss.
- 6.4. Agrees with Arboriculture Impact Assessment (AIA) that there is a requirement for works within root protection areas (RPA) of several trees and its recommendation that a no dig methodology must be adhered to for the construction of footpaths and car parking areas. If approval is granted, an Arboriculture Method Statement (AMS) incorporating a Construction Method Statement for all ground work within designated RPA should be conditioned and approved in writing prior to construction. A detailed Tree Protection Plan for all retained trees must be submitted in conjunction with the AMS and approved in writing prior to construction.
- 6.5. No information has been provided regarding the levels of facilitation pruning to enable development, however BHCC Arboriculture raise particular concern with trees identified as G3 – Western Red Cedar along with a portion of G4 – European Lime flanking the current flint wall and in proximity to the proposed block D. Noted the Daylight Sunlight Review stating half the rooms failing to meet the specified criteria are adjacent to existing trees. Note the pruning required to facilitate construction is unknown. Post development pressure to significantly reduce or remove these protected status trees would be anticipated.
- 6.6. Although the loss of protected status trees is regretted, BHCC arboriculture have no formal objection to the proposal and would recommend granting planning permission subject to conditions.
- 6.7. **Environmental Health** (Land Contamination):  
Revised comment: No objections  
 The Desk Study is now acceptable for this site. I now recommend the following condition:  
 1) *The standard contaminated land condition including further site investigation, a method statement for risk/remediation and verification of the area of site that is to be developed.*
- 6.8. A suggested informative regarding asbestos discovery is recommended.

Comment

- 6.9. Note the document only covers northern area but no plan to redevelop southern part of site; maximum radon on site using updated 2022 data is 3-5%; a full site investigation with appropriate ground gas monitoring to comply with regulations is required.
- 6.10. **Environmental Health (Noise): No objections**  
Revised comments  
New acoustic report to be provided. However, given the distance from the road and that the scheme replaces decaying student accommodation with purpose build student accommodation, it is felt that the scheme is capable of being dealt with through conditions.
- 6.11. Following discussions with applicants agreed a methodology using a combination of the site measured data in order to revisit the scheme but using computer noise modelling to map the site and its topography, as well as the relevant sound sources such as the railway station and the Lewes Road.
- 6.12. Whilst the initial outcomes of the report were that the windows would be likely to be kept closed and Mechanical Ventilation and Heat Recovery Unit(s) used to provide ventilation and/or cooling to the bedroom units, it has been recognised by the applicants, that it may be possible to open windows for reasons of ventilation and/or mitigation of overheating.
- 6.13. The acoustic report anticipated will include:
- The computer noise model outcomes in terms of external sound pressure levels for each façade of the new build blocks
  - A review of the events which are likely to have maximum impact on the residential bedrooms
  - A review of the overheating strategy
  - Noise from commercial sound sources such as the pub, the events space and site deliveries etc
  - The impact of road traffic noise on the listed building habitable guest spaces is also expected.
- 6.14. The new buildings are all set back from the principal sound source of Lewes Road, with the Manor House being 61.5m (approximately), Block D being 84.2m and Blocks A-C further still at approximately 117-120m from the road edge. The new build student halls will benefit from distance attenuation from the Lewes Road. Elements of Block A will also be subject to some shielding/massing effects from Block D to the South-East in terms of road traffic noise.
- 6.15. It is important to recognise also that the wider scheme includes new sound sources which need to be carefully considered to prevent noise being a problem to either newly introduced student residents, or existing residential amenity to the North-East of the scheme.
- 6.16. Initial Comments: Comment

From a noise perspective, there are two existing primary sound sources being the Lewes Road and the Moulsecoomb train station to the north-west. Additionally, the University of Brighton's Huxley building to the south-west has some plant and access/egress requirements for students and staff which will likely contribute to the site soundscape as discussed within the submitted acoustic report.

- 6.17. The application has the benefit of an acoustic report of which the conclusions have been drawn from a longer-term survey September 2022 and three other short-term locations to assess how sound changes around the site perimeter. Survey sheets are included in the appendices to detail the subjective narrative at the locations as well as the times, dates and weather. It is evident that some vibration assessment has also occurred on site.
- 6.18. There are a number of queries relating to the assessment which need to be addressed to include, data relating to the proximity of the railway station, consideration of the Huxley building plant, impact of site topography, noise modelling and the mechanical ventilation proposals.
- 6.19. It is also apparent that the acoustic assessment relates only to the new buildings A-D and not to any of the other elements of the site relating to the listed buildings. Specifically, there are uses such as a public house, restaurant, event space(s), plant, external seating areas as well as 10 guest bedrooms which will also require consideration from an acoustics perspective. These may also have an impact on nearby residential properties at Highbrook Close which need to be explored further as part of a detailed consent to ensure that existing residents are not subject to adverse soundscape conditions. Given the commercial nature of the refurbished sites, servicing/deliveries should also be considered.
- 6.20. **Heritage: Comment**  
The proposed tall buildings are within the Lewes Road corridor tall building area set out in policy CP12 and in the Urban Design Framework (SPD17). With regard to criterion 4 of policy CP12, the proposed development would cause harm to the setting of the grade II listed Manor House due to the scale and visual impact of the new student housing blocks and the consequent harmful demolition of a section of original flint wall that defined the walled garden to the Manor House. The harm to the listed building and its setting would be less than substantial under the terms of the NPPF.
- 6.21. The proposals for the re-use and restoration of the vacant listed buildings are, however, important heritage benefits under paragraph 197 of the NPPF and would enable greater public access to and appreciation of these heritage assets. The proposals would also remove harmful later additions and alterations that have cluttered the rear and side elevations of the Manor House. Internally, the removal of the modern mezzanine and partitioning from the barns are significant benefits. The new, high quality public realm would create a more fitting immediate setting to the barns on the north side. The landscaping of the grounds and garden, including additional perimeter planting,

would partially restore its historic landscape form as a designed setting for the Manor House and would enable better functioning as public spaces from which to appreciate the Manor House and barns.

- 6.22. Overall, therefore, in weighing the heritage benefits of the proposals against the heritage harm it is considered that, subject to phasing and details, the development would have a net neutral impact on the listed building and its setting and so their significance would be conserved. However, a more robust approach to phasing and delivery is required to be confident that the heritage benefits are fully achieved, otherwise the planning balance referred to above may not apply.
- 6.23. **Planning Policy: Comment**  
The development would provide 566 student bedspaces, resulting in a net gain of 403 over the current provision on site. No objection is raised to the principle of a higher density Purpose Built Student Accommodation (PBSA) development on the site subject to detailed consideration of design, amenity and heritage issues, particularly given the presence of designated heritage assets on the site. 60% of the PBSA bedspaces are to be provided in the form of cluster flats which exceeds the policy requirement in CPP2 DM8 and is welcomed.
- 6.24. The loss of the nursery community facility use is regrettable. It is not considered that any of the exception criteria in Policy DM9 have been fully met. The loss is partially mitigated by the provision of alternative community facilities through the conversion of the Tithe Barn to provide a public house and an element of flexible community space, although no use for this has yet been identified. However, overall, the loss of the nursery weighs against the proposal in the planning balance.
- 6.25. The provision of a public house within the development is welcomed. Public houses are important community facilities that can provide a social hub for communities of which this area of the city is not well served with.
- 6.26. The development would provide 10 guest bedrooms as part of the pub and events space element of the development. The site is an out-of-centre location, and no sequential test has been provided. An Impact Assessment has been provided which notes that the guest accommodation will principally cater for visiting parents and those visiting the restaurant, pub and social facilities. This is a logical assessment of the market that a limited number of additional hotel bedrooms in this location will perform. The small amount of visitor accommodation proposed is linked to the wider proposed development and it would not be appropriate, in this instance, to undertake an assessment of alternative potential locations in the city centre through a sequential test. No concerns are raised with this element of the scheme and the small amount of employment and economic activity that it would generate are welcomed.
- 6.27. It is indicated the development can deliver a 24% net gain in biodiversity. This is welcomed to meet requirements of CPP1 policies CP10.2(c) and CP8.2(j), and CPP2 policy DM37, subject to verification of the assessment.

- 6.28. In summary, the proposed development would significantly boost the density of PBSA on a site already used for this purpose that is well-located to both sustainable transport links and the university campuses. The loss of the nursery is regrettable and has not been fully justified in the context of CPP2 Policy DM9. Whilst the loss has been partially mitigated by the provision of a public house and some flexible community space, the loss still weighs against the scheme in the planning balance.
- 6.29. **Public Art:**  
To make sure the requirements of local planning policy are met at the implementation stage; it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. This is supported by policies CP5; CP7; CP13 of City Plan Part 1 and policy DM18 of City Plan Part 2. In line with the Council's published Developer Contribution Technical Guidance, it is suggested that the Artistic Component element for this application is to the value of £82,608 based upon the floorspace calculated as Gross Internal Area (GIA).
- 6.30. **Public Health Team: Comment:**  
The methodology used to develop the Health Impact Assessment (HIA) is appropriate. The HIA includes public consultation and is mostly comprehensive and generally addresses the expected domains of a HIA.
- 6.31. The HIA finds that the site is a student area in the 10% most deprived nationally for health deprivation and disability domain. Assessment of distance to medical facilities but assumes that most students would maintain pre-existing 'home' services against recommendations. Site has good access to footpaths and cycle routes. Support provision of multi-use social areas and improved links to railway station. We strongly recommend that public use of new and existing public footpaths on the site are secured with a Permitted Path Agreement.
- 6.32. We strongly recommend a condition of the development is that it includes a Community Use Agreement for community spaces specifically, it should cover the existing Social Club, the new Pub, the café, and open space in at the front the Manor house, food production areas, as well as the community area in the base of Block D. The Community Use Agreement should include how hire, food and drink costs will be kept affordable for students and local residents.
- 6.33. More detail is required on how to achieve social cohesion and how greater use of the communal facilities will be encouraged and achieved and what training opportunities will be provided for students and local residents.
- 6.34. **Sustainable Drainage: No objections**  
The information submitted includes the flood risk assessment and surface water drainage strategy including drainage plans and accompanying information. The drainage strategy includes infiltration to greenfield sites using SUDS. This approach is supported by the Lead Local Flood Authority. We would support a recommendation for approval.



6.35. **Sustainable Transport: Support**

**Final comments**

The submitted addendum has provided amendments to the trip generation assessment as requested by the LHA. A TRICS site selection has now been used that is more robust and have surveys undertaken within or around acceptable date parameters. As a result, the proposed changes have indicated the proposals will have a reduced impact, as previously, and this is expected due to the loss of parking and the site being proposed to be car-free.

6.36. The applicant has also produced a forecast of the number of delivery vehicles to be servicing the site by using servicing data available for two from a short list of selected sites. Whilst the submitted analysis is adequate, we would want to see deliveries and servicing vehicle movements managed, and reduced as much as possible, as part of the travel plan and DSMP as stated in our main comments.

6.37. The applicant has provided amended plans that indicate the removal of wall mounted stands and an increase in Sheffield type stands. The overall amount is slightly above Parking Standard SPD14 minimum levels and the Sheffield type stands are 20% of the total. The proposed amendments are therefore considered to be more convenient to use and welcomed.

**Initial Comments – No objections**

6.38. Provisional support for the scheme subject to agreement of further amendments and details of trip forecasts and trip generation. The following conditions and a S106 are requested to cover the following:

**S278 Highway Works**

6.39. A section 106 agreement should require a detailed scheme for the works on Queensdown School Road to be agreed before development commences on site. The agreed highway works should be completed before first occupation/use.

6.40. **Management Plans**

- Delivery & Servicing Management Plan including, amongst other things, details of student and residential related deliveries.
- Student lease clause not to own a car and park near the site
- Travel Plan
- Demolition Environmental Management Plan.
- Construction Environmental Management Plan.

6.41. **Conditions to cover:**

- Student Move In/ Move Out Management Plan
- Retention of Parking Area
- Cycle Parking Scheme (Notwithstanding the plans hereby permitted)
- Pedestrian route and footpath details
- Lift hours of operation and maintenance

- 6.42. **Urban Design:**  
Revised comments: Support  
These comments are an addendum following receipt of amended drawings to be read in conjunction with earlier urban design comments. It highlights which previous comments / recommendations have been addressed and how. Other previous comments / recommendations are yet to be addressed.
- 6.43. In general, additional material addresses a number of the comments raised, particularly in relation to improving the impact of the height of some of the blocks and how to lighten the density viewed from Lewes Road. There remain some concerns in relation to previous comments particularly around daylight and sunlight to internal rooms.
- 6.44. Some of the areas of concern can be addressed with conditions where applicable.
- 6.45. Please refer to more detailed comment below, as well as recommendations for improvement on the above concerns and others. These recommendations are offered in the spirit of collaborative working. They do not offer final or fully developed design solutions and must be tested by the applicant before resubmission. These comments are offered without prejudice of any final planning decision.
- 6.46. Details of wayfinding may be amenable to secure by condition.
- 6.47. Recently submitted information presented amended room layouts to student rooms to include kitchens in the assessment and the addition of some windows to improve daylighting which goes some way to address previous comments. Further measures are on-going to increase compliance which is appreciated.
- 6.48. The demolition audit is considered to be commendable in responding to circular economy principles and the design seeks to address embodied carbon and whole life cycle, as per Sustainability Officer comments. Subject to heritage officer comments, securing some targets by condition would be positive.
- 6.49. There is still considered to be potential for food growing areas within the site.
- 6.50. Additional information submitted has responded to previous comments on massing and design. Recent amends to proposals present a more inclined chamfer to the north corner of the taller mass of Block D and lighter brick tones to block A. It is considered that whilst the actual height remains unchanged, these changes work in tandem to reduce the impact of the height of these blocks somewhat. As such, it is considered that these changes go some way to address these three comments.
- 6.51. It is understood that wind mitigation is required in this location and that there has been some design development to date which has concluded the submitted design of wind baffles. It would be appreciated if further

development of the baffles could be explored during detailed design, to confirm required frequency and depth of these baffles.

- 6.52. It is understood that communal space is provided within Block C, Level 02 which appears to be useable by the studios on this flat, subject to access arrangements of the door within the corridor here. Previous comments and concerns raised remain regarding the spread of communal space across floors, especially on taller blocks such as A, B and D (taller mass). Recommend provision of updated floor plans in response to recommendations.
- 6.53. The Applicant has since clarified the cladding on the North mass of Block D to be a light red hung tile. It is considered that materiality may be secured via condition for material samples to be submitted, from an urban design perspective. Subject to Heritage Officer comments.
- 6.54. The recently submitted updates present a change in brick tone of Blocks A, B and D which are acceptable. It is considered that lightening the tone of Block A works in tandem with the increased chamfer to Block D to reduce the impact of the unbroken cluster of buildings as seen from Lewes Road.

Initial comments:

- 6.55. The applicant has engaged enthusiastically in the pre-application process and the scheme has evolved positively. The proposals are generally well received. The design strategy is well informed by contextual analysis, community engagement and provides a strong development vision which centres around the generation of place and sustainable community. The site strategy is landscape led and the overall appearance is heritage-led. The site layout is derived from the protection of heritage assets and the new buildings would be connected by a legible sequence of external routes and destinations.
- 6.56. The new tall buildings are in close proximity to heritage assets mitigated in part by chamfered roof tops and stepped away from lower heritage buildings and through high quality design in appearance and sustainability aspirations. The refurbished heritage assets have responded to feedback in pre-application engagement and the new functions respond local community aspirations. The high- quality landscaping and outside amenity space is well designed for students and the wider community alike linked by good pedestrian movement and vehicle strategy deflecting vehicles to the fringes of the site. No improvements are required in this regard. Building design has taken a fabric-first approach to optimise thermal performance and good ventilation which indicate potential for a high-quality scheme in terms of sustainability.
- 6.57. There are some concerns however:
- 6.58. The scale and massing are uncomfortable in parts, in relation to the University buildings in particular Block D and the clustering together of the new buildings. High-quality design, materials and other mitigation are required if heights cannot be reduced.

- 6.59. A significant proportion of rooms have reduced daylight levels which do not meet the BRE guidance.
- 6.60. Sunlight levels to rooms meet the guidance in a very high proportion of cases.
- 6.61. Some areas of student accommodation do not have convenient access to communal amenity facilities.

External:

- 6.62. **Conservation Advisory Group: Recommend Refusal**  
The renovation of the Grade II Listed Moulsecoomb Place buildings and gardens is welcomed. The use of building materials and design elements inspired by Moulsecoomb Place is noted.
- 6.63. The proposed blocks would detract from and not enhance Moulsecoomb Place and would dominate and overpower the site resulting in overshadowing and an increase in massing detrimental to its setting particularly viewed from the east.
- 6.64. Concern about removing the flint wall 75m long which forms the original curtilage of the manor house and retained when the current student accommodation was built.
- 6.65. The Tithe Barn should be tiled not slated as it was originally. Care should be taken with restoration of windows of Moulsecoomb Place and staircase iron work.
- 6.66. The cottage has two of the earliest known 'Yorkshire' sliding sashes in Brighton and Hove which should be carefully restored.
- 6.67. Walnut tree closest to 1900s extension should be retained and pruned back.
- 6.68. **County Archaeologist: No objections**  
The information provided is satisfactory and identifies that there is no risk that archaeological remains will be damaged. It is acceptable that the risk of damage is mitigated by applying conditions.
- 6.69. **Ecology:**  
**Final response: No objections**  
It is proposed to retain all bat roosts in situ. The proposed mitigation outlined in the submission and Bat Report is acceptable. 5no. small bat boxes should be installed on trees (as stated in the Bat Report).
- 6.70. The Design Team has confirmed that tree removal will be reviewed at the detailed design stage and if these trees require removal, works will follow best practice guidance i.e. soft felling under the supervision of a licenced bat ecologist.
- 6.71. The considered approach taken to the Lighting Strategy is acknowledged with the lighting plans showing that there will be no direct lighting of roosts, no up-

lighting of trees and a reduction in light spill compared to the existing lantern design.

- 6.72. The updated BNG calculation (V2) indicates a positive change in biodiversity units for the Scheme from 10.72 to 12.32%.

Follow up response:

- 6.73. With the exception of the issue of bats and lighting, all issues raised initially have been satisfactorily addressed and it has been demonstrated that the minimum Bio Diversity Net Gain of 10% can be secured.
- 6.74. Amphibians – In respect of the potential presence of amphibians (Great Crested Newts). The precautionary approach being adopted for other protected/notable species, when clearing suitable habitat, will be sufficient to safeguard any amphibians should they be present.
- 6.75. Bats and Lighting - 8 species of bat were recorded as using the site and roosts assessed as being of District Value are present on-site. The applicant should demonstrate that they have done everything possible to minimise light spill onto vegetation along the north/northeast boundary, with a maximum of 1 lux (equivalent of clear full moon) being the target level. This improvement should be evidenced in revised lighting contour plans as part of the Ecological Lighting Strategy that should be conditioned.
- 6.76. The proposal to review light levels and reduce them by one class to P4 is welcomed. The applicant should clarify where they are proposing this. This improvement should also be evidenced as part of the Ecological Lighting Strategy by condition.
- 6.77. It is not thought that Place Making Principle 2, to 'strengthen the connection to the South Downs (east to west)' is being met. Applicant should respond to the comment regarding loss of habitat that contributes to the green corridor and specifically if landscape planting in this location can 'replace those trees lost and maintain a connected canopy along the site's north boundary to join up with the wooded railway embankment on Queensdown School Road'.
- 6.78. It is recommended that wherever possible lighting adjacent to roosts and within and adjacent to key foraging and commuting habitat is only applied when required i.e. PIR triggered lighting is used, which turns on in response to human activity. The lighting should be accurately synchronised with bat activity periods instead of by periodic/seasonal updates.

Initial response: Objection

- 6.79. Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement.
- 6.80. Overall, the consideration that has been given to biodiversity within the proposed scheme is welcomed and it is likely that a scheme can be supported from an ecological perspective. The site is not designated for its nature

conservation interest but falls within the Brighton and Lewes Downs UNESCO Biosphere Reserve. The Ecological Impact Assessment concludes that there are not likely to be any significant effects on Castle Hill Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) due to its location and the low car ownership rates of students. Further information on potential recreational impacts on nearby Local Wildlife Sites should be considered. Recreational impacts on the South Downs National Park (SDNP) is considered to be insignificant. A standard Constructional Environmental Management Plan should be conditioned to protect the nearest Local Wildlife Sites.

- 6.81. Any tree works or removals must be subject to findings of further bat survey work. A Ground Level Tree Roost Assessment for bats should be undertaken before any planning permission is granted as this has not been carried out. A considered approach to bats in the Lighting Strategy has been taken.
- 6.82. An Ecological Design Strategy (EDS) should be required by condition and a Landscape Environmental Management Plan (LEMP). An array of swift boxes and bee bricks should be installed (total around no.70 each). The existing pond/water feature in the walled garden will require surveying for reptiles.
- 6.83. Clarity is required on features which are included or omitted in the Biodiversity Net Gain calculations however even with a worst case scenario, it is considered that there would be a net gain of 10.3%.
- 6.84. **East Sussex Fire and Rescue: No comments**
- 6.85. **Health and Safety Executive: No objections**  
The proposal appears to meet the requirements of a Gateway 1 Project to be considered by the Health and Safety Executive.
- 6.86. **Historic England: No comments**
- 6.87. **National Highways: No objections**  
Student accommodation is proposed to be mainly car free and therefore would result in very low level of car trips and are wholly supportive of this. Welcome Framework Travel Plan submitted subject to condition requiring detailed plan. Condition requiring CEMP in consultation with National Highways.
- 6.88. **Network Rail: No comments received**
- 6.89. **Neos Networks: No objections**
- 6.90. **Scottish Gas Network: No objections**  
Information supplied for applicant of map of network.
- 6.91. **Southern Water: No objections**  
Standard advice provided regarding location of existing foul sewer and water supply network. Any network enforcement deemed necessary will be provided by Southern Water in liaison with developer. Requests standard conditions related to network enforcement and maintenance.

- 6.92. **Sussex Police: No objections**  
 Delighted to see that many Secured by Design (SBD) principles will be implemented. Bike stores will also be monitored externally and internally with CCTV. Recommend compartmentalisation of student accommodation. Controlled lift access and dedicated door sets on each landing using swipe cards or readers is recommended. Recommendations made regarding post boxes, student room locks, door viewers for security. Ground planting no higher than 1 metre and canopies no lower than 2 metres.
- 6.93. Applicant should consult Sussex Police Licensing regarding social club and restaurant.
- 6.94. **UK Power Networks: No objections**  
 Information supplied for applicant intending to carry out works close to equipment and network

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove City Plan Part Two (adopted October 2022)
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019).

## **8. RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP4 Retail provision
- CP5 Culture and tourism
- CP6 Visitor accommodation
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk

CP12 Urban design  
CP13 Public streets and spaces  
CP15 Heritage  
CP16 Open space  
CP18 Healthy city  
CP19 Housing mix  
CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix  
DM8 Purpose Built Student Accommodation  
DM9 Community Facilities  
DM10 Public Houses  
DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities  
DM18 High quality design and places  
DM20 Protection of Amenity  
DM22 Landscape Design and Trees  
DM23 Shopfronts  
DM26 Conservation Areas  
DM27 Listed Buildings  
DM29 The Setting of Heritage Assets  
DM31 Archaeological Interest  
DM33 Safe, Sustainable and Active Travel  
DM35 Travel Plans and Transport Assessments  
DM36 Parking and servicing  
DM37 Green Infrastructure and Nature Conservation  
DM38 Local Green Spaces  
DM40 Protection of the Environment and Health – Pollution and Nuisance  
DM41 Polluted sites, hazardous substances and land stability  
DM42 Protecting the Water Environment  
DM43 Sustainable Drainage  
DM44 Energy Efficiency and Renewables

Supplementary Planning Document:

SPD03 Construction & Demolition Waste  
SPD06 Trees & Development Sites  
SPD09 Architectural Features  
SPD11 Nature Conservation & Development  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to: Policy issues related to principle of new purpose-built student accommodation on the site.
- Location, topography and site constraints.
  - Scale, height and massing of new proposed student blocks
  - Design quality, public realm, landscaping and public access.



- Setting of heritage buildings and associated open space.
- Changes of use within the heritage buildings.
- Sustainability issues, energy efficiency, daylight and sunlight impact on existing and new occupants.
- Noise issues from existing road and rail and impacts from uses of Manor House and Tithe Barn and new accommodation.
- Vehicle and cycle parking and site servicing.

**Planning Policy:**

- 9.2. The site is not allocated specifically in the City Plan for development and that part of the site which is to be redeveloped forms the existing purpose-built student accommodation (PBSA). The site does fall within the Lewes Road Development Area under Policy DA3 of City Plan Part 1 (CPP1). The Development Areas in CPP1 anticipate a significant volume of development being in either central locations or with excellent links to public transport which this site does both rail and bus on a main transport corridor.
- 9.3. The principle of student development is established by the current occupation, therefore, whilst policy DA3 identifies the Lewes Road corridor as being suitable for student development with good links to the Universities. This site is immediately adjacent to the Watts campus of the University of Brighton. Whilst the development is not specifically for students from the University of Brighton or being proposed by the university, its location on the doorstep is likely to prove more attractive to its students than other institutions.
- 9.4. Policy CP21 relates to PBSA and policy criteria encourages higher density student developments where this is compatible with the existing townscape. It should be demonstrated that they have entered into an agreement with one of the Universities or other existing education establishment. This is rarely possible prior to planning permission being granted so would be secured by legal agreement. A letter supporting the proposals has been received from the University of Brighton which is welcomed. The letter indicates that an increase in student numbers on the Moulsecomb campus will take place as part of a strategic plan and more accommodation will be required going forward. The Policy team have welcomed the additional accommodation therefore and advised that a clause in any S106 agreement could ensure that occupation is restricted to students of existing establishments. The policy team therefore have no concerns about compliance with CPP1 policy CP21.
- 9.5. Policy DM8 of CPP2 also relates to PBSA and sets out further criteria on the nature of the accommodation. Primarily the policy requires that the development should provide predominantly cluster rooms which it does. There would be 2 types of cluster room offering different specifications. Cluster Type 1 would be a standard student room with shared kitchen/lounge facility whilst Cluster Type 2 rooms would have a small food preparation and cooking facility, but also have access to the same shared kitchen/lounge facility. Approximately 60% of rooms (215 no.) would be the basic Cluster 1 type and the rest would be Cluster type 2 (134 no.). There would also be much larger studios which would be self-contained and would total 234 rooms.

- 9.6. Policy DM8 requires the student bedrooms to be of a sufficient size for living and studying. Whilst floor areas are not specified in policy, the traditional cluster rooms proposed would be just above 13 sqm. which is considered to be suitable for their purpose and is a standard that has been accepted and provided in many schemes in the city. Studios are more flexible in size but 16 sqm. is generally accepted as a minimum to be able to provide the addition of cooking facilities in the rooms. DDA compliant rooms are required to be larger to be able to demonstrate DDA compliance. The Design and Access Statement sets out room typologies and layouts for this scheme with Cluster Type rooms of 13.5 sqm; Cluster Type 2 at 15.5 - 16sqm. and studios at a range of sizes from 18 – 25 sqm. These sizes are considered to be acceptable and policy compliant. The communal kitchen/lounges are variable in size depending on the number of rooms they would serve thus from 25 – 35 sq. m. which is acceptable in policy terms.

### **Community Uses**

- 9.7. The Tithe Barn was in use as a children's nursery run by the University of Brighton for its staff on a subsidised basis. In 2010 the nursery was opened up to the wider community. It operated for 45 weeks a year. The decision to close was taken in January 2020 after years of losses which increased year on year, subsidised by the university and finally closed in early 2021.
- 9.8. The applicant has proposed a new accessible community facility of 100 sqm (GIA) in the ground floor of Block D on a prominent corner on QSR with a good outlook and visibility to users. There is no occupier in mind, however the applicant has been reaching out to community groups in Moulsecoomb to assess potential interest. The proposals for the Manor House also include a public house in one ground floor room.
- 9.9. Policy DM9 (Community Facilities) in CPP2 will only permit the loss of community facilities such as a nursery where one of 4 criteria apply. The criteria require either of the following:
- a) Replacement of an appropriate quality and size as part of new development proposals in a suitable location
  - b) The facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility.
  - c) The building is no longer suitable to current use and cannot be adapted to be so.
  - d) It has been demonstrated that there is no current or future demand for the space as its current use or an alternative community use.
- 9.10. The new community space would not necessarily be occupied by a nursery so criterion a) is not met. The University carried out some research in 2021 in the local area of early years provision and reported 17 no. settings some with capacity but the evidence was limited.
- 9.11. The applicant considers that the Tithe Barn is unsuitable as a nursery use in close proximity to the PBSA. This did not prevent the nursery from operating close to the current PBSA in the opinion of the Policy team and the proximity

would not be an issue. Indeed, the new community facility would be in the same building as the student accommodation albeit separately accessed from the street.

- 9.12. From the site visit observations however, it could be said that the Tithe Barn, whilst operating as a nursery for years, would not have been an ideal facility. The building has several split levels and a warren of small rooms and narrow corridors beginning from the current entrance lobby. There are larger rooms for activities at the opposite ends of the building. Access to the outdoor walled garden is also via a short, elevated timber walkway at Level 1 raising safety issues. Supervision of young children would likely have been resource intensive given the layout.
- 9.13. The Tithe Barn has a floorspace of 244 sqm (GIA) however from inspection, it did not appear to be all in use for the nursery. It is not known if the large open top floor in the roof space (now used as an office by university staff) was used whereas plenty of physical evidence of its former nursery use remain on the lower 2 floors.
- 9.14. In reference to policy DM9, the replacement floorspace for community use would not provide an equivalent floorspace figure some account could be taken of the new community space being more practicable and accessible than the Tithe barn's multi levelled, narrow spaces with reference to criteria c). The new pub is also recognised as a new community provision. In sufficient evidence was submitted to meet the other criteria whilst there are other nurseries identified in the vicinity. In mitigation, the provision of other public facilities such as the restaurant and the opening up of the site and grounds to the public will be a public benefit with potential for events to take place.
- 9.15. The policy is not considered to be wholly met which will should be taken into account in considering the overall balance of the scheme.

### **Public House**

- 9.16. The Policy team have welcomed the provision of a public house as part of the community offer in a location not well served by pubs. Policy DM10 recognises pubs as an important contributor to the vitality and character of communities. The public house would occupy a medium sized room in the front of the Manor House in the extension (south). Customers would also have access to the proposed new covered courtyard linking the Manor House and Tithe Barn together with a small external annexe. These seating areas would all be shared by customers using the Tithe Barn catering and event facilities but all run by a single operator. In total the public house would occupy 183 sq.m). The introduction of a pub will open up the Manor House to the public but would also operate as the breakfast room for the proposed hotel accommodation.

### **Visitor Accommodation**

- 9.17. CPP1 Policy CP6 sets out policy on visitor accommodation, supporting the provision of sufficient and wide-ranging types to support the city's tourism and business conference economy, with development to be directed firstly to central Brighton.

- 9.18. The development proposes 10 rooms to be provided in the converted Manor House. The site is out of centre but a sequential test has not been provided to support the change of use. The policy directs new hotel accommodation firstly to the centre of Brighton. The policy supporting text states that this because the centre is the most sustainable location as it is close to public transport. This site is adjacent to Moulsecoomb Station and on a main bus route corridor so it could be said that this objective is still met. The policy text also says that outside of the centre, a hotel could be permitted to serve a particular market and, in this case, the market could be visiting parents of students, academics or university events or events taking place in the Tithe Barn so is considered to accord with the policy.
- 9.19. An Impact Assessment has been provided (in compliance with policy CP6) and it is considered that given the small number of rooms and that the market is likely to be for people visiting the university for example, the Policy Team do not consider that a sequential test is appropriate and there are no concerns with economic impacts on the centre. A material consideration is the need to re-use this listed building in a sustainable economic manner as part of its restoration in a sensitive manner. The layout of the building lends itself to this purpose and by sensitive reinstatement of original room layouts which are considered under the related Listed Building application (ref: BH2022/02893) there could be an economic and heritage benefit which weighs in favour of the development proposal.

**Design and Appearance:**

- 9.20. The proposed redevelopment of the existing student accommodation has been required to be sensitive to the existing heritage assets of the Manor House and the Tithe Barn to the rear, as well be designed around the high quality extensive open space in front of the Manor House which forms an important part of its setting.

Scale and massing

- 9.21. As a consequence of these site constraints the massing and height of the scheme has been concentrated in the south west portion of the site overall to form a cluster of buildings.
- 9.22. In principle higher density schemes including tall buildings along the Lewes Road corridor under CPP1 Policy CP12 (Urban design) are acceptable being located on a major transport route and the site is in the DA3 policy area.
- 9.23. The south boundary of the site sits within the shadow of the University of Brighton campus in particular the Huxley Building and the Aldrich Library. The former is the equivalent of 7 storeys but also dominates the streetscene of QSR, whilst to the south the 10-storey expanse of the Cockcroft Building dominates the campus and is prominent in many long views from the upper valley slopes. The proposal and its location would therefore form a physical and functional connectivity with the university campus established by the current accommodation.

- 9.24. The proposal has also taken account of its wider context including the almost completed Preston Barracks development and the proposals pick up some of its architectural themes. The design philosophy has been to partly book end the campus with Preston Barracks at the south end. To the north of the site however, the urban form scales down to a more suburban scale. Immediately north are clusters of three and four storey blocks of flats and a recently built 8 storey block of flats on Selsfield Drive whilst the east side of Lewes Road features 2 storey dwellings.
- 9.25. The Urban Design officer considers that the group of buildings would successfully act as a cluster of buildings and much of the design iterations have centred around achieving a variable mix of heights and profiles whilst creating space between them and modelling of the profiles to achieve a collection with distinctive elements.
- 9.26. Block C is the lowest building (4 storeys) to the rear (west) of the Manor House to mitigate its impact on the heritage asset as well as by raking its profile back and use of similar colour palette. In viewpoints 5 and 6 from opposite on Lewes Road and within the gardens, these has been the key settings influencing the design of block C.
- 9.27. Block A is the tallest block at 15 storeys in the corner of the site from where the scheme steps down to the north to block B (11 storeys) and block C. The scheme steps down the hill to block D (9 storeys) along QSR but block D steps down significantly to 4 storeys partly to respect the Manor House but also to break down the massing. Whilst emphasis has been placed upon respecting the heritage assets, the streetscene of QSR has been a key consideration and has led to the reduction of Block D.
- 9.28. The variable heights and the variation in materials (mainly brick) but of different palettes has, in the Urban Designer officer's view, allowed the individual buildings to be read in townscape views. This is more successful in some viewpoints than others and later amendments post submission have focussed on further reprofiling of block D with deeper chamfers to mitigate areas of concern around cumulative massing.
- 9.29. The chamfering of roofscapes successfully softens the visual impact of each block which is more appreciated in shorter range views than long range. Chamfering also picks up the theme of the Mithras House buildings part of the Preston Barracks development.
- 9.30. Block A is proposed to have a lighter brick than it neighbours of Block B and D but brick tones would also vary through individual elevations to break up the composition. Block D lower will have contrasting but pleasing warm reddish/clay coloured brick which distinguishes it from the 9 storey element. In autumnal views the palette would integrate with the heavily landscaped manor house gardens which will have additional trees strategically planted. This is most appreciated in Viewpoint 2 (The Avenue).

#### Appearance, Materials and Context

- 9.31. The applicants engaging with officers have spent considerable time in designing a high quality designed building with good quality materials proposed. Each block is distinctive in its own right with height and variable profiles and colour palettes and can be distinguished by their individual character. However, the design as a group is cohesive and unifying. Policy DM18 seeks developments which demonstrate a high standard of design and make a positive contribution to a sense of place. The design has taken account of local context both the built form and the backdrop of the valley slopes leading up in the north west direction to the National Park. The materials proposed are high quality and the brickwork palette and profile will provide depth and texture to the elevations which is essential for tall buildings.
- 9.32. Care has been taken of creating spaces around the buildings as a group but also at the human scale in terms of movement around the site, location of its uses, the changing levels and connections with other buildings, open space and transport hubs in the manner required by policy DM18 and the Urban Design Framework (SPD17). Public Realm is considered in more detail in a section below.

#### Landscape and Visual Impact

- 9.33. The scale and massing of the proposals have taken account of the existing heavily landscaped setting of the development, including the South Downs National Park beyond the railway corridor to the west. The gardens currently have numerous trees in them, many of which are protected by Tree Preservation Orders. A row of large trees alongside QSR leading up eastwards from Lewes Road will afford plenty of screening to Blocks D and A behind when in leaf and in winter also and would mitigate the heights and potential sense of enclosure felt by pedestrians.
- 9.34. The site sits in the valley of Lewes Road but due to its relationship with the campus to the south and the wooded railway embankment to the west, short to medium viewpoints of the proposals will be limited. The distinguishing of the blocks is appreciated most from The Highway to the north east.
- 9.35. From the site boundary and from within the site, the heavily landscaped gardens will also mitigate the impact of the proposals on the heritage assets and the amenity of the site. Opposite the Manor House access road for example the three main tallest blocks are softened by the outline of the existing trees and their own profile and vertical emphasis contrasts with the more visible horizontal expanse of the Cockcroft building and no harm is identified in this view. The same considerations apply in long views from Moulsecomb Way where the Cockcroft building would still dominate. The proposal would add to the cluster of tall buildings along Lewes Road but maintain a respectful distance below the ridgeline of the hills and skyline behind.
- 9.36. In longer views, an assessment has been made of the impact on other heritage assets such as conservations areas or historic gardens as well as the South Downs National Park (SDNP). From the north from the south downs, the development is seen in the context of the Watts campus and Preston Barracks

and no harmful impact is identified. There may be some beneficial impacts of breaking up the silhouette of the campus and integrating a high quality design element to the townscape.

- 9.37. Public art will be integrated into the proposed development site and as part of the public realm including around the railway station entrance and the public areas of the development. Under policy CP5 of CPP1, a developer contribution arising from the proposed floorspace has been agreed in principle at a minimum of £82,608 subject to a S106 agreement. Such provision would be in accordance with CPP1 policies CP5, CP7 and CP13 and CPP2 policy DM18.

#### Heritage

- 9.38. A key material consideration for the application has been the impact of the proposals for the new PBSA on the listed Manor House and Tithe Barn. Details of the internal alterations and proposed extensions and external alterations to the buildings have been considered under the related Listed Building application under consideration on this committee agenda.
- 9.39. CPP1 policy CP12, criterion 4 is relevant to heritage considerations which requires new development to conserve or enhance the city's built and archaeological heritage and its settings. SPD17 (Urban Design Framework) does not suggest that tall or very tall buildings are appropriate on this site, however the Heritage Officer has commented that the general siting and footprint of the proposed development is largely considered to be sympathetic to the setting of the listed buildings. The new blocks would be set behind the historic building line and would conserve the integral garden setting in front of the Manor House to the east.
- 9.40. The most sensitive views of the Manor House are near views from the east and south-east on Lewes Road. By concentrating the development in the south-west corner visual impacts on these key views would be less intrusive.
- 9.41. Throughout the pre-application stages, the applicants were encouraged to reduce and redirect new floorspace toward the south west area of the site whilst Block C sited behind the Manor House has been reduced in height to minimise its impact on the setting of the listed buildings.
- 9.42. Development on this scale would undoubtedly have a major impact on the setting of the listed buildings. The Manor House would be experienced in a more urban, less open and spacious context due to the height and massing of the buildings, which would diminish its status to some degree, albeit set against existing large buildings on the adjacent sites and Lewes Road to the south-east. From within the Manor Gardens, Block B would form an edge to the Manor house and is part of the group of buildings that frame it. The high quality of the architecture and the design and profiles of these blocks would soften the edges of the frame in which the Manor House would be seen. The existing and proposed trees would also help to screen and soften the facades notably when in full leaf.

- 9.43. From across Lewes Road, additional layers of trees would sit in the foreground and would heavily screen the lower floors of the new blocks where they would be more contextual to the Manor house. The south wing extension to the Manor house itself would be screened by trees.
- 9.44. The approach to - and views of – this site from the north and north-east have already been compromised by the development of the large-scale Brighton University buildings and therefore tall and very tall development at the south-west corner of the site would not greatly impact the setting further. In views from the east and south-east this is less the case, but the existing and proposed trees would significantly screen the lower levels of the buildings.
- 9.45. Block D would be somewhat uncomfortably close to the Manor House, in the opinion of the Heritage Officer, but the height and massing now drop down more sympathetically from south to north, better responding to the scale of the listed building. Additionally, these blocks would not unduly intrude on the unfolding views of the Manor House in the approach drive from the north-east which is obscured by existing trees where it might be seen in context with proposed blocks.
- 9.46. Other mitigating factors have been identified such as the profiling of the blocks at upper levels and the use of brick and flint. In respect of Block D (lower) the reddish brick shown for the north wing of Block D would provide a visual reference to the clay tiled roof of the smaller barn when seen from the north (subject to careful choice of tone and texture through a condition).
- 9.47. The setting of the listed barns and ‘the cottage’ is smaller in extent and is best appreciated from nearby to the north. The current setting has been very much compromised by the car parking area and somewhat haphazard, largely private realm in this vicinity.
- 9.48. This immediate setting of the barns would be enhanced by opening up the north elevation of the barns to better public view, and the removal of the car parking, the creation of new public space and landscaping including the winding landscaped path would enhance their setting, subject to careful choice of materials for both the buildings and the hard landscaping.
- 9.49. In terms of longer views, including from within Round Hill conservation area, none raise any notable heritage concerns. The very tallest element of the scheme (Block A) has been kept as low as possible to avoid coalescence with the ridge of the South Down National Park in the backdrop. The proposals are considered to have a neutral effect on the conservation area.
- 9.50. The issue of the loss of a section of flint wall is considered in detail under the Listed Building application however it is also a material consideration in the balance of considerations of the planning application. The development would retain approximately 40 metres of flint wall with brick dressings that runs from the south-west corner of the 1913 wing of the Manor House southwards and is mentioned in the list entry. However, it is highly regrettable that the long east-section of flint wall at the southern end, part of the original walled garden



enclosure, would be demolished to accommodate the footprint of the new student accommodation development.

- 9.51. Some 'nibs' of new flint walling would be incorporated as part of the public realm between the new student blocks whilst, as mentioned above, the 'winding walk' includes flint walling on the original enclosure line.
- 9.52. In balancing considerations around the impacts of the scale of the new student blocks on heritage assets including the flint wall sections, account should be taken of the restoration and refurbishment of the listed buildings and the high quality design and materials of the new blocks which would have a positive impact in compliance with CPP2 policy DM18.
- 9.53. The removal of later extensions on the outside, internal sub-divisions and the opening up of roof spaces and feature ceiling timbers in the Tithe barn are positive aspects of the scheme. Importantly, the enhancement of accessibility and opening the site to the public to be appreciated as well as enhancing the landscaping and public realm would be a positive heritage impact in conformity to CPP2 policy DM27, to off-set some of the identified harm caused to heritage assets. The Heritage Officer has accepted that, overall, the harm caused by the proposals are less than substantial in terms of the NPPF.

**Landscaping, Public Realm and Accessibility:**

- 9.54. The scheme proposes public realm, accessibility improvements and landscaping across the site. The site is not very accessible due to the topography, but the applicants have succeeded in providing useable amenity spaces across slopes, ramps and plateaus, taking opportunities to introduce south facing seating opportunities. A new accessible landscaped 'winding walk' and lift has been created to link Lewes Road with the PBSA buildings and, whilst full accessibility compliance cannot be achieved on all routes due to the adverse topography, the scheme delivers a significant improvement over the existing site situation.
- 9.55. The landscaping strategy has been integrated into the design from the earliest stages of this project and as acknowledged by the Urban Design Officer the scheme has been landscape led. The listed buildings especially, have been a key element in the landscape proposals and have drawn upon the history of the site as well as by the site's proximity to the South Downs National Park with reference to old plans of the Moulsecomb Manor House from 1932 to pick out historic landscape features, which have informed the proposals which is commended.
- 9.56. The landscape strategy would reintroduce a strong wooded edge to the parkland in front of the Manor House, whilst maintaining a useable central lawn space to be open to the public which are welcomed. At the centre of the site, the new walled biosphere garden is also strongly welcomed, which will be enclosed within the historic flint walls and will offer both formal and informal areas of seating.

- 9.57. The new pedestrian lane ('Moulsecoomb Lane'), created between the proposed PBSA blocks, will be made up of a series of distinct spaces which would respond to the historic open spaces. The new lane, which aligns with the existing service road on the Watts campus, would link with the winding, accessible walkway (replete with resting points) to take pedestrians down to the lower level of the Tithe barn and Manor House. The new lane would also link up with the new Tithe barn lift.
- 9.58. The Station arrival point on QSR would also be enhanced through continuation of the hard landscaping materials selected for the site across the QSR right up to the base of the station access steps. This will open up the access to the site and provide a new civic square and generous road crossing. New resting points have also been provided along QSR to help improve accessibility for all users in this area of steep topography.
- 9.59. The arrival point from the existing northern access road at the Manor House and Tithe barn has been enhanced from its current appearance by relocating parking spaces alongside the access road with enhanced hedgerows and landscaping and enhanced hard landscaping and would succeed in enhancing the setting the listed buildings at this northerly arrival point for its occupants and visitors.
- 9.60. The development proposals would be integrated into a high quality public realm and landscaping scheme which has evolved from project inception into the design and layout of the new buildings and the restoration of the listed buildings and has addressed accessibility across the site. In these respects, the proposals would comply with CPP2 policies DM18 and DM33.

#### Open Space

- 9.61. The open space in front of the Manor House is designated as such in CPP1 however it is currently in private ownership. The relocation of parking spaces from the north side of the Manor House and Tithe barn and from the north side of the north access road which requires widening would result in some loss of some of the designated open space around its northern perimeter. The access road currently has parallel parking spaces along the length of its north side. There are 22 bays in front of the listed buildings which would be relocated. The proposals are to relocate 18 spaces onto the south edge of the access road parking perpendicular to the road. Overall, there would be 3 less parking spaces on the Manor House site and on balance there would be a modest reduction of 132 sqm. of landscaping dedicated to car parking. The new parking surface treatment would be softened with breaks of hedgerow between spaces and behind them to mitigate the visual impact on the open space.
- 9.62. The loss of open space on the fringe of the grassed area north of the Manor House would be 386 sqm from the current total of 8102 sqm thus representing a loss of 4.7%.
- 9.63. Policy CP16 of the adopted CPP1 states that designated open space should be retained as such, and new development will be required to contribute

towards the provision and improvement of open space. Developments should optimise the provision of safe, on-site public open space.

- 9.64. Planning permission resulting in the loss of open space will only be granted in limited circumstances, including:
- where the site is not part of a playing field (current or historical), and the loss is necessary to bring about significant and demonstrable long-term enhancements to the city's public open space offer as a whole; or
  - the proposed development is ancillary to the use of the open space and will result in only a small loss of open space, provides improvements to and better use of the remaining space and optimises public access.
- 9.65. It is considered that the proposed changes to the current open space would meet this policy as space would become accessible to the public as an amenity area, and together with the integrated landscaping and pedestrian routes which would be created would result in a significant enhancement of public open space in this location. Access to the public open space would be secured by a Permissive Path Agreement to go with the land to be secured by a S106 agreement. Consequently, the changes are considered to be policy compliant.

#### Trees

- 9.66. CPP2 Policy DM22 requires development proposals to retain, improve and wherever possible provide appropriate landscape elements/landscaping, trees and planting as part of the development. Existing trees should be retained and protected unless unavoidable, and development should take into account the need for replacement trees for any tree felled. The Urban Design Framework SPD17 seeks to retain protected and mature trees and to add more, with one of the key priorities of that document being the creation of landscapes that make a positive contribution to the city's green infrastructure network.
- 9.67. The site has 18 individual trees, 16 tree groups and a hedgerow of which 8 trees, 11 groups are protected under a Tree Preservation Order (TPO No.7 1993).
- 9.68. Ten trees and 6 groups, part of 2 other groups and the hedgerow are proposed to be removed. One individual tree and 3 groups are protected by the TPO. The trees proposed to be lost are Category B and C trees and in replacement 84 new trees are proposed which should be of higher quality.
- 9.69. The Arboriculturist has commented that the protected trees are a Yew, Sycamore and the group is Sycamore/Horse Chestnut/Holly. In his consideration, although the loss of these trees is to be regretted there will be minimal change to current landscape amenity, in particular the Lewes Road aspect will remain largely unaffected; the proposed eighty-four new trees are considered sufficient mitigation and he has no significant concern regarding amenity loss.
- 9.70. The Arboriculturist has commented on the likely need to prune two large trees (Cedar and Lime) adjoining the flint wall near block D and it is noted that future pressure may arise to prune other trees to improve daylight to student rooms.

- 9.71. Officers have also considered the need to remove some or all 4no. of the large evergreen Cypress trees near the flint wall east of Block D to improve daylighting to the east facing rooms on the lowest 3 floors of the lower element of Block D. Whilst the trees provide some amenity screening value in winter, they would also have some impact on the outlook and daylight of some occupants. They are not Category A trees but are part of the group TPO. Daylight testing demonstrated that removing all 4 trees would be likely to help a maximum of 6 more rooms to meet the BRE guidance and 16 more rooms to benefit from increased daylight.
- 9.72. The Arboriculturist has advised that pruning would not work at this scale. The Cypress trees are not in keeping with the general character of species around the perimeter of the Manor House gardens. In the summer months the largest blocks would be heavily screened by many deciduous trees to mitigate impact in townscape views so on balance it is proposed that 2no. of the smaller Cypress trees should be removed whilst retaining the very largest and most significant tree which will improve daylighting.
- 9.73. Policy DM22 states that works to a protected tree (eg. TPO) will be permitted only where they do not damage the amenity value and health of the tree and/or are consistent with good arboriculture practice. It should also be to accommodate development of national importance.
- 9.74. The Arboriculturist has not objected to the proposals including the loss of the other TPOs. There are other important considerations such as the improvement of accommodation for the student occupants in terms of daylighting potentially impacting on welfare as recognised in City Plan policy DM8 and the Health Impact Assessment. It is also the case that 84 new trees of better quality and more suitable character would be planted to enhance this historic open space setting.

**Impact on Amenity:**

Daylight/Sunlight

- 9.75. The applicants submitted a Daylight and Sunlight Assessment which was peer reviewed by the Building Research Establishment. The assessment was considered to be robust overall.
- 9.76. The nearest residential neighbours to the site are to the north west on elevated ground in Highbrook Close. The occupiers do not have a direct outlook over the site and are situated at some distance from the tallest elements of the scheme so there would be a negligible impact. Residents in Crispin Way on the west side of the railway line are heavily screened by trees in the linear woodland and have an elevated outlook towards the site. Residents living opposite the site on the east side of Lewes Road would be at a considerable distance and would not be impacted upon.
- 9.77. The University of Brighton's Huxley Building was not assessed as it is non-residential. It is likely that daylight to north facing rooms would be affected but

they would still be functional. The University has, it is noted, written in support of the development proposal.

- 9.78. The main consideration for daylight impacts has been for the future residents of the proposed student rooms. Considerable efforts by the architects during design stage were undertaken to maximise daylight to rooms in the design and heights of the blocks and their relationship with each other. Blocks have been cranked at angles to maximise sunlight and minimise adverse daylight impacts. Windows have been made as large as possible within the constraints of energy efficiency and the internal layouts of the rooms have been refined to ensure that they are as ergonomically efficient as possible and achieve the optimum daylight where needed. For example, study desks are located by the windows as advised by the BRE and encouraged by officers.
- 9.79. Other concerns of the BRE concerning kitchen hobs and worktops in the 'Cluster 2' type rooms proposed being located in the recess by the ensembles have been addressed. BRE guidance is that kitchens and food preparation areas should have the best daylight in a dwellinghouse. Cluster 2 rooms in this scheme are larger study bedrooms with access to communal kitchen and dining rooms but they also have their own small worktops and cooking hobs which should receive reasonable daylight. Cluster 2 rooms in this scheme are larger than standard cluster rooms but smaller than studios.
- 9.80. The worktops were not included in the daylight assessment area but the architects have now redesigned the rooms so that these spaces would be nearer the windows and dead space at the entrances used for wardrobes etc. The studios proposed generally have their worktops and hobs and desks by the windows and the desks.
- 9.81. The BRE daylight guidance underwent a review and a new assessment approach published in 2022. This has been used by the applicants. The applicants have managed to meet the guidance for 77% of the 566 rooms assessed which is good overall in the circumstances. Blocks A to C achieved over 80% compliance but Block D was significantly lower. The topography of the site is a constraint and west facing rooms in blocks A; B and C facing the railway embankment. Other site constraints such as the heritage assets has led to a higher density scheme and the existence of dense woodland to the west and the many trees in Manor house gardens have also constrained daylight levels. The applicants have tested the impact of removing the 4no. evergreen Cypress trees covered by the TPO in front of block D (lower) and found that 6 more rooms would meet the guidance and 16 more rooms would achieve better daylight.
- 9.82. Overall, however, the quality of daylight for the rooms is acceptable in combination with the good sized rooms and it considered that the proposals would be compliant with CPP2 policies DM8 (PBSA) and DM20 (Protection of Amenity).
- 9.83. The Sunlight assessment found that a very high percentage of rooms at 92% would meet the BRE guidance with trees and without trees the compliance rate

would meet 97%. These figures are for March 21<sup>st</sup>. The sunlight guidance to open spaces would also be met in almost all areas of the site (2 hours of sunlight over at least 50% of amenity space on 21<sup>st</sup> March). It is considered that the scheme would be compliant with amenity policies above and quality of accommodation and amenity space in respect of sunlight.

#### Wind/Microclimate

- 9.84. The applicants carried out a wind tunnel test prior to submission and the BRE has peer reviewed the assessment which has been found to be robust and followed accepted practice. The BRE found that the assessed ground level conditions for a scheme of this height and density would be within the range expected. Areas where the assessment found there to be mitigation measures required, would be around the southern end of the new lane and on QSR on the south east corner of Block A. Most areas designated for sitting would be suitable except between the gap on the northern edges of Blocks A and D.
- 9.85. Following the wind mitigation measures taken at the southern end of the scheme, they were found to be reasonable and appropriate and have removed all safety concerns. The mitigation measures would comprise a series of wind baffles appended to many of the window openings on the south elevation of Block A. They have the appearance of triangulated balcony projections. Whilst the BRE have confirmed that the baffles would mitigate the wind impacts, the Urban Design Officer considers that they could be more harmoniously designed and arranged to be more in keeping with the appearance of the building. It has been agreed that the design detailing could be reviewed further with details to be submitted and agreed by planning condition.
- 9.86. It is considered that the Microclimate Wind assessment has been carried out satisfactorily and the appropriate mitigation measures identified and the proposal would comply with CPP2 policy DM20 and

#### Air Quality

- 9.87. Policy DM40 of CPP2 states that permission will be granted for development proposals that can demonstrate that they will not give rise to pollution that would cause unacceptable harm to health. An Air Quality Assessment was submitted with the application.
- 9.88. The site is set well back from Lewes Road and heavily screened by dense tree vegetation and an open space buffer which the Air Quality Officer acknowledges would avoid future residences being exposed to roadside pollution. The site is not near to an Air Quality Management Area (AQMA). The number of car parking spaces on site would be reduced compared to the current occupation of the site and the proposals would also reduce the number of on street parking spaces on QSR.
- 9.89. The proposed use of Air Source Heat Pumps is welcomed as they do not rely on ducts and chimneys with NO<sub>x</sub> emissions to the air and utilise renewable top up grid electricity.

- 9.90. The Air Quality Officer has sought assurances about construction vehicle routes and type of HGVs used which can be included within the Construction and Environmental Management Plan to be secured by planning condition. The Air Quality Officer has recommended approval with conditions. It is considered that the proposals accord with policies DM35 and DM40 given that the principle use of student accommodation remains unchanged and with suitable conditions regarding construction impacts. The proposed uses do not give rise to any concerns about harmful impacts from pollution and suitable mitigation impacts are proposed.

**Sustainable Transport:**

- 9.91. The site is located in a sustainable location on the Lewes Road, a main transport corridor, well served by bus and cycle routes and in accordance with CPP1 policies DA3 and TR9 (Sustainable Transport) where major new development should be directed. The site is also adjacent to Moulsecomb railway Station and co-located with the University of Brighton Watts campus and in close proximity to the Mithras campus.
- 9.92. A Transport assessment has been submitted which has been assessed by the Highway Authority and following agreement on the analysis of trip rates has been accepted by the authority. The Highway Authority have indicated their general support for the proposals.
- 9.93. With the caveat that the Purpose-Built Student Accommodation would not be exclusive to University of Brighton students, its co-location with academic facilities including the recently opened Business School building (Elm House) will greatly assist in reducing the need to travel and the length of journeys for students.

Car Parking

- 9.94. No parking spaces would be provided for students except for accessible bays. There would be 8 accessible parking bays to be shared with the public on Queensdown School Road (QSR). There would also be 3 accessible bays within the curtilage of the site. Whilst the Highway Authority has raised some concerns about on street sharing, the gradients and topography of the location makes the station inaccessible thus demand for accessible bays by train users is likely to remain low. The proposed new accommodation would be fully accessible from street level so the bays could be used by occupants and visitors to the wider site. The Highway Authority has agreed that take up of accessible bays could be monitored by a Travel Plan.
- 9.95. Currently there are an estimated 31 on-street parking spaces on QSR which are currently unmanaged with no parking restrictions nor accessible bays. Cars currently park on verges and pavements, and it is estimated from the applicant's surveys that approximately a third of the on-street parking is by commuters accessing the railway station. This estimate is not disputed by the Highway Authority. With no adjacent residential properties in the vicinity, it is likely that the remainder of the current parking taking place is by existing students. Most current parking is on council owned land which is proposed to become public highway to be formalised under a S278 agreement.

- 9.96. The proposals would therefore greatly improve the somewhat anarchic parking situation around the perimeter of the railway and improve safety, access and movement around the perimeter of the site and the highway which is currently inhibiting safe pedestrian movement and is potentially a risk to general highway safety.
- 9.97. The proposed public realm improvements around the station are welcomed and around the perimeter of the sites, to be considered elsewhere in this report, but subject to a S278 agreement.
- 9.98. The parking provision on site would be 33 spaces including 3 accessible bays, a reduction of 3 as existing and 12 less than the maximum permitted (no.42 spaces) for the proposed uses of the Manor House and Tithe Barn thus compliant with SPD14. There is no policy requirement in SPD14 for provision of electric vehicle charging points for PBSA schemes or for the hotel and the hospitality uses proposed. Most of the maximum parking allowance is accounted for by the existing social club/members bar which would be permitted 20 spaces under SPD14. This seems an unlikely requirement and so elements of sharing of spaces across the uses is likely. Following the applicant revisiting the trip rates, the Highway Authority now accept that the analysis is robust and that the proposed parking provision on site is acceptable subject to management and monitoring as part of a car parking management plan.
- 9.99. New loading bays on QSR on the western boundary to serve the new student accommodation with turning heads provided at the north west perimeter of the site are considered to be acceptable to the Highway Authority. An additional loading bay is proposed at the south entrance to the new pedestrian lane which also agreed in principle.

#### Cycle provision

- 9.100. The provision of cycle parking on site would provide 458 spaces in total whereas SPD14 would require 434 so there would be an overprovision. Most cycle spaces are for the student accommodation with 328 no. located in the basement of Block C and 56 for visitors on the new pedestrian lane. The Highway Authority is satisfied with the overall numbers and following amended layouts it has been possible to provide a 20% provision of Sheffield stands which can be secured by planning condition.

#### **Sustainability:**

- 9.101. CPP2 Policy CP8 sets out the minimum energy and water efficiency standards required to be met. The Sustainability Adviser has stated that the proposals, if carried forward to detailed design stage, would mean that the development amply meets council policy CP8 and DM44.
- 9.102. The new student residential accommodation is planned to deliver carbon reduction of 11% below Building Regulations 2021, through efficient building form, good insulation; and airtightness according to Passivhaus principles, heat recovery ventilation and heating via Air Source Heat Pump.



- 9.103. Regarding the listed Manor House and Tithe Barn, a range of interventions are proposed to the listed buildings (including internal roof, wall and floor insulation, acoustic insulation, secondary glazing, and improved airtightness which could significantly reduce emissions. The Energy Statement refers to a Ground Source Heat Pump as the proposed source of heating for the listed buildings.
- 9.104. Both the student residential and the listed building refurbishment phases would need to meet the requirements of the Building Regulations 2021 including Part L on carbon emissions.
- 9.105. Renewable energy: Photovoltaics are proposed, sharing the roof space on the residential buildings with heat pump plant. This would be between 122-148 panels generating 54 kWp and an indicative roof plan is shown. No solar panels are proposed for the listed buildings.
- 9.106. BREEAM: A BREEAM New Construction Pre-assessment report is provided indicating that the student residential portion targets an 'Excellent' rating with a score of 74.5%, potentially up to 76.2%.
- 9.107. BREEAM Listed buildings: The listed buildings refurbishment targets a 'Very Good' BREEAM Refurbishment and Fit Out score of 65.2%, possibly up to 71.4%.
- 9.108. The Manor House and Tithe Barn are interconnected and taken together as one building (as indicated in the BREEAM report) have a floor area over 1,000 sqm. Policy would indicate a target of Excellent BREEAM rating unless this would harm the listed building fabric.
- 9.109. Some additional BREEAM credits which would help to bring the listed buildings up to the 'Excellent' threshold of 70% were identified by the Sustainability Adviser. The applicants were asked to carry out further investigations into achieving these credits and the potential impact on the historic building fabric. This was carried out and whilst 2 credits were identified, this would have been insufficient to secure 70% of 'Excellent'. This has accepted by the Sustainability Adviser and a condition requiring BREEAM 'Very Good' with best endeavours to achieve 'Excellent' for the listed buildings has been agreed.
- 9.110. Ventilation and overheating: Mechanical ventilation is proposed in each of the student accommodation dwellings, as well as openable windows with some shading. It would appear that a number of rooms on the 12th floor would fail the overheating assessment despite a number of mitigating measures. The development would be required to meet the requirements of Building Regulations 2021 Part O on overheating.
- 9.111. Lighting: a comprehensive and well-considered External Lighting Strategy is provided. The principles of the lighting scheme are well expressed in the designs for different spaces across the site. The whole scheme will have LED technology which will minimise energy consumption which is commended.

- 9.112. One of the principles is to minimise light spill to protect dark skies and minimise the impact on wildlife on site. This principle also needs to be applied to the lighting design in the Biosphere Garden, which will be a busy space with outdoor seating. Battery powered lights are available and it is assumed that people will turn them off when not needed but motion sensors or timers should be considered to make sure that the lights do turn off. The suitability of this busy area for bird roosts should also be re-considered.
- 9.113. It may also be advisable to install motion sensors or timer controls for the lighting to communal areas in the upper storeys of the student accommodation, to promote energy saving, to protect the SDNP Dark Sky Reserve, and to minimise disturbance to night-flying insects, bats and birds.
- 9.114. Water: Potable water demand will be minimised through specifying water-efficient fixtures and fittings, including rainwater harvesting for outdoor use. Council policy is to target maximum water usage of 110 litres/ person/ day which would be achieved but it is considered possible in a student accommodation with shared facilities, to reduce this to the industry T-100 target of 100 litres / person/ day.

Circular Economy:

- 9.115. The developers have submitted a Sustainability Statement with reference to CPP2 policy DM18 committing to meeting RIBA 2030 Climate Challenge targets to address embodied carbon emissions across the entire lifecycle of the development. The applicants' pre-demolition audit and recommendations to increase on and off-site material reuse and recycling, go beyond existing policy requirements for Site Waste Management Plans, demonstrating a clear commitment to waste and carbon reduction.
- 9.116. The Sustainability Adviser has commended the construction materials strategy is designed to (i) give priority to materials and products that demonstrate strong environmental credentials, and (ii) ensure materials can be reused and recycled across the lifetime of the building. Additionally, it is recommended that a 'lean design options appraisal' is carried out for the consideration of opportunities to conserve resources.

**Other Considerations:**

**Ecology:**

- 9.117. CPP1 Policy CP10 seeks to ensure that all development proposals conserve existing biodiversity and provide net gains for biodiversity wherever possible and minimising negative development impacts. More specifically to the application site, CPP1 Policy DA3 states that development here should deliver inter-connected green infrastructure and biodiversity improvements, contributing to Biosphere objectives. CPP2 Policy DM37 requires all development to seek to conserve and enhance biodiversity, ensuring that a net gain is achieved.
- 9.118. The scheme proposes amongst other items, new tree planting, shrubs, climbing plants, a walled garden, wildflower meadow, hedge planting, biodiverse roofs, terrace green roofs, rain gardens and ponds.

- 9.119. Biodiversity Net Gain (BNG) was calculated by the applicant to be 24% however on evaluation by the County Ecologist this figure was recalculated in respect of the grassland or Manor House lawn and was reduced but the BNG has been agreed by the County Ecologist to be confirmed at a figure of 12.32% still above 10% minimum to be policy compliant. Additional nesting boxes can be added as well.
- 9.120. The applicants were asked to provide some additional information and reassurances about BNG, bats commuting habits and trees, existing ponds and artificial light spill affecting bats roosting and routes and provide some additional ecological mitigation. These reassurances have all been provided with further analysis and follow up information which has been assessed by the County Ecologist and all of the outstanding issues have been resolved. The County Ecologist has no objections and has proposed detailed designs of ecological mitigation and enhancement to be covered by planning conditions.
- 9.121. The one item which has proved to be difficult to overcome was the removal of some trees on the north/north west boundary of the site which could disrupt the green corridor. The trees have limited amenity value and are required to be moved for the site deliveries turning area near the railway tunnel. The Ecologist has accepted native understorey planting as an acceptable alternative.
- 9.122. The County Ecologist has no objections to the scheme subject to conditions to secure the biodiversity improvements and mitigate the losses.

#### Archaeology

- 9.123. In respect of archaeology matters, it is noted that the County Archaeologist is satisfied with the information submitted and states that there is no risk that archaeological remains will be damaged subject to applying conditions. The proposals comply with CPP1 policy CP15 and CPP2 policy DM31 in this respect.

#### **Land Contamination:**

- 9.124. The geo-environmental assessment submitted has been reviewed and accepted as a preliminary desktop study. The on-site assessment has been preliminary only. The Environmental Protection team have recommended standard conditions to manage more detailed assessment work required. The proposals would comply with CPP2 policy DM41.

#### **Public Health:**

- 9.125. The applicants have submitted a Health Impact Assessment (HIA) which has been reviewed by the Public Health team. Policy CP18 requires larger developments to set out how they minimise negative impacts and maximise positive impacts. The HIA draws together conclusions from many of the other technical reports prepared in support of the application and makes conclusions about the likely impacts of the proposal on health.
- 9.126. The Public Health team considers that the report is appropriate and includes public consultation. They have raised an issue about the report's assumptions

of where students access health care. The final fit out of the Preston Barracks development to the south includes a new medical centre which would incorporate the existing visiting GP service to the University of Brighton at its Watts campus.

- 9.127. It is acknowledged that the scheme would provide high quality accommodation for students conveniently sited close to existing academic facilities, public transport links and with good access to open space, footpaths, cycle ways and access to the South Downs National Park. Access to social facilities both within the PBSA phase and the Manor House and Tithe Barn for students and locals would be provided but the issue is raised of affordability. The Public Health team have also raised the issue of social cohesion between the groups of potential users of the facilities. Further work is also required on how the facilities will be marketed and users encouraged to use them.
- 9.128. The applicant has some background in the restoration of a public house threatened with closure and restored it and has turned it into a community facility providing a number of activities and events. It is in the applicants interests to ensure that the restored Manor House and Tithe Barn are economically sustainable and are attractive to the local community. However, it is considered that the recommendations of the Public Health team should be implemented to require a community use agreement (CUA) to ensure that access to the new facilities including the gardens and footpaths across the site, the community facility in Block D and the public café in Block A are new assets for the community of students, local residents and university employees.

**Sustainable Drainage:**

- 9.129. CPP1 policy CP11 states that development will not be permitted if it would increase the risk of flooding, is located in an area at risk of flooding or would create additional surface water run-off liable to harm people, property or the environment. SUDs and green roofs should be used where appropriate to minimise run-off.
- 9.130. The applicants have submitted a Flood Risk Assessment (FRA) and Sustainable Urban Drainage (SUDs) Strategy. The site is in Flood Zone 1 where the risk of flooding is low. SUDs will be used to manage rainwater at source. Surface water attenuation will be provided in the form of blue and green roofs, permeable paving, rain gardens and a soakaway. These methods will be integrated with other beneficial aspects of the scheme such as ecological enhancement.
- 9.131. The Flood Risk Manager has agreed that the proposed surface water drainage strategy includes infiltration to greenfield site rates as close as possible. The SUDs methods are acceptable including soakaway fed by green roofs, tree pits and ponds and extensive use of permeable paving. A management and maintenance plan has been submitted and is acceptable. The Flood Risk Manager has supported a recommendation for approval subject to conditions. Southern Water have raised no concerns with the proposals.

## 10. CONCLUSION

- 10.1. The principle of a Purpose Built Student Accommodation development is established on the site by the current development and the location within the CPP1 policy DA3 Lewes Road corridor encourages student development to support higher education and anticipates a higher density volume of development where there is good access to sustainable transport, in this case buses and the adjacent train station and good cycle lanes on the main road.
- 10.2. The scheme is a tall high density development and some concerns have been expressed about some aspects where the blocks appear to coalesce more but in the context of existing tall bulky buildings, the impacts are mitigated. The concentration of height and bulk in the south west part of the site has been dictated by the need to respect the heritage buildings on site. Careful attention to the relationship of the blocks as a group, their silhouette and good choices of materials, the design quality overcomes most concerns. The quality of design, architecture and materials is high and addresses and conforms with the main policy design criteria in CPP1 policy CP12; CPP2 policy DM18 and the Urban Design Framework (SPD17). Account of the site's context in a valley which slopes upwards towards the National Park has been taken, with careful assessment of its potential impacts on key views.
- 10.3. The proposals would respect the heritage assets on site by reducing scale and height in closer context of the Manor House. The restoration of the Manor House and the Tithe barn and their gardens and improvement of the space around them will enhance them overall and the opening up of these assets to the public would add to the heritage benefits. It is concluded that the degree of harm due to the scale of new buildings is less than substantial in terms of the NPPF.
- 10.4. The scheme has been landscape led and displays a well thought out network of pedestrian routes which have greatly improved accessibility and opened up a high quality open space and public realm for public access with enhanced landscaping including tree planting in keeping with the historic character of the location and its historic landscape setting. The public realm around the station and the perimeter of the site will be significantly enhanced as a high quality area of public space. Movement around the site will be improved for vehicles, pedestrians and cycles and parking standards set out in policy will be complied with.
- 10.5. The energy and water saving features of the proposals would amply comply with policies CPP1 CP8 and CPP2 policy DM44 in respect sustainable building design and would achieve BREEAM 'Excellent' for the new build and 'Very Good' for the listed buildings whilst striving to achieve 'Excellent'. The new buildings would provide good quality accommodation in compliance with CPP2 policy DM8 and in terms of daylight and sunlight, over 90% of student rooms would meet the BRE guidance for sunlight which is very high and towards 80% for daylight which is good taking some account of site constraints.

- 10.6. The site currently has existing high levels of ecological value and the scheme would be able to enhance it by providing a Biodiversity Net Gain of 12% exceeding minimum requirements.
- 10.7. The provision of a community use on site will offset the loss of floorspace that was in use as a children's' nursery before its closure and account is also taken of the opening up new restaurant and bar facilities to the public to enhance community provision which is supported by neighbour representations. The changes of use would provide an economic and social benefit to the locality.
- 10.8. The benefits of the proposed development are set out above in summary and it is considered that whilst there are some residual policy concerns, the overall benefits of the development would significantly tilt the balance in favour of approval.

## **11. EQUALITIES**

- 11.1. The proposals would result in significant improvements to accessibility across the historic parcel of the site by creating the winding footpath to transition from the Manor house curtilage to the current student accommodation parcel to link with the new lane to be created. The new lift will also enable the Tithe barn to be accessible. By opening up the site as well to the public, the public benefits of accessibility to all as part of the landscape led access and movement strategy adds significant weight to supporting the proposals.

## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. The proposed development would result in new development being constructed to modern standards with a requirement to meet sustainability standards for water and energy efficiency. The design and site layout enables a low ratio of north-facing student rooms, and as such the overall reliance on mechanical environmental systems is likely to be significantly reduced.
- 12.2. The site is in a highly sustainable location adjacent to the railway station and the Lewes Road transport corridor as well-being co-located with the University of Brighton thus continuing its use providing a significant provision of student accommodation. The proposed development would include green and blue roofs, bee bricks and bird boxes secured by condition, and the Bio Diversity Net Gain (already significant on site) would increase by more than 12%. The number of car parking spaces on site would be marginally reduced and the free commuter parking on QSR removed.

## **13. COMMUNITY INFRASTRUCTURE LEVY**

- 13.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5

October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

#### **14. SECTION 106 OBLIGATION**

14.1. In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development, contrary to Policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to Policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of an on-site artistic component, contrary to policies SS1, SA6, CP5, CP7 and CP13 of the Brighton & Hove City Plan Part One, and the Council's Developer Contributions Technical Guidance and Planning Advice Note 10: Public Art and the Council's Public Art Strategy 2022.
4. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure timely monitoring and compliance of the conditions and obligations associated with the scheme and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to policy SS1, SA6 and CP7 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the development comes forward in an appropriately phased way which enables the necessary works to take place to the Listed Building prior to the occupation of the Purpose Built Student Accommodation is occupied, contrary to policies SS1, CP2, CP7, CP12, CP15, of the Brighton and Hove City Plan Part One, DM26 and DM27 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance and the NPPF.
6. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the provision of necessary transport and travel measures and highway works to satisfactorily mitigate its impacts or meet the travel demand created by the development. Without a section 106 agreement the necessary highway works could not be secured to provide service bays, accessible parking bays and public realm improvements, a permissive path agreement and an accessible footpath. The proposal would therefore be contrary, and would be contrary to

policies SS1, SA6, CP7, CP9, CP12, CP13 and CP18 of the Brighton and Hove City Plan Part One, DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance and the NPPF.



**Application Number: BH2022/03892**

**Address: Moulsecomb Place Lewes Road Brighton BN2 4GA**

Commenter Type: Councillor Fowler

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Height of Development
- Overdevelopment
- Restriction of view

Comment: I object to this proposed development because blocks of up to 15 storeys are far too high for this site and will overshadow residential homes and is overdevelopment. This will seriously affect the listed manor house and tithe barn. The development will also damage the flint wall, part of the original curtilage dating back hundreds of years, and carefully retained and expertly repaired when the existing student block were built. Local residents who enjoy the wildlife of this area will be exposed to regular late night noise and potentially increased antisocial behaviour. I am also against a number of trees that will be lost.

Councillor Fowler



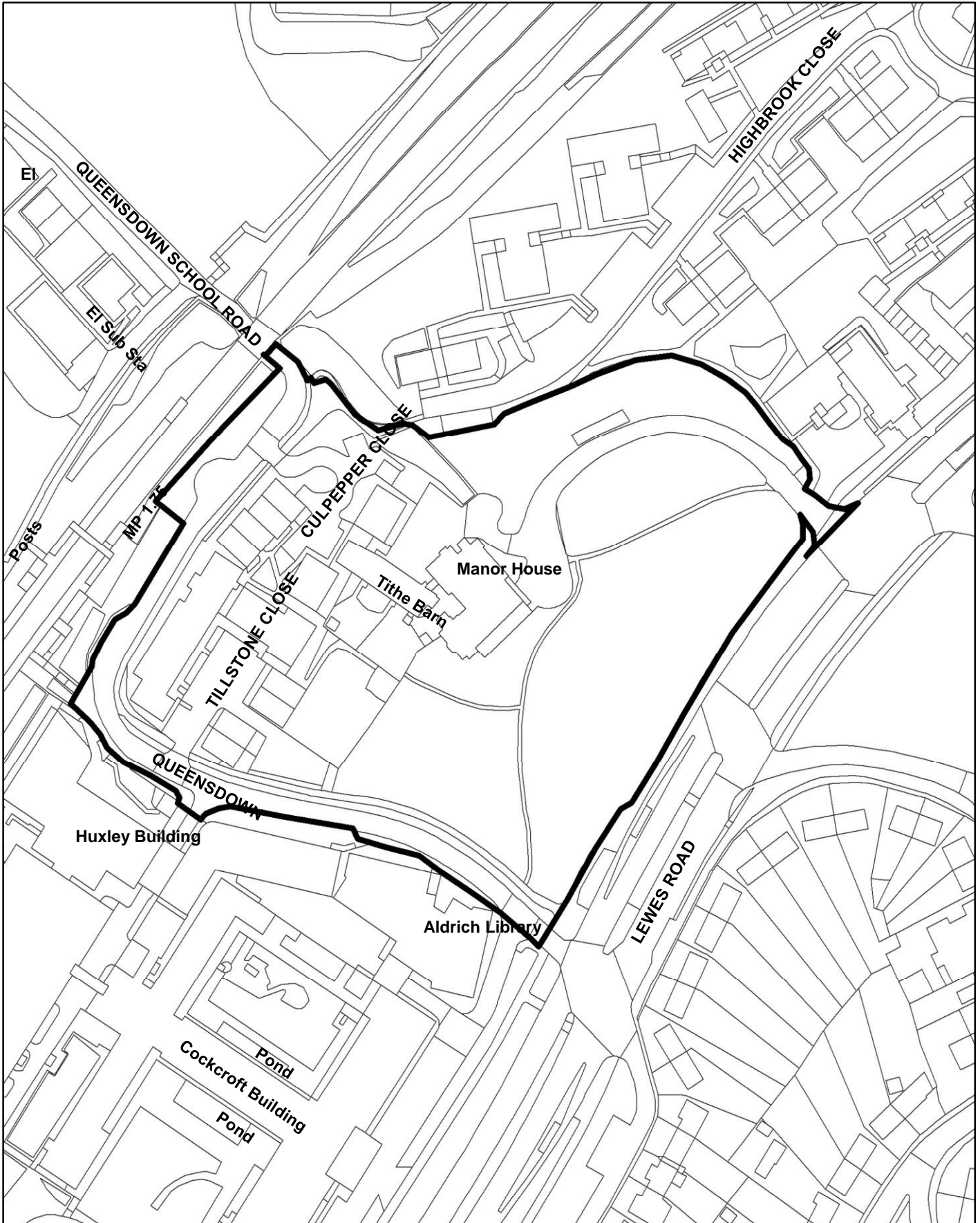
# **ITEM B**

**Moulsecoomb Place, Lewes Road  
BH2022/03893  
Listed Building Consent**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**



# BH2022 03893 - Moulsecomb Place, Lewes Road



Scale: 1:1,500

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<b><u>No:</u></b>	<b>BH2022/03893</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>Moulsecoomb Place Lewes Road Brighton BN2 4GA</b>		
<b><u>Proposal:</u></b>	<b>Proposed minor demolitions/alterations, repair, extension (including single storey extension to link the Manor House and Tithe Barn and accessible lift to the northern side of the Tithe Barn) and use of the listed Manor House and Tithe Barn for the retention of the Moulsecoomb Social Club (Sui generic), and creation of a hub use incorporating a mix of public house (Sui generic), restaurant and events space (Class E), 10no guest bedrooms (Class C1), partial demolition of flint walls to garden area, bin and cycle storage, provision of ground source heat pump and associated alterations to hard and soft landscaping.</b>		
<b><u>Officer:</u></b>	<b>Emily Stanbridge, Tel: 293311</b>	<b><u>Valid Date:</u></b>	<b>19.12.2022</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>13.02.2023</b>
<b><u>Listed Building Grade:</u></b>	<b>II</b>		
<b><u>Agent:</u></b>	<b>NTR Planning 118 Pall Mall London SW1Y 5EA</b>		
<b><u>Applicant:</u></b>	<b>Cathedral (Moulsecoomb) Advisory LLP Moulsecoomb Place Lewes Road Brighton BN2 4GA</b>		

## 1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **GRANT** Listed Building Consent subject to the following Conditions and Informatives as set out hereunder:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. Prior to any works of demolition, details of how all existing flint walls that are to be retained in situ as shown on drawing number: 0418-SEW-SB-ZZ-DR-A-000002 will be protected during demolition and construction works and retained thereafter shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.
3. No development above ground floor slab level of any part of the development hereby permitted shall take place until a sample panel of flintwork has been

constructed on the site and approved in writing by the Local Planning Authority. Only flintwork to match the approved sample shall thereafter be used in bringing forward the development.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

4. No works to the listed buildings shall take place until details of the measures necessary to thermally and acoustically upgrade the walls, floors and roofs of Manor House and barns have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
5. The casement windows to the south elevation of the Manor House and the sliding sash windows to the south elevation of the Manor House's rear wing shall be retained in situ and single glazed unless otherwise agreed in writing by the Local Planning Authority following submission of 1:1 scale section details of the existing windows and of any proposed upgraded or replacement windows.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
6. No works to the windows of Manor House shall take place until full details of all new and replacement windows, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
7. The works hereby permitted to the Manor House shall not take place until full details of all proposed new or replacement internal doors, including 1:20 scale sample elevations and 1:1 scale joinery profiles, have been submitted to and approved in writing by the Local Planning Authority. All existing doors are to be retained, except where specifically indicated otherwise on the drawings hereby approved. New doors shall be of traditional timber panel construction to match the existing historic doors. Any fireproofing to doors should be an integral part of the door construction, and self-closing mechanisms, if required, shall be of the concealed mortice type.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
8. All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling,



corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be commenced until samples of the materials to be used in the construction of the Manor Yard roof hereby permitted have been submitted to and Development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

10. Any proposals for structural repairs or interventions to the Manor House and barns arising from the proposed condition survey shall not be carried out until details of the works have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. This decision is based on the drawings listed (to be added to the late list).

## **2. SITE LOCATION**

- 2.1. The site is a 2.1 hectare site north of the University of Brighton's Watts campus accessed from Queensdown School Road (QSR) and Lewes Road (the A270). The Brighton to Lewes railway line runs south-west to north-east in close proximity to the site on its north-western side. The site currently contains the university's purpose-built student accommodation on its western side. In the centre of the site is a group of buildings in use as university administrative offices, social club and a former children's nursery.

- 2.2. These central buildings comprise the Manor House and Tithe barn which are Grade II Listed and the subject of this application for Listed Building Consent.

- 2.3. The principal building, Manor House, is a two-storey, high-status detached house from 1790, incorporating part of a late medieval building and was extended in 1913. The principal front elevation faces east and dates from 1790 and was built for Benjamin Tillstone. The south wing of the building is dated from 1913. Internally many historic architectural features have been retained, including an impressive staircase with curtail step and balusters of early Gothic Revival design, as well as fireplaces, cornices, picture rails and mahogany doors. The Manor House has both architectural and historic interest of considerable significance.

- 2.4. The list entry for these buildings also specifically mentions approximately 40m of flint wall with brick dressings that runs from the southwest corner of the later addition to the Manor House. These are the remnants of the original, extensive walled gardens associated with the Manor House.
- 2.5. Attached to the rear wing of the 1790 house is a timber-framed building believed to have been part of a larger house of late medieval date. This building now forms part of the bar and club facilities of the mid-20th century Moulsecomb Social Club and there are no interior features of historic interest.
- 2.6. To the south and connected to the rear of the Manor House by a bridge dated to the 20th Century is a barn. The barn originates from the 16th or 17th century but was altered and rebuilt in the 18th century. The larger 19th century barn is a later construction which resulted in the demolition of part of the east end of the earlier barn. The barns have a slated gambrel roof and black weatherboarding.

### 3. RELEVANT HISTORY

- 3.1. This site has significant planning history however, the applications below are those relevant to the current proposals.
- 3.2. **BH2022/03892:** Demolition of existing student accommodation and replacement with 4 student accommodation buildings with total of 566 student beds (Building A (15 storeys)), (Building B (11 storeys)), (Building C (4 storeys)) and (Building D (part 5/part 9 storeys)) (Sui generic use) with associated ancillary use consisting of student gymnasium/ well-being studio, separate 100 sqm (GIA) flexible community space (Class F2 (b)) and 87 sqm (GIA) commercial floorspace (Class E), with associated disabled and cycle parking, public realm and landscaping improvements within the site and adjacent public highway, and proposed minor demolitions/ alterations, repair, extension (including single storey extension to link the Manor House and Tithe Barn and accessible lift to northern side of Tithe Barn). Use of the listed Manor House and Tithe Barn for retention of Moulsecomb Social Club (Sui generic), and creation of hub use incorporating mix of public house (Sui generic), restaurant and events space (Class E), 10no guest bedrooms (Class C1), car parking and associated alterations to hard and soft landscaping. Under consideration
- 3.3. **PRE2022/00153:** Proposed conversion and reuse of listed Moulsecomb Place Manor House and Tithe Barn and demolition and new build at the rear for provision of intensified Purpose-Built Student Accommodation (PBSA) use. Written response issued November 2022
  - The conversion works and associated alterations to the listed buildings reflect previous discussions and are generally welcomed. Internally the proposed layout to The Manor House is now considered acceptable.
  - The footprint and form of the new roofed enclosure over the yard between The Manor House and Tithe Barn is considered appropriate subject to details of the materials.

- With regards to BREAAAM it is noted that the constraints imposed by the listed buildings may preclude achieving an 'Excellent' rating. Future applications should set out what impact achieving 'excellent' would have on the fabric and character of the buildings.
  - Future applications should look carefully at the existing windows and opportunities to restore original window patterns.
- 3.4. **PRE2022/00121** Proposed conversion and reuse of listed Moulsecoomb Place Manor House and Tithe Barn and demolition and new build at the rear for provision of intensified Purpose-Built Student Accommodation (PBSA) use. Written response issued December 2022
- 3.5. **PRE2022/00050** Proposed conversion and reuse of listed Moulsecoomb Place Manor House and Tithe Barn and demolition and new build at the rear for provision of intensified Purpose-Built Student Accommodation (PBSA) use. Written response issued August 2022
- The principle of a lift in the location shown is acceptable.
  - The proposals involve the loss of an original wall at ground floor to the north end of The Manor House which should be retained.
- 3.6. **PRE2022/00050** Proposed conversion and reuse of listed Moulsecoomb Place Manor House and Tithe Barn and demolition and new build at the rear for provision of intensified Purpose-Built Student Accommodation (PBSA) use. Written response issued August 2022
- The revised proposals would result in the harmful loss of the original east-west length of listed flint wall to the south of the site. The line of the wall should be reflected in the hard surfacing treatment.
  - The suggested use of flint facing to the ground level of the new buildings is welcomed as some degree of mitigation for the loss of the flint walling.
  - The suggested renovation works are welcomed and raise no immediate concerns.
- 3.7. **PRE2021/00160** Proposed conversion and reuse of listed Moulsecoomb Place Manor House and Tithe Barn and demolition and new build at the rear for provision of intensified Purpose-Built Student Accommodation (PBSA) use. Written response March 2022
- Design Review Panel recommended that the historical interest of the heritage assets be researched further and factored into revised proposals.
  - Design review panel commended the efforts to renovate the listed buildings and promoting future innovative workspace and leisure uses.
- 3.8. **PRE2021/00139** Proposed conversion and reuse of listed Moulsecoomb Place Manor House and Tithe Barn and demolition and new build at the rear for provision of intensified Purpose-Built Student Accommodation (PBSA) use. Written response issued November 2021
- The principle of opening the buildings up for restaurant/café uses has the potential to reinstate the historic relationship between the different elements of building and in the case of the Manor House to make it more publicly accessible.

- The interior of the Manor House itself is the most sensitive to change and any proposals should seek to retain and restore the original plan form and the various architectural and historic features of the interior.
- 3.9. **BH2020/01177** Part demolition and rebuilding of flint boundary wall located between Tithe Barn Nursery and Moulsecoomb Student Residences with associated repair works. Approved April 2020.
- 3.10. **BH2014/01710** Erection of timber deck area and balustrades to replace existing ramps with new door onto deck replacing existing window and replacement of existing door with new window and erection of flint faced retaining wall. Internal layout alterations to first floor. Approved December 2014
- 3.11. **BH2010/00266** Removal of conservatory and reinstatement of canopy on South East elevation, incorporating maintenance and remodelling of hard standing. Creation of disabled access through French doors. Approved May 2010.
- 3.12. **BH2000/02442/LB** Construction of stud partition to create new meeting room/office in the Tythe Barn. Approved November 2000.

#### **4. APPLICATION DESCRIPTION**

- 4.1. Listed building consent is sought for minor alterations to include demolition and repair works and extensions to include a single storey extension to link the Manor House and Tithe Barn and an accessible lift to the northern side of Tithe Barn. The application also seeks consent for the partial demolition of existing flint walls within the curtilage of the listed buildings on site.
- 4.2. As noted in the Planning History above, a concurrent full planning application is under consideration which includes the change of use of the listed Manor House and Tithe Barn for the retention of the Moulsecoomb Social Club and creation of a hub use incorporating a mix of uses to include a public house, restaurant, event space and 10 bed hotel to also include associated landscaping (ref. BH2022/03892).

#### **5. REPRESENTATIONS**

- 5.1. **Ten (10)** letters of representation have been received supporting the proposed development on the following grounds:
- Opening of Moulsecoomb gardens as a community facility
  - Retention of the social club
  - Improving the facilities at Moulsecoomb social club
  - Creation of a community space through the public house and restaurant
  - Creating jobs for local people
  - Restoring and opening up the listed Moulsecoomb Manor House and Tithe Barn to the public

- The proposed uses provide amenities for the students as the other nearest pubs/eateries are in central Brighton
  - The potential of a new community space
- 5.2. It is acknowledged that some of the responses above do not directly relate to the listed building application and are therefore not considered to be relevant.
- 5.3. **One (1)** letter has been received objecting to the proposed development on the following grounds:
- The listed buildings are some of the oldest in the city
  - Any works will have a material impact on the fabric of the buildings
  - Preservation of these buildings should be a priority
  - This application cannot be viewed in isolation from the major proposals for high rise student accommodation
  - The student blocks would dominate the listed buildings.
- 5.4. **The Conservation Advisory Group (CAG)** objects to the proposed development on the following grounds:
- Concerns over the proposal to remove the flint wall forming the curtilage of the Manor House.
  - Unclear if the proposed lift to the Tithe Barn is external or internal
  - The Tithe Barn should be tiled not slated
  - Care should be taken when restoring the windows, particularly the gothic window in the stairwell and the windows on the east façade.
  - The Walnut tree close to the 1900's extension to the house should be retained.

## 6. CONSULTATIONS

- 6.1. **Heritage:** Further information required 17.01.2023
- The conversion works, and associated alterations reflect pre-application advice and are welcomed in terms of bringing the buildings back into use and restoring them.
  - The internal works to the Manor House are considered acceptable and the uses proposed would enable the interior to be publicly accessible.
  - The level of detail submitted with regards to servicing and thermal upgrading is welcomed.
  - There are some concerns regarding the appropriateness of double glazing to the Manor House, further information is required to demonstrate that this would cause no harm to the historic joinery.
  - The alterations proposed to the barns are welcomed and the uses proposed would make the buildings publicly accessible.
  - The new roofed enclosure over the 'yard' is considered acceptable subject to details of the materials.
  - Regrettable that the long east-section flint would be demolished. The use of flint elsewhere in the development goes some way towards mitigating the loss of the wall.

Verbal advice following further discussions 03.02.2023

6.2. Following discussions between the heritage officer and the applicant it is considered that the works to the windows on the Manor House could be conditioned. The condition will seek details to demonstrate that no historic window joinery detailing would be lost.

6.3. **Historic England:** No comments

## **7. MATERIAL CONSIDERATIONS**

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

## **8. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

DM26 Conservation Areas

DM27 Listed Buildings

DM29 The setting of Heritage Assets

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP15 Heritage

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

Supplementary Planning Documents:

SPD09 Architectural Features

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The application proposals seek to retain and convert the Manor House and Tithe barn to provide a range of uses that enable these buildings to be more widely accessible to the public. The proposals seek to remove the later additions to these building to better reveal these heritage assets.
- 9.2. This application follows several pre-application enquiries related to Moulsecoomb Place. The conversion works and associated alterations to the listed buildings positively reflect the pre-application advice given. The proposals are welcomed in terms of bringing these important heritage assets back into use and restoring them.
- 9.3. The report below assesses only the works that require listed building consent. Other impacts in terms of changes of use, landscaping and the setting of the listed buildings are considered under the full planning application (BH2022/03892).
- 9.4. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.5. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".

### **Conversion and alterations of the Listed buildings**

#### Manor House

- 9.6. The predominant use proposed for the Manor House is a hotel containing 10 guest bedrooms. The majority of the ground floor and upper floors would comprise guest bedrooms which would entail some sub-division for lobbies and en-suite facilities. However, these would be pod-like installations that would not be full height and would therefore enable the proportions of the rooms and surviving cornices to still be appreciated. In addition, they would also be easily reversible.
- 9.7. This application includes the removal of a number of later internal partitions including the removal of the 20th Century staircase enclosure at first floor level which would enable this impressive staircase and landing to be appreciated in its original open form.
- 9.8. In addition, at ground floor level, within the 1913 wing, a public house is proposed which would enable the Edwardian interior to remain intact and become widely accessible. The rear section of the Manor House would continue to house the social club.
- 9.9. Externally, the proposals include the removal of unattractive later additions and clutter to the rear (southern side) and side elevations of the Manor House, facing into the 'Manor Yard.' In addition, the original window pattern would be reinstated on the northern elevation at first floor level.

- 9.10. The level of detail submitted in relation to the proposed conversion works, including the servicing and thermal upgrading, is welcomed and provides reassurance that the uses are compatible with the high significance of the interior of the building meeting a BREAAAM 'Very Good rating'.
- 9.11. Concerns were initially raised by the heritage officer with regards to the appropriateness of double-glazing to the side windows in the rear wing and the 1913 wing, given the presence of glazing bars. The age and joinery detailing of the multi-pane sashes to the rear wing needs to be established. The casement windows with margin glazing bars are unlikely to be suitable for the insertion of double glazing and so secondary glazing (as already proposed to the front elevation) is likely to be the most appropriate solution.
- 9.12. During the course of the application and following discussions with the applicant, the heritage team have confirmed that this information could be provided at a later stage subject to a condition requiring a survey of each window individually to determine their suitability for double glazing.

#### Tithe Barn

- 9.13. The internal alterations to the Tithe barn would restore the larger barn as a unified double-height space by removing the later mezzanine and associated sub-divisions. The removal of these additions would enable the impressive timber roof structure internally to be fully appreciated. The use of the barns for an undivided events space and restaurant is appropriate to their character and would allow these buildings to be seen and appreciated by the wider public.
- 9.14. Externally the 19th Century barn has been subject to past alterations and therefore is not overly sensitive to change. As part of the proposals, a lift would be installed externally to the northern elevation of the barn. The installation of a lift improves pedestrian accessibility by incorporating a lift to overcome steep slopes, making the development more accessible to disabled users/visitors of the site. The lift would also enable step free access into the proposed restaurant within the Tithe barn. The proposed lift is to be finished in black horizontal timber slats. It is considered that the proposed lift would be discreetly located and a sympathetic feature, providing a vertical counterpoint to the horizontal form of the barn. It is acknowledged that as a result, the existing windows and doors are to be replaced however, these do not comprise historic features and are of little significance.

#### **Proposed roofed enclosure over the Manor Yard**

- 9.15. The application proposals include the infilling of the rear yard between the two listed buildings to provide a central shared space for users of the site, bringing in both visitors from both the Manor House pub and Tithe Barn restaurant.
- 9.16. The footprint and form of the new roofed enclosure over the yard between the Manor House and Tithe barn is considered to be acceptable. However, the success of this is dependent on the design quality and material finish both externally and internally.



- 9.17. The timber lattice ceiling structure proposed is a positive approach that would provide a contemporary echo of the barn's timber roof structure. Further, the exposed flint wall would enable this space to have the feel of a transitional space from outside to inside.
- 9.18. The external appearance and covering to the roof will be key, given that it will be visible from the proposed hotel rooms at first floor level. The plans submitted indicate a copper finish which is welcomed as a material that weathers attractively but is also one that emphasises the contemporary nature of this addition. Further, the use of projecting rooflights are welcomed. Details regarding the proposed finish and materials are sought by condition.

### **The flint walls**

- 9.19. The flint walls on the site are the remnants of the original, extensive walled gardens associated with the Manor House, which included a nursery garden and a rose garden. The walled garden is situated adjacent to the southern side of Tithe Barn.
- 9.20. The sections of walls to the west were regrettably demolished when the existing student housing was built in the mid-1990s. Nevertheless, the remaining walls are not only an attractive feature but are significant for their evidential value of the scale and uses of the Manor House grounds. These walls contribute very positively to the historic 'sense of place' despite some evidence of poor past repairs.
- 9.21. The development retains approximately 40 metres of flint wall with brick dressings that runs from the south-west corner of the 1913 wing of the Manor House southwards and is mentioned in the list entry, albeit with a new opening. However, it is highly regrettable that the long east-section of flint wall at the southern end, part of the original walled garden enclosure, would be demolished to accommodate the footprint of the new student accommodation development. This wall is not only part of the historic fabric but a clear historical and evidential reminder of the walled enclosures and their relationship to the Manor House.
- 9.22. Some 'nibs' of new flint walling would be incorporated as part of the public realm between the new student blocks whilst, as mentioned above, the 'winding walk' includes flint walling on the original enclosure line. The ground floor elevations of Blocks A, B and D of the student accommodation would also be flint-faced onto the central pedestrian route. These aspects go some way towards mitigating the loss of the original length of wall and would contribute positively towards creating a distinct sense of place.
- 9.23. Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the Grade II listed buildings in accordance with policies CP15 of the Brighton & Hove City Plan Part One, DM26 and DM27 of the Brighton & Hove City Plan Part Two.

## **10. EQUALITIES**

- 10.1. The proposals include the provision of step free access to the restaurant spaced proposed within the Tithe barn.

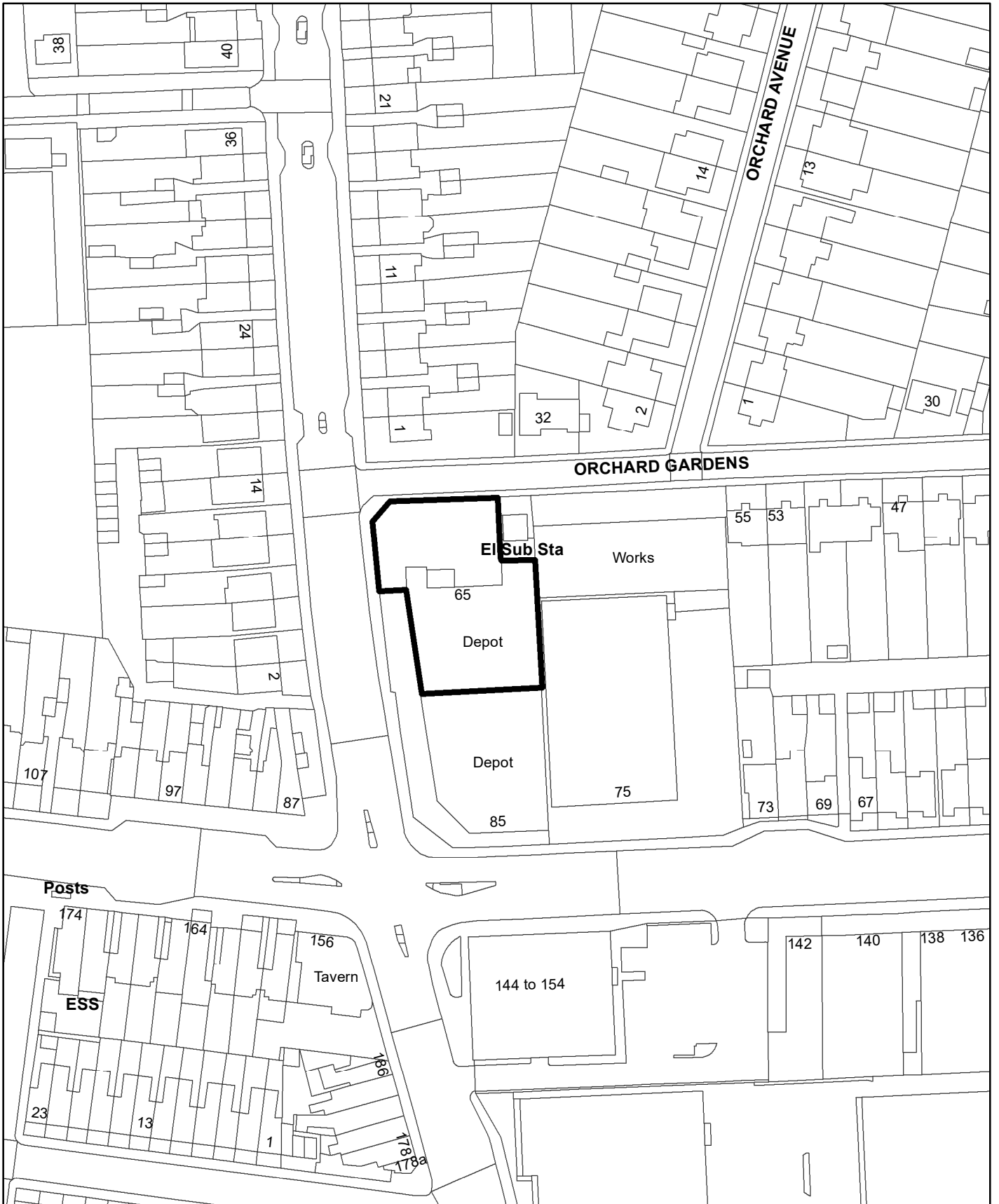
# **ITEM C**

**65 Orchard Gardens  
BH2022/02821  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**



# BH2022 02821 - 65 Orchard Gardens



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/02821</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>65 Orchard Gardens Hove BN3 7BH</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development including 2no commercial units for office space (Class E(g)(i)) on the ground floor and 36no one, two and three bedroom flats (Class C3) on ground and upper floors, 25no car parking spaces (including 2no disability spaces), cycle storage and associated landscaping.</b>		
<b><u>Officer:</u></b>	Robin Hodgetts, 292366	tel: <b><u>Valid Date:</u></b>	06.09.2022
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	06.12.2022
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	12.04.2023
<b><u>Agent:</u></b>	ECE Planning Limited 64-68 Brighton Road Worthing BN11 2EN		
<b><u>Applicant:</u></b>	Orchard Holdings (Hove) Ltd 178-180 Church Road Hove BN3 2DJ		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **26<sup>th</sup> July 2023** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 14.1 of this report:

### Section 106 Head of Terms:

#### Affordable Housing

Late state review

#### Employment Strategy

- £11,600 contribution towards skills needs on site, pre-employment training for new entrants to the industry on site and apprentice placements
- Employment and Training Strategy
- Strategies for the demolition and construction phases

#### Transport:

- The proposed Orchard Gardens and Nevill Road public realm improvements (“works”) should be secured via a section 278 agreement. The agreement should incorporate a final set of agreed detailed drawings that have achieved full technical approval. • No development above ground floor slab level should commence until both the detailed scheme of highway

works and any Traffic Regulation Order (TRO) changes for these are approved (though the TROs do not need to be sealed).

- The development should not be occupied within 3/6 months of the council entering into a highway agreement to implement the scheme of highway works (unless the works are completed before then to the satisfaction of the council as Highway Authority)
- The development should not be occupied until the scheme of highway works is implemented to the satisfaction of the council as Highway Authority and any new TROs for these are sealed.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below. *(To be Inserted in Late List)*

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

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

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

3. Notwithstanding any details shown on the approved drawings, no development above ground floor slab level of any part of the development hereby permitted shall take place until details and/or samples relating to materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
  - a) photos and product specifications of all brick (including mortar, bonding and pointing), details of recessed brick elements, roof coverings, lintels and finials;
  - b) product specifications of the proposed window, door and terrace balustrades treatments (including any privacy screens, opaque panels and railings); and
  - c) details of cladding, louvres, brise soleil
  - d) 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, to comply with Policies CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 of the Brighton & Hove City Plan Part Two, as well as SPD17.

4. No development shall take place until an ecological design strategy (EDS) which addresses ecological enhancement of the site and provision of biodiversity net gain through the incorporation of a minimum 75% native and/ or non-native species of recognised wildlife value in the landscaping scheme, and the provision of 19 bee bricks and 46 swift boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) details of a Biodiversity Net Gain metric calculation
- c) review of site potential and constraints;
- d) detailed design(s) and/or working method(s) to achieve stated objectives;



- e) extent and location /area of proposed works on appropriate scale maps and plans;
- f) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- g) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- h) persons responsible for implementing the works;
- i) details of initial aftercare and long-term maintenance;
- j) details for monitoring and remedial measures;
- k) details for disposal of any wastes arising from works.

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

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11.

5. No development, including demolition, shall take place until a Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. DEMP shall at least include:
  - a) The phases of the demolition and forecasted completion date(s)
  - b) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
  - c) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
  - d) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
  - e) Details of hours of demolition including all associated vehicular movements
  - f) Details of the demolition compound
  - g) A plan showing traffic routes for demolition vehicles.

The demolition shall be carried out in accordance with the approved DEMP.

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies CP8 of the Brighton & Hove City Plan Part One, policy DM20 of City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

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

- a) The phases of the Proposed Development and forecasted completion date(s)
- b) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- c) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- d) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- e) Details of hours of construction including all associated vehicular movements
- f) Details of the construction compound
- g) A plan showing construction traffic routes

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

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies CP8 of the Brighton & Hove City Plan Part One, policy DM20 of City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

7. Other than demolition works, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed design and associated management and maintenance plan for surface water drainage using sustainable drainage methods as per the recommendations of the Surface Water Drainage Strategy by RPS dated 3 June 2021. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

**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 DM43 of City Plan Part Two.

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

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies DM18

and DM20 of City Plan Part Two, and CP12 of the Brighton and Hove City Plan Part One.

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

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of City Plan Part Two.

10. Within 6 months of first occupation of the non-residential development hereby permitted 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' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM43 of City Plan Part Two.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the following has been submitted to and approved in writing by the Local Planning Authority:

- Low-carbon provision of heating and hot water.
- Rooftop solar array layout
- Air Source Heat Pump(s)
- Mechanical Ventilation with Heat Recovery

Development shall be carried out in strict accordance with the approved details prior to first occupation.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply

with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

13. The development hereby permitted shall not be occupied until full details of external lighting being installed, including levels of luminance, hours of use / operation and details of maintenance, are submitted to and approved in writing by the Local Planning Authority. The predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels.  
The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
14. Prior to occupation of the development hereby permitted, a scheme for hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c. details of all boundary treatments to include type, position, design, dimensions and materials;
  - d. details of the how the landscaping will include native species and enhance biodiversity
  - e details of how the landscaping will incorporate food growing.Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of City Plan Part Two, and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD11.
15. The two disabled car parking spaces for the residential occupants of the development hereby approved shall be provided in full and made available for use prior to the first occupation of the residential building and shall thereafter be retained in perpetuity.  
**Reason:** To ensure that the development provides for the needs of disabled residents in compliance with Policy DM36 of the Brighton & Hove City Plan Part Two, as well as SPD14.
16. 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 Policies CP8 of the Brighton & Hove City Plan Part One, WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM20 of the Brighton & Hove City Plan Part Two.

17. 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 industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;  
And if notified in writing by the local planning authority that 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+A2:2017;  
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
  - (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.
2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)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 the verification report shall comprise:
  - a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ is suitable for use.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.

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

Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

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

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton and Hove City Plan Part Two.

20. No development hereby permitted shall take place until detailed plans and evidence have been submitted to the Local Planning Authority for written approval to demonstrate how the block will be able to connect to any future decentralised heat network, should one become available. Evidence should demonstrate the following:

- (i) Plant room size and location showing facility for expansion for connection to a future district heat network: to include sufficient physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
- (ii) A route onto and through site: details of below ground works which will be implemented within the scheme to ensure that appropriate piping routes are available and safeguarded to enable future connections to a heat network, demonstration of where connections will be made into the block, space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout development.
- (iii) Metering: installed to record flow volumes and energy delivered on the primary circuit.

The approved future-proofing measures shall be implemented before first occupation of the building and shall be retained.

**Reason:** To ensure the development is future-proofed in the interests of sustainability to ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policies SA6, DA6 and CP8 of the Brighton & Hove City Plan Part One and DM44, DM45 and DM46 of the Brighton & Hove City Plan Part Two.

21. 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. The Rating Level and existing background noise levels are 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 DM20 and DM40 of City Plan Part Two.

22. The vehicle parking area(s) shown on the approved plans shall be provided prior to first occupation and shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times and retained hereafter.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
23. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
24. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, time and method of deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements for residential and non-residential uses shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20 and DM33 of Brighton & Hove City Plan Part 2, .
25. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
26. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential and non-residential development.  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
27. The non-residential part of the development hereby permitted shall be used as an office (Use Class E(g) (i)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use

Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP2 and CP3 of Brighton & Hove City Plan Part One.

28. No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure By Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme has incorporated crime prevention measures.

**Reason:** In the interests of crime prevention, to comply with policies CP12 and CP13 and SA6 of the Brighton & Hove City Plan Part One.

29. No plant, flues or associated plant enclosures or any telecommunications equipment (other than those already shown on the approved drawings) shall be placed on the roofs of the development unless details have first been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

**Reason:** To ensure a satisfactory appearance to the development to comply with policies CP12 of the Brighton and Hove City Plan Part One and DM18 of the Brighton & Hove City Plan Part Two.

30. 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 DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

31. No development shall commence until a car park layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed ramp and any operational safety measures e.g. traffic light system; cycle parking; motorcycle parking; car parking; electric vehicle parking and charging; disabled parking; visitor parking for the management (such as numbered spaces and Department for Transport approved names and symbols (eg for a disabled bay) inside and outside of the space) of all forms of parking and stopping as appropriate. This should also include details of how the proposal complies with SPD14 Parking Standards and how vehicles safely and conveniently turn to leave the site in a forward gear. Also, this should include dropped kerbs from footways and tactile paving where appropriate for the mobility and visually impaired including adults with child buggies. The occupation of the development shall not commence until those works have been completed in accordance with the Local Planning Authorities



approval and have been certified in writing as complete by the Local Highway Authority. The approved scheme shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually Pre-commencement Condition impaired and to comply with policy CP9 of the City Plan Part One, DM33 & DM36 of City Plan Part 2 and SPD14 Parking Standards

32. No development shall commence on site until a Scheme of Management of the vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must at least include the following measures: - Details of how the proposal complies with SPD14 Parking Standards; - Details of how each car parking space will be allocated and managed; - Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space. -Details of the measures to mitigate safety concerns pertaining to the vehicular ramp and the subsequent maintenance of those provisions The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.

**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policy CP9 of the City Plan Part One, DM33 & DM36 of City Plan Part 2 and SPD14 Parking Standards.

33. Notwithstanding the plans hereby submitted, the development shall not begin until the Local Planning Authority, in consultation with the Local Highway Authority, have approved a full scheme of highway works for improvements to Orchard Gardens and Nevill Road that:

- Promote a scheme to provide day time only loading facilities for the development by means of an on-street loading bay outside the Orchard Gardens frontage. This will require the approval of a Traffic Regulation Order.
- Promote waiting restrictions on Orchard Gardens in front of any ramp or dropped kerb for bin access, to be approved by Traffic Regulation Order.
- Improve the southern footway of Orchard Gardens in the vicinity of the development by removing the redundant vehicle crossover and reinstating this as raised footway; constructing a new vehicular crossover for the ramp to the basement car park - constructing a new dropped kerb bin access - resurfacing the footway along the frontage of the site
- Improve the eastern footway of Nevill Road in the vicinity of the development by- resurfacing the footway along the frontage of the site
- Improve pedestrian facilities at the junction of Orchard Gardens and Nevill Road by Renewing any damaged tactile paving, on both sides of the road, at the informal crossing point The occupation of the development shall not commence until those works have been completed in accordance with the Local Planning Authorities approval and have been certified in writing as complete by the Local Highway Authority.

**Reason:** In the interests of highway safety and to comply with policy CP9 of the City Plan Part One, DM33 & DM36 of City Plan Part 2 and SPD14 Parking Standards.

34. Within three months of the date of first occupation a Travel Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies DM35 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Swift bricks/boxes can be placed on any elevation, but must avoid areas that are exposed to extended periods of direct sunlight or prevailing weather conditions, with shade casting eaves and gable ends being optimum locations. They should be installed in groups of at least three, approximately 1m apart, at a height no lower than 4m (ideally 5m or above), and preferably with a 5m clearance between the host building and other buildings, trees or obstructions. Where possible avoid siting them above windows, doors and near to ledges/perches where predators could gain access. Always use models that are compatible with UK brick/block sizes and consider the potential for moisture incursion and cold spots in the building design. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place. If it is not possible to provide swift bricks due to the type of construction or other design constraints, the condition will be modified to require swift boxes.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
5. To discharge the surface water drainage scheme condition, the applicant will need to provide:
  - A detailed design including details and locations of the drainage infrastructure.
  - Calculations to confirm that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations based upon the 1% AEP plus 40% increase in rainfall intensity due to climate change, management and maintenance plan for the final drainage design for the proposed development incorporating all elements and confirming ownership and management responsibilities.

6. The applicant is advised that the CEMP should also include the following information:
  - Details of any oversailing of the highway construction, falsework, formwork and scaffolding
  - Details of use of any cranes, lifts, escalators and lifting vehicles
  - Details of any Department for Transport Abnormal Load Notification and/or Order
  - A commitment to implement vehicle cleaning and drainage facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
7. You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.
8. East Sussex Fire & Rescue Service strongly recommend the installation of fire sprinklers in all new developments, there is clear evidence that Automatic Fire Suppression Systems (AFSS) can be effective in the rapid suppression of fires and can therefore play an important role in achieving a range of benefits for both individuals and the community in general.
9. Sussex Police recommend using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)
10. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements)
11. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
12. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating

and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.

13. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
14. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
15. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
16. The applicant is advised that the Orchard Gardens and Nevill Road works will require them to enter into a s278 agreement with the council as Highway Authority and to complete associated technical approval steps, which may include public consultation. They should contact s278@brighton-hove.gov.uk at their earliest convenience.
17. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system again seen at railway stations where appropriate. Also, where appropriate provision should be made for tricycles, reclining cycles and 'cargo bikes'

## **2. SITE LOCATION**

- 2.1. The application site is situated on the north-western corner of the junction of Orchard Gardens with Nevill Road (A2023). The site is currently in use by Portslade Panelworks (planning use class B2) and comprises single storey industrial buildings along its southern boundary and an enclosed yard to the northern part of the site used for customer and staff parking, enclosed within a close-boarded fence. The Planning Statement indicates that the site currently employs 12 staff.

- 2.2. To the south and east of the site are neighbouring commercial buildings comprising industrial uses including a tyre and exhaust centre immediately south.
- 2.3. Vehicular access is from the northern side of the site off Orchard Gardens. The land between the existing building and the Nevill Road pavement is within the demise of the adjacent tyre and exhaust centre and is used to park vehicles. There is an electricity substation housed in a brick faced building alongside the eastern boundary of the application site facing on to Orchard Gardens
- 2.4. While the adjacent sites are industrial use, the rest of Orchard Gardens to the east of the site is characterised by two storey residential dwelling houses. Residential properties are to the north and to the west. The site is not within a conservation area, nor is it a listed building or in the setting of one.

### **3. RELEVANT HISTORY**

- 3.1. **BH2014/03966:** Demolition of existing buildings and erection of a part three, four and five storey building comprising a mixed use development of offices (B1) on the ground and mezzanine floors, 21no one, two and three bedroom flats (including 6 affordable flats) (C3) on the upper floors, 22no car parking spaces, cycle storage, refuse/recycling facilities, photovoltaic solar panels and associated landscaping. Application withdrawn.
- 3.2. **BH2016/05312:** Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development of offices (B1) on the Ground floor and 23no one, two and three bedroom flats (C3) on the upper floors, 23no car parking spaces (including 3 Disability Spaces), cycle storage and associated landscaping. Approved 07.08.2018
- 3.3. There have been a number of approval of details applications connected to application BH2016/05312. However, works did not commence and the permission has now lapsed.

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the demolition of the existing buildings and erection of a 5 storey building and basement comprising a mixed-use development including 2 commercial units for office space (planning use class E(g)(i)) on the ground floor, and 36 one, two and three bedroom flats (Class C3) on the ground and upper floors. The scheme would also provide 25 car parking spaces at basement level (including 2 disability spaces), cycle storage and associated landscaping.
  - a. The proposal would include a partially submerged, half storey basement that would be accessed via a 1:12 gradient ramp from ground floor level along Orchard Gardens, two commercial units of 85.7sqm and 208.2sqm floor space (293.5sqm total) would be provided at ground floor level and 36 residential units and ground floor level and upper floors.

- b. This would represent an increase in the number of units over the previous approval of 13 dwellings.
- c. The 5-storey building would be built predominantly of light grey brick with a green, zinc top floor set back from those lower. Detailing would be finished with metal louvres and window frames. The roof form has evolved over the course of the proposal from a flat one originally (and the previously consented scheme) to a more attractive, industrial style pitched roof which pays respect to the industrial sites to the south.

## 5. REPRESENTATIONS

5.1. **Forty Three (43) objections** have been received raising the following concerns:

- Loss of employment floorspace and of employment land.
- The design is poorly conceived and is out of keeping and out of scale for the area.
- Five storeys would be an overdevelopment.
- Excessive density
- Overlooking / loss of privacy and views
- Loss of light and overshadowing
- Increased noise and pollution, including a decline in air quality
- The position of the car parking and the ramp to the basement car park would result in increased noise and disturbance.
- The proposed block is too overbearing and causes overshadowing.
- The development would add more traffic to the saturated area in an unsustainable manner.
- Detrimental effect on property values.

5.2. **One (1) support** has been received raising the following points:

- The additional housing and office space is welcomed
- The scheme uses a brownfield site which is unattractive at present.

## 6. CONSULTATIONS

### Internal

6.1. **City Regeneration / Economic Development: Support, with suggested conditions**

Developer contribution of £11,600 towards Training and Employment Strategies, paid prior to site commencement. The strategies for the demolition and construction phases should be submitted for approval at least 1 month prior to commencement of the respective phases.

6.2. **Environmental Health: No objection** subject to the imposition of conditions

6.3. **Planning Policy:** Seek further information

The provision of 36 dwellings would be a welcome windfall contribution towards the housing target.

- 6.4. The proposed dwelling mix does not reflect local housing need. Consideration should be given as to whether fewer 1-bedroomed units and more 2-bedroom units could have been provided.
- 6.5. The applicant has provided a Financial Viability Assessment Report which concludes that the scheme is unable to offer any affordable housing contribution as required in Policy CP20. This has now been verified by the District Valuer who concurs with this conclusion. Whilst this is regrettable this is accepted.
- 6.6. It is not clear how the development meets the open space requirements set out in policy CP16.
- 6.7. **Private Sector Housing:** No comments to make
- 6.8. **Strategic Housing & Development:**  
The developer has submitted a viability report confirming that it is not viable to provide any affordable housing at this scheme either on site or as a commuted sum. In line with council policy this has been independently assessed by an external valuer who has confirmed the position. A viability update will be required during the scheme's progress to re-assess the affordable housing position. If this assesses that any surplus funds are available this will be paid as a commuted sum and allocated towards providing affordable housing elsewhere in the city.
- 6.9. **Sustainability:** No objection subject to the imposition of conditions
- 6.10. **Sustainable Drainage:** Further information is required before the application can be supported.
- 6.11. **Transport:** With the exception of the outstanding delivery and servicing information, the LHA has no objections to the application in principle, subject to the inclusion of the necessary recommended conditions, obligations, and Section 278 agreement for highways works.

#### **External**

- 6.12. **County Archaeology:** No objection
- 6.13. **County Ecologist:** Recommend for approval in principle subject to conditions
- 6.14. **Designing Out Crime Officer (Sussex Police):** No major concerns, but additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.
- 6.15. **Southern Water:** No objection subject to the imposition of informatives

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Joint Area Action Plan (October 2019).

## **8. RELEVANT POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SA6 Sustainable Neighbourhoods  
SS1 Presumption in Favour of Sustainable Development  
CP1 Housing delivery  
CP2 Sustainable economic development  
CP3 Employment land  
CP7 Infrastructure and developer contributions  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP10 Biodiversity  
CP12 Urban design  
CP13 Public streets and spaces  
CP14 Housing density  
CP18 Healthy city  
CP19 Housing mix  
CP20 Affordable housing

#### Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix  
DM18 High quality design and places  
DM19 Maximising Development Potential  
DM20 Protection of Amenity  
DM22 Landscape Design and Trees  
DM33 Safe, Sustainable and Active Travel  
DM35 Travel Plans and Transport Assessments  
DM36 Parking and Servicing  
DM37 Green Infrastructure and Nature Conservation  
DM40 Protection of the Environment and Health - Pollution and Nuisance  
DM41 Polluted sites, hazardous substances & land stability



DM42 Protecting the Water Environment  
DM43 Sustainable Urban Drainage  
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03 Construction and Demolition Waste  
SPD11 Nature Conservation and Development  
SPD14 Parking Standards  
SPD16 Sustainable Drainage  
SPD17 Urban Design Framework

Other Documents

Developer Contributions Technical Guidance - June 2020  
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan -  
Policies WMP3d and WMP3e

## 9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to:

- Principle of development
- Affordable housing
- Loss of employment space
- Density
- Design
- Biodiversity, Landscaping, Trees and Ecology
- Impact on Neighbouring Amenity
- Standard of Accommodation
- Impact on Highways
- Sustainability

**Principle of development:**

9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

9.3. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).

9.4. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the

presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 9.5. The provision of 36 units of residential accommodation would be a benefit of significant weight, making a relatively small, but important contribution towards the Council's housing target given the importance of maximising the use of sites.
- 9.6. Policy CP19 in City Plan Part One requires proposals to have considered housing mix and local assessments. The proposed unit mix is eighteen x 1 beds (50%), fourteen x 2 beds (39%) and four x 3 beds (11%). This does not reflect the housing mix requirements identified in CP19 which suggests that greatest demand is for 2- and 3-bedroomed units (34% and 31% respectively) and less demand for 1 bedroomed units (24%).
- 9.7. However, this is a relatively constrained site close to a main road and an industrial estate, and is therefore considered unsuitable for larger family accommodation so the absence of 4 beds is considered acceptable in this instance. Whilst the proposal would provide more 1-bed units than 2 or 3-bed units contrary to policy requirements, there is a limited market for larger family size units within flatted schemes such as this proposal. Furthermore, if additional larger units were incorporated into the proposal, fewer units would be delivered in total, with implications for the scheme's viability and deliverability. As such, the LPA considers the unit mix to be acceptable in this instance.
- 9.8. Policy CP3 of City Plan Part One seeks to ensure the city has sufficient employment sites and premises to meet the needs of the city. Part 5 of policy CP3 states 'loss of unallocated sites or premises in, or whose last use was, employment use will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses.'
- 9.9. The accompanying planning statement advises that 'although the site is not redundant, the Panel Works is seeking to relocate to a more industrial area. The company has received a number of noise complaints over the years and wishes to relocate to an area where noise will not be an issue.'
- 9.10. The premises are not considered to be redundant in accordance with policy CP3 and would result in the loss of 1300 sq metres of employment floorspace. However, the current scheme, similar to the previously approved application, does propose to provide a mix of employment and residential uses. The scheme would provide a total of 293 sq metres of office floorspace. Whilst the provision of employment floorspace would be 31sqm less than the previously approved scheme, this slight reduction is not considered to warrant refusal of the application. Moreover, it is important to note, that the existing site only employs 12 staff and as office accommodation, the proposed floorspace would allow a greater number of employees, providing between 20 and 25 FTE.
- 9.11. Whilst it is acknowledged that the existing employment space is not redundant and does not strictly meet the provisions of policy CP3, the provision of

alternative employment floorspace within the scheme, similar to that approved previously, is considered acceptable in this instance.

- 9.12. The acceptability or otherwise of the scheme is subject to consideration of the provision of affordable housing, density, design, biodiversity, landscaping, trees, ecology, neighbouring amenity, the standard of accommodation, highways, sustainability and archaeology. These matters are discussed below.

**Residential Accommodation:  
Affordable housing**

- 9.13. Policy CP20 requires development of 15 net dwellings or more to provide 40% of the units as affordable housing, though it notes that the target may be applied more flexibly where the council considers this to be justified. In this case, the applicant has submitted a Financial Viability Assessment Report in support of their proposal which indicates that no affordable housing could be provided without the scheme being rendered unviable.
- 9.14. The report has been the subject of a review by the Council's independent viability consultant. They disagree with the Residual Land Value and Site Value Benchmark provided by the applicant, but ultimately agree that the proposed development produces a deficit of £213,283 (compared to the applicant's figure of £1,462,436). As such, it is accepted that no affordable housing can be provided. However, in case the viability situation improves in terms of sales revenue values rising or base construction costs falling, a late stage review in order to secure any uplift in sales figures as a commuted sum would form part of the Section 106 Agreement.

**Density:**

- 9.15. The provision of 36 dwellings would provide a density of 276dph (dwellings per hectare) which is significantly higher than the minimum target of 50dph for development outside development areas, although slightly lower than the consented scheme. However, the approval of the previous scheme indicates acceptance of the principle of a high density development on the site.
- 9.16. Policy CP14 of City Plan Part One outlines that residential development should be of a density that is appropriate to the character of the neighbourhood and be determined on a case by case basis. Development will be permitted at higher densities than those typically found in the locality subject to various criteria. To make full, efficient and sustainable use of the land available, new residential development is expected to achieve a minimum net density of 50 dph, provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the aforementioned criteria can be satisfactorily met.
- 9.17. The various criteria set out by Policy CP14 are high standard of design and maintaining or creating a coherent townscape; respecting, reinforcing or repairing the character of the neighbourhood and contributing positively to its sense of place; the inclusion of a mix of dwelling types, tenures and sizes to reflect identified local needs; being easily accessible by sustainable transport;

being well served by local services and community facilities; and providing outdoor recreation space appropriate to the demand it would generate.

- 9.18. The submitted drawings demonstrate that the design would be of a high standard (discussed further below) and that it would maintain a coherent townscape and respect the character of the neighbourhood, thereby contributing positively to its sense of place. The site is approximately a 10 mins walk, or three minutes cycling to Hove train station and sits extremely close to Old Shoreham Road which is serviced by multiple, regular bus routes. As such, it is in a very sustainable location. Furthermore, it is well served by local services (on Old Shoreham Road).
- 9.19. In terms of outdoor recreation space, all of the proposed dwellings would have external amenity space in the form of a balcony and access to a shared communal garden to the rear of the building.
- 9.20. The streets surrounding the site are predominantly residential with two storey dwellings although the application site sits within a distinct industrial area and is a corner plot that would have its own, distinct character. Although the proposed building would not represent the character of the surrounding streets, it would replace an existing industrial unit, on a main thoroughfare and is considered to successfully sit within its own, unique setting.
- 9.21. As previously discussed, the proposal is for a mixed use development and the quantum of residential and commercial is considered acceptable. Building layouts, design, amenity space, access and car parking are discussed in more detail in the following sections, but they are considered acceptable. As such, the density of the proposed development is considered acceptable because it would contribute positively to creating or maintaining sustainable neighbourhoods and meet the criteria in Policies CP14 and DM19.

**Design and Appearance:**

- 9.22. The existing building is not of any historic or architectural merit. As such, its demolition to make way for a replacement building is considered acceptable. The sustainability implications of this will be discussed later on in this report. A previous application for demolition and erection of a five storey building on the site was approved under application BH2016/5312.
- 9.23. Pre-application advice was sought (PRE2021/00161) and a number of recommendations to the scale and design of the building were made which this application addresses. These were:
- A decrease in the number of single aspect dwellings and removal of any that would be north facing, single aspect.
  - An improved and simplified roof form that seeks to better respect the semi-industrial character of the adjacent buildings.
  - Changes to the footprint to provide more land to the front of the buildings and provision of inset balconies to the north elevation.
  - Re-design of the ground floor commercial areas to improve the separation of commercial and residential areas.

- Re-design of the residential entrance to provide a separate access for refuse and recycling.
- 9.24. The subject site sits on the corner of Nevill Road and Orchard Gardens with the topography of the site being generally level but with a slight decrease in height as you progress along Orchard Gardens to the east.
- 9.25. The built footprint of the proposed block would make efficient use of the site, which is supported. As previously noted, the density is high and this means that meaningful amenity space and the quality of public realm areas are of even greater importance. As discussed previously, all dwellings would have access to a balcony providing private amenity space as well as a shared communal garden to the rear of the site. Improvements to the public realm would be provided to the north-west corner of the building, where landscaping would be provided to make a clear separation between the development site and the footpath adjacent. The building line would be slightly forward of the buildings to the east, separated by the electricity sub-station and is similar to that proposed in the consented scheme. The building would also project slightly in front of the existing dwelling to the north, no. 1 Nevill Road and this would be visible from views further away along Nevill Road as the site is approached from the north. However, this step in the building line is not considered so harmful that would cause a detrimental impact on the streetscene. It is important to note that there was a similar relationship between the properties along Nevill Road and the consented scheme.
- 9.26. The general design and massing of the building has been revised from the previously consented scheme and via the pre-application process, such that it would now respond well to the mix of residential character to the north and west and a more commercial/industrial façade to the south and east. In particular the pitched roof form is a welcome addition which would sit well with the similar roof forms to the south and the metal, pitched roofs of the industrial unit to the east.
- 9.27. In terms of materiality, the prevailing materials on Nevill Road and Orchard Gardens are overwhelmingly red brick and red clay tile with some having rendered frontages. However, there are some industrial / commercial uses adjacent which make use of metal and red brick. The design of the proposal reflects the roof-forms of the area well, referencing the angled roof forms of the two storey residential properties as well as the industrial roofscape to the east. The proposed grey brick fails to match the predominantly red brick surroundings of both domestic and commercial uses. Whilst it is acknowledged that a red brick across the entirety of the built form may appear heavy and too dominant as whilst there is a predominance of red brick in the area, the red brick isn't the only material present and is broken up by using alternative materials such as render. Amended plans have been sought to address concerns raised regarding the grey brick. The set back top storey is shown to be coloured green, a zinc material to reference the immediate context of the application site. As amended, the combination of red and grey brick present an attractive appearance which is considered to be contextually responsive to the area, whilst presenting a modern appearance to the proposal.

- 9.28. The elevational composition of the proposed building is supported. The design would provide a textured, layered appearance due to the presence of inset balconies, lintels and other architectural elements such as the set-back, zinc roof element. The design and materiality are considered an improvement over the consented scheme, with a more interesting elevational composition and a roofscape which better respects the surrounding buildings. The final details of all material would be secured by condition in the event the application is approved.
- 9.29. Although the Council's Urban Designer has not reviewed this application. However, they were heavily involved in the pre-application stage and shaping the appearance, materiality and scale of this final proposal and it is considered the proposal reflects this advice.
- 9.30. Taking the above into account, the proposal would make an efficient use of an existing site and be contextually appropriate design in compliance with City Plan Part One Policies CP12 and CP13, City Plan Part Two Policy DM18, SPD17 and paragraphs 130 and 134 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, layout and landscaping; to be sympathetic to local character and the surrounding built environment while not preventing increased densities; to optimise the potential of the site to accommodate an appropriate amount of development; to reflect local design policies; and raise the standard of design more generally in an area where they fit in with the overall form and layout of their surroundings.

**Biodiversity, Ecology, Landscaping and Trees:**

- 9.31. The site is not designated for its nature conservation interest, although it lies within the Impact Risk Zone of Castle Hill Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) but does not meet the criteria for likely impacts. There are no street trees adjacent to the site which could be harmed by development.
- 9.32. The submitted Ecological Impact Assessment confirms that the existing commercial site has little to no ecological value. Likewise the Biodiversity Statement states no indicators are effected by the proposal. Given this, there is the potential for high biodiversity net gain, in accordance Policy DM37 which requires a net gain in biodiversity on site. Measures to improve the ecology outcomes on the site in accordance with Policies CP10 and DM37 as well as SPD11 are proposed to include bee bricks and installing swift and bat boxes, as well as soft landscaping.
- 9.33. The landscaping proposal sees soft planting on both the west and northern elevations of the building where it would front the footpath. This would include three "feature" trees to the northern frontage on Orchard Gardens (where access to the residential element would be located), raised shrub planting adjacent to the parking area of the neighbouring Kwik-Fit commercial premises and planting in a shared communal garden to the rear.

- 9.34. An Ecological Design Strategy would be secured by condition to show the soft landscape species, the number and location of swift and bat boxes, and the species composition of the landscape planting. In addition, further details of the landscaping, such as the size of the trees and food growing, would be secured by condition prior to first occupation, and would also require demonstration that Sustainable Urban Drainage measures have been fully considered. Any hard surfacing is recommended to be conditioned as permeable and / or porous.

**Impact on Neighbouring Amenity:**

- 9.35. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.36. Policy DM20 of City Plan Part 2 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.37. It should also be noted that the previously consented scheme was of a similar scale and height as the current proposal.
- 9.38. The main properties that would be affected by the proposed development would be 87 Old Shoreham Road, 2 to 12 Nevill Road (evens, opposite the site to the west), 1 Nevill Road (opposite the site to the north) and 32 Orchard Gardens (to the rear of 1 Nevill Road). A Daylight & Sunlight Report was submitted with the application which was subsequently assessed by the BRE consultant.
- 9.39. The Nevill Road properties opposite are two storey with front and rear gardens, separated from the site by the carriageway. Any impact would be solely to the front of these properties with light levels to the rear being unchanged. 1 Nevill Road to the north would be subject to greater light loss as the site lies to the south, but the BRE review of the Daylight and Sunlight Report agrees there would be negligible impact on daylight and sunlight to this property. The adjacent property at 32 Orchard Gardens would suffer a minor loss of light, however, this is not considered to be so harmful to consider refusal of the scheme.
- 9.40. Regarding overlooking, there are windows and balconies to all elevations, which would provide some views into the front windows of neighbouring properties along Nevill Road, Orchard Gardens and 1 Nevill Road, which lies directly north of the application site. However, no views into the rear of these properties along the west side of Nevill Road or Orchard Gardens would be afforded and the degree of overlooking caused. Concern is raised regarding additional views to the rear garden of 1 Nevill Road, however, it is important to note that consent has been granted previously for the redevelopment of the site.
- 9.41. There may be some increase in disturbance as a result of the increased use of the site, but it is in industrial use so this would not be significant, particularly noting the site's location on an A-road, with the A270 (Old Shoreham Road) some 30m south.

- 9.42. For the reasons outlined, the overall impact on neighbouring amenity would be considered acceptable and is therefore considered to comply with CPP2 Policies DM20 and DM40.

**Standard of Accommodation:**

- 9.43. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These space standards have been formally adopted into the Brighton and Hove City Plan Part 2 Policy DM1 and can now be given full weight.
- 9.44. The scheme would provide eighteen, 1-bed two person dwellings, two, 2-bed three person dwellings, twelve, 2-bed four person dwellings, and four, 3-bed 5 person dwellings.. The Gross Internal Areas (GIAs) for each residential unit are at least compliant with if not in excess of the figures in the NDSS. All the bedrooms would also be compliant with the NDSS.
- 9.45. Fourteen of the 36 flats (39%) would be single aspect which is an improvement over the 48% proposed at the pre-application stage. Moreover, previously there were a number of single aspect north facing units as this is no longer the case. Although not ideal this is considered acceptable and unavoidable given the constraints of the site. The rest would be at least dual aspect, and all units would provide future occupiers with sufficient outlook, natural light and cross-ventilation. The BRE report confirms that 100% of the combined living/dining/kitchen areas and bedrooms would meet the recommendations for illuminance in the BRE guidelines and 81% of the combined living/kitchen/dining areas and 63% of bedrooms would meet the provision of sunlight guidelines.
- 9.46. The provision of external amenity space in the form of balconies for all dwellings along with a communal garden to the rear of the site is welcomed. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with CPP2 Policy DM1.

**Impact on Highways:**

- 9.47. The site is located in a sustainable location near to Old Shoreham Road, a main transport corridor, well served by bus and cycle routes and in accordance with CPP1 policies DA3 and TR9 (Sustainable Transport) where major new development should be directed. The site is also approximately 10 minutes walk from Hove Station.
- 9.48. A Transport Plan has been submitted, following multiple amendments and additional information which has been assessed by the Highway Authority and following agreement on the analysis of trip rates and lack of suitability for Car Club parking, has been accepted by the authority. The Highway Authority have indicated their general support for the proposals subject to conditions.



- 9.49. The parking provision on site would be 25 spaces in a basement carpark, accessed via ramp from Orchard Gardens. This would include 2 accessible bays. Following additional information being provided relating to trip rates and location of a loading bay, the Highway Authority accept that the proposed parking provision on site is acceptable subject to management and monitoring as part of a car parking management plan.
- 9.50. The provision of cycle parking on site would provide 58 spaces for residents and a further 8 for visitors to the site in the basement. In total SPD14 would require 40 short stay and 12 long stay spaces. The Highway Authority is satisfied with the overall numbers subject to a condition requiring further details and management details for the cycle parking areas.
- 9.51. The proposal includes three active EV charging points, with passive EV charging infrastructure for all other spaces which complies with Policy CP9. An informative will be added advising of the current Building Regulations standards in respect of EV charging.

**Sustainability:**

- 9.52. City Plan Part One Policy CP8 requires new development to demonstrate a high level of efficiency in the use of water and energy and for it to achieve 19% above Part L for energy efficiency in addition to meeting the optional standard for water consumption. Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions. Therefore, an informative is recommended to ensure the development meets that standard.
- 9.53. It is noted that the proposed reduction in carbon emissions is 46%. This is above the aforementioned requirement and is therefore supported. The majority of the reduction would come from low or zero carbon technologies rather than fabric improvements.
- 9.54. In terms of BREEAM, the non-residential element of this proposal qualifies as 'non-major' and is therefore required to meet the 'Very Good' rating. A score of 66.44% is targeted, which would deliver a 'Very Good' rating. Compliance with the 'Very Good' rating is recommended to be secured by condition.
- 9.55. Other measures to improve the sustainability of the proposed building would include overheating mitigation in the form of louvres, openable windows and MVHR (Mechanical Ventilation with Heat Recovery) ventilation. An overheating assessment has been provided which shows a low risk of overheating in the rooms.
- 9.56. Air Source Heat Pumps (ASHP) are to be provided to both the commercial and residential elements of the proposal (located on the roof) along with a 3kWh solar PV array also on the roof. Further details of these would be secured by condition.

- 9.57. It is commendable that the Design and Access statement highlights the RIBA sustainability objectives, however it is not easy to see how these principles are acted upon in the development. Circular construction principles should be addressed as the design process continues, to ensure a genuinely sustainable building, which minimises materials use at every stage of its life-cycle. A statement of circular principles in this development would be secured by condition.

## **10. CONCLUSIONS**

- 10.1. The proposal would provide 36 dwellings and two new office spaces as part of a mixed use development on a brownfield site in Hove, subject to condition, incorporating sustainability measures and providing biodiversity net gains. The design of the building is considered acceptable, which would not have a significantly adverse impact on neighbouring amenity or on highways safety whilst providing an acceptable standard of accommodation and an improved development over the consented one. The lack of affordable housing is regrettable and must be given weight against the benefits of the scheme. However, the DVS report has supported the developers viability assessment that it would not be viable. The application is recommended for approval and the benefits of the scheme in terms of housing provision outweigh the harm in the planning balance.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £348,500. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

## **12. EQUALITIES**

- 12.1. Access to the proposed residential elements of the building from Nevill Road would consist of steps and a ramp provided for wheelchair access. Two of the parking spaces would be for disabled vehicle users, in accordance with the carparking SPD. Lifts would be provided in the basement to provide step-free access from the basement to all floors meaning that any of the proposed residential units would be accessible for those with a mobility-related disability.
- 12.2. The development would be subject to a condition ensuring that two of the residential units would be designed to meet M4(3) standards. All other dwellings would be conditioned as being designed to meet M4(2) (accessible and adaptable dwellings) standards.

### **13. CLIMATE CHANGE / BIODIVERSITY**

- 13.1. The site has good links to facilities including shops, is well served by public transport, and cycle parking is proposed, reducing reliance on cars. It also makes a more efficient use of brownfield land with the proposed building being well orientated thereby providing sufficient daylight and sunlight to the new dwellings. A detailing landscaping / planting plan, details of the proposed solar PV array as well as bee bricks and swift bricks are recommended to be secured by condition.

### **14. S106 AGREEMENT**

- 14.1. In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development, contrary to Policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  2. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to Policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  3. The proposed development fails to provide a mechanism by which to secure affordable housing, or a financial contribution towards it in the city, in case of the viability situation improving, contrary to Policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.



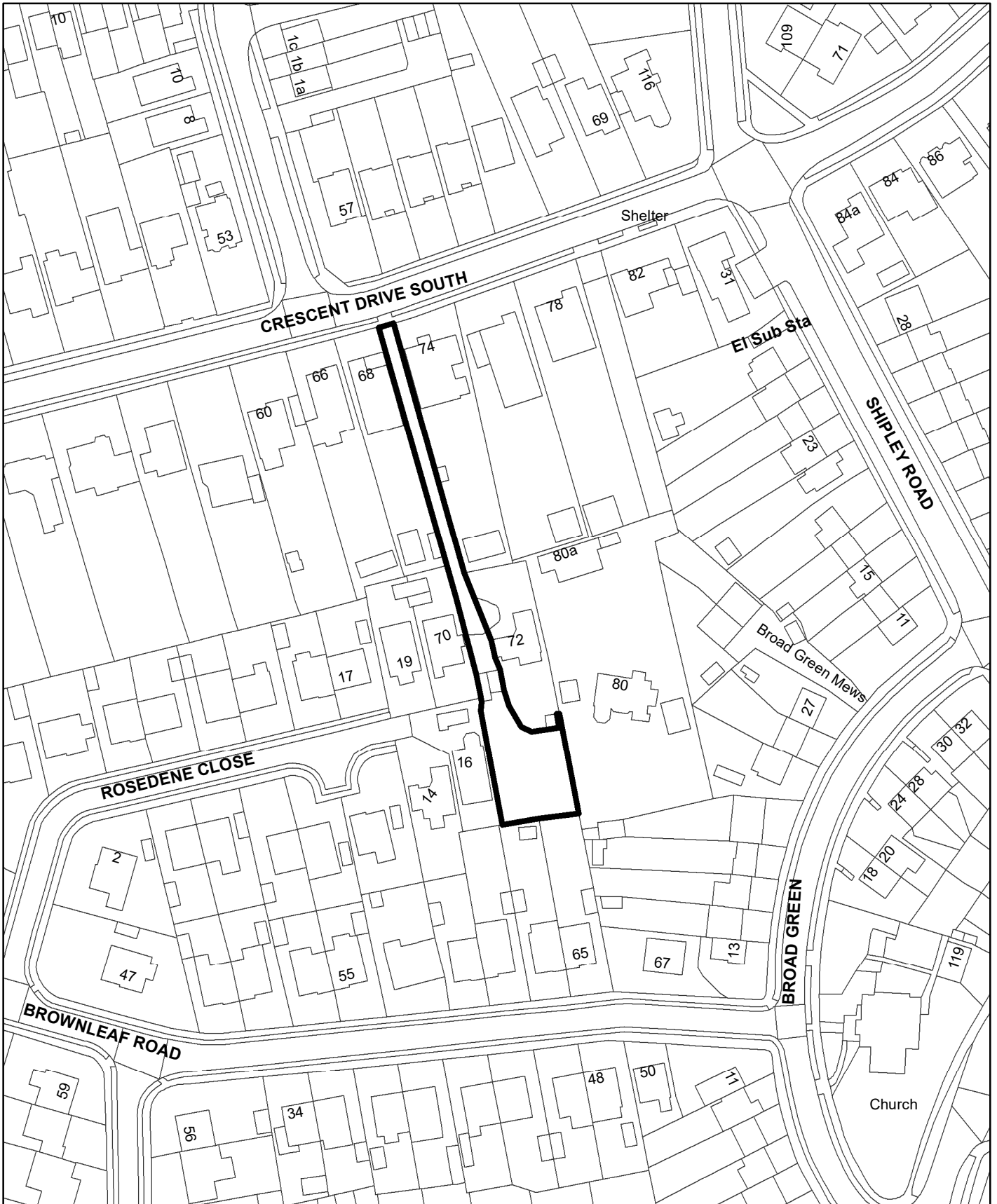
# **ITEM D**

**72 Crescent Drive South  
BH2022/03840  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**



# BH2022 03840 - 72 Crescent Drive South



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2022/03840</b>	<b><u>Ward:</u></b>	<b>Woodingdean Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>72 Crescent Drive South Brighton BN2 6RB</b>		
<b><u>Proposal:</u></b>	<b>Application to vary condition 1 of planning permission BH2018/00104 to allow the addition of photovoltaic solar panels to roof, alterations to external materials, changes to internal layout, the addition of a canopy over the front door and the provision of an access ramp</b>		
<b><u>Officer:</u></b>	Charlotte Bush, 292193	tel:	<b><u>Valid Date:</u></b> 15.12.2022
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	09.02.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Hutchinson Design Associates Victoria Chambers 170-174 South Coast Road Peacehaven BN10 8JH		
<b><u>Applicant:</u></b>	Mr Leon Cooper 92 The Promenade Peacehaven BN10 8LN		

## 1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below. *To be added on the late list*  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
2. Not used - dwelling is under construction
3. The render and roof tiles shall be carried out in accordance with the details hereby approved and the hard surfacing materials and other external materials shall be implemented as approved under application BH2022/02881.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM1 and DM18 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. The windows in the western elevation of the development hereby permitted shall be obscure glazed and non-opening, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM18, DM20 and DM21 of Brighton & Hove City Plan Part 2.

5. The development hereby permitted shall not be occupied until the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.
6. Not used - Energy informative added.
7. The residential unit hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
8. 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 Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
9. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following: a. details of all hard 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 DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

10. 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 DM33 and DM35 of the Brighton & Hove City Plan Part Two.
11. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the City Plan Part One.
12. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18,DM20 and DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.
13. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.  
**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
14. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

15. The development hereby permitted shall incorporate at least one (3) swift bricks within the external walls of the development and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
5. The water efficiency standard required by condition 7 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).

## 2. SITE LOCATION

- 2.1. The application relates to a plot of land which formed the rear garden of No.72 Crescent Drive South. The site is accessed via an existing long access route between 68 and 74 Crescent Drive South which also provides access to 70 Crescent Drive South, and has been extended to reach the approved new dwelling. The topography of the area is a steep south to north incline.
- 2.2. The existing property at No.72 has been remodelled to form a detached two storey dwelling. Permission has also recently been granted at the adjacent site of number 80 & 80A for 4 x two storey single dwelling houses under permission ref BH2016/05020, BH2017/03149 and BH2017/03138. To the east of the application site there is a single storey bungalow; and two chalet bungalows to the rear.
- 2.3. Permission was granted under application BH2018/00104 for a single storey three-bedroom detached bungalow to be finished in York stone cladding and smooth coloured render and zinc coated aluminium sheeting to the roof.
- 2.4. Construction of the dwelling has commenced however at the time of the officer site visit the development has not yet been completed. Concerns have been raised regarding the height and positioning of the dwelling as built on site not being in accordance with the approved plans. However, this potential breach of condition has been investigated by the Council's Planning Enforcement Team and no breach was found.

### **3. RELEVANT HISTORY**

- 3.1. **ENF2022/00549** - Enforcement case - house not built-in accordance with approved plans. Case closed, no breach of planning.
- 3.2. **BH2022/02881** - Application for approval of details reserved by condition 3 (external material samples) of BH2018/00104. Approved 8/11/2022.
- 3.3. **BH2018/00104** - Erection of a single storey three bedroom detached dwelling (C3) to rear of existing house. Approved 3/05/2018
- 3.4. **BH2017/01731** - Erection of a single storey three bedroom detached dwelling (C3) to rear of existing house. Withdrawn.
- 3.5. **BH2016/05736** - Remodelling of existing dwelling including increased roof ridge height to create first floor level, two storey front extension, single storey rear extension with roof terrace, rear decking with glass balustrade and steps to garden. Erection of single storey flat roofed detached double garage, revised fenestration and other associated alterations. Approved 13/12/2016
- 3.6. **BH2016/02774** - Remodelling of existing dwelling including increased roof ridge height to create first floor level, two storey front extension, single storey rear extension with roof terrace, rear decking with glass balustrade and steps to garden. Erection of single storey flat roofed detached double garage, revised fenestration and other associated alterations. Refused 19/09/2016

#### 4. APPLICATION DESCRIPTION

- 4.1. This application seeks to make amendments to the plans approved under condition 1 of application BH2018/00104.
- 4.2. The proposed alterations are as follows:
- Changes to the internal layout;
  - Alterations to external materials - replacing the stone cladding with painted white render; replacing the zinc coated aluminium sheeting with slate effect tiles;
  - Addition of a canopy over front door and a ramp to door;
  - Inclusion of photovoltaic solar panels to roof; and
- 4.3. Whilst the property is already under construction, the above alterations to the property have not yet been undertaken.
- 4.4. The scheme subject of this current application has been amended over the lifespan of the application. The original plans submitted showed the garage converted into habitable living accommodation. This proposed conversion has since been omitted from the proposal on the advice of the planning officer in order to address the comments received from the Local Highways Authority. A long window on the northern elevation was also proposed to be removed, but this has now been reinstated. Clarification on the land levels has also been provided.

#### 5. REPRESENTATIONS

- 5.1. **Eight (8)** letters (4 from the same objectors) have been received objecting to the proposed scheme for the following reasons:
- The rear of the building under construction is both higher and possibly even closer to my rear fence than the 2018 plan.
  - The plans then do not show how drainage of the toilet and other water will be dealt with.
  - Additional traffic.
  - Poor design.
  - Increased overlooking.
  - Poor layout.
  - The block plan is inaccurate.
  - Solar panels will block view.
  - Loss of the garage will mean that cars cannot turn around on site and will have to reverse onto the main highway.
- 5.2. **Two (2)** letters have been received in support of the proposed scheme for the following reasons:
- Good design
  - Accessible to those with disability

- Ample parking space

## 6. CONSULTATIONS

### 6.1. Sustainable Transport: Additional comments received in response to swept analysis submitted. Objection

Unable to support as the applicant Swept path analysis (tracking)

- Has not provided a route showing the manoeuvres from the indicated car parking space on the drawings (Car tracking diagram 1 and 2)
- Does not use a suitable size vehicle that demonstrate a family car can access the site conveniently. A large car should be used in the analysis.
- Does not include the proposed ramp. It is stated by the applicant agent this will be "clipped" by cars, and therefore residents are likely to make multiple manoeuvres to avoid the ramp. This would not being acceptable to the LHA (or residents nearby due to the noise and air pollution).

6.2. The removal of the garage will result in a potential loss of storage for cycle parking. Cycle parking was requested via condition at app BH2018/00104. We therefore ask for further details regarding cycle parking for the property via condition.

### 6.3. Sustainable Transport: Objection

The proposed removal of the garage and new parking space and pedestrian ramp will mean that there is no turning head for vehicles. This will mean that vehicles are likely to reverse the full length of the drive (approx. 100 meters) or making unacceptable manoeuvres to leave in a forward gear. This is contrary to DM33 policy of City Plan.

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## 8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP12 Urban design

CP14 Housing density

CP19 Housing mix

Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM22 Landscape Design and Trees

DM33 Safe, sustainable and active travel

DM35 Travel Plans and Transport Assessments

DM36 Parking and servicing

DM43 Sustainable Drainage

DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The approved scheme BH2018/00104 for 'Erection of a single storey three bedroom detached dwelling (C3) to rear of existing house' was approved on the 3rd May 2018. The Local Planning Authority considered the scheme to be acceptable in all regards and secured various details and measures by planning conditions.
- 9.2. Since the determination of application BH2018/00104, the Brighton and Hove Local Plan has been superseded by the Brighton and Hove City Plan Part Two (CPP2) and as such Local Plan Policies have now been fully replaced by policies of the CPP2. The relevant policies of CPP2 are similar in wording and aims of the Local Plan policies that it replaces and as such the principle of a new dwelling on the site remains acceptable, notwithstanding the fact that the development has already commenced.
- 9.3. The considerations to be taken into account in this application solely relate to the changes to condition 1 of the previous permission which relates to changes to the approved plans.



- 9.4. An assessment of the proposed alterations to the approved scheme are as follows:
- Changes to the internal layout - The conversion of the garage to habitable living space has been omitted since submission of the application. All other changes to the internal layout meet with requirements of the Nationally Described Space Standards (NDSS) and still provide a good standard of living accommodation,
  - Alterations to the materials - The stone cladding has been omitted to the north elevation with all external walls to be painted render. The approved zinc cladding of the mono-pitch roof would be replaced with slate effect tiles. The proposed changes to materials are not considered cause harm to the overall appearance of the dwelling and removal of the stone cladding is welcomed,
  - The addition of a canopy over the front door and a ramp to the door, and
  - Inclusion of photovoltaic solar panels to roof - the inclusion of solar panels would reduce the use of fossil fuels, which is encouraged. The panels will be situated behind a parapet wall on the on the northern elevation so will not be readily visible to No.70 and 72 Crescent Drive South. Given the length the gardens to 63 and 65 Brownleaf Road, the proposed photovoltaic solar panels are not considered to have a significant impact on these neighbouring properties.
- 9.5. Overall it is not considered that the proposed external changes would have a detrimental impact upon the visual amenities of the dwelling or the wider area and would not have a harmful impact upon the amenities of neighbouring properties, in accordance with policies set out above.
- 9.6. The concerns raised by the Council's transport team are noted. However the access to the new dwelling and the built form of the dwelling is as per the approved scheme. Since submission of this application the intention to convert the garage into living space has been omitted and therefore the garage is retained for parking in addition to other onsite parking provision. Whilst the proposed ramp, not shown with the submitted Swept Path Analysis, may impact slightly on the turning area in front of the dwelling, and may result in more manoeuvres being required to avoid the ramp, it is not considered that refusal on this basis could be sustained.

#### **Other matters**

- 9.7. Concerns have been raised about the access to the site. The agent has provided a copy of the title plan which matches the site plan outlined in red on the on drawing numbered 1313/01 with the addition of the access also outlined in red. Outlined in green is the retained house at No.72. The owner of the access road was issued Notice and Certificate B was completed on the application form, as required.
- 9.8. Concerns have also been raised about the height of the dwelling (the shell of which is mainly constructed) not meeting the approved planes. This has been investigated by the Council's Planning Enforcement Team and no breach has been found. The plans provided with this application clarify the land gradient in relation to the dwelling.

## **10. CONCLUSION**

- 10.1. The proposed amendments to the approved plans would not cause adverse harm to the character and appearance of the building or the streetscene. There will be no negative impact on the standard of accommodation to be provided or space provided. The proposed scheme is therefore recommended for approval.

## **11. EQUALITIES**

- 11.1. A 1:12 gradient ramp has been added to the entrance of the property to allow access to the dwelling to those with disabilities, and the internal space includes a layout which could be adapted to those with disabilities.

## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. The proposal would be more energy efficient. In accordance with policies CP10 and DM37, an enhancement of biodiversity on site is required and conditions requiring a bee brick and swift brick/boxes are recommended.

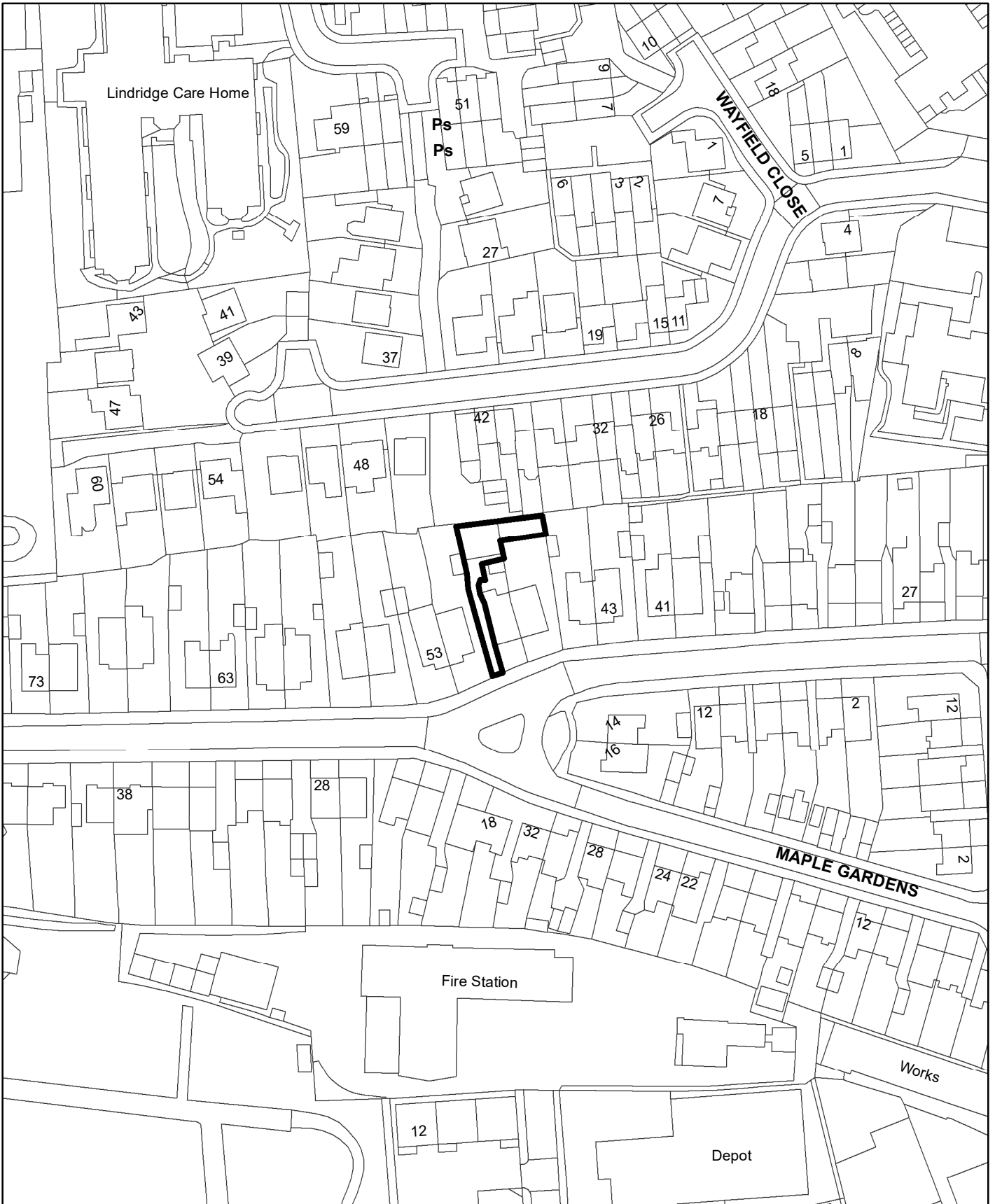
# **ITEM E**

**Studio, 49 Elm Drive  
BH2023/00026  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**



# BH2023 00026 - Studio, 49 Elm Drive



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/00026</b>	<b><u>Ward:</u></b>	<b>Hangleton And Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Studio 49 Elm Drive Hove BN3 7JA</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing studio and erection of 2no bedroom dwelling (C3).</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	09.01.2023
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	06.03.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Paul Heath C/o Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	TA1443/04	B	8 March 2023
Proposed Drawing	TA1443/10	B	23 March 2023
Proposed Drawing	TA1443/11	B	15 March 2023
Proposed Drawing	TA1443/12	B	23 March 2023
Proposed Drawing	TA1443/13	C	23 March 2023
Proposed Drawing	TA1443/14	C	23 March 2023
Proposed Drawing	TA1443/15	B	23 March 2023
Report/Statement	Tree Development Report	-	7 March 2023
Report/Statement	Tree Retention and Protection Plan	-	7 March 2023

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the

construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.

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 CP12 of the Brighton & Hove City Plan Part One; and DM18 of the Brighton & Hove City Plan Part Two.

4. (i) The rooflight on the south roof slope hereby permitted shall be obscure-glazed, and thereafter permanently retained as such.
- (ii) The windows on the north and east elevations at first floor level serving Bedroom 1 shall be:
  - a. Obscure-glazed, unless the parts which are clear-glazed are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
  - b. Non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies CP12 of the Brighton & Hove City Plan Part One, and DM18, DM20 and DM21 of the Brighton & Hove City Plan Part Two.

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

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of the Brighton & Hove City Plan Part Two.

7. The development hereby permitted shall be carried out strictly in accordance with the details within the Tree Development Report and upon the Tree Retention and



Protection Plan provided by Connick Tree Care, received by the Local Planning Authority on 7th March 2023.

Reason: As this matter is fundamental to protecting the trees which are to be retained around the edges of the site during construction works in the interest of the visual amenities of the area and to comply with policies CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.

8. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
Reason: To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.
9. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.  
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of the Brighton & Hove City Plan Part Two.
10. Other than demolition works, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.  
The development shall subsequently be implemented in accordance with the approved details.  
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 policies DM42 and DM43 of the Brighton & Hove City Plan Part Two.
11. The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been installed and made available for use.  
The approved 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 policies CP8 of the Brighton & Hove City Plan Part One, DM20 of the Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
12. The residential unit development hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'B'.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with Policy DM44 of the Brighton & Hove City Plan Part Two.

13. The dwellinghouse hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

14. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 DM33 of the Brighton & Hove City Plan Part Two and SPD14.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos)
5. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
6. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing

machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

7. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
8. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
9. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
10. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application. The new building regulations will come into force for building regulation applications made on or after 15th June 2022. The new requirements will not apply to applications made prior to June 15th, providing building work have commenced before 15th June 2023 on all aspects of the application. This gives 1 year's grace to allow commencement.

## **2. SITE LOCATION**

- 2.1 The application site comprises a single storey dwelling at the rear of the plot of no.49 Elm Drive. It was originally built as an incidental outbuilding servicing the main dwellinghouse; however, it has been established that it has been in use as a separate dwelling since at least 2016 and benefits from a lawful status by being immune from enforcement action, in accordance with Section 171B of the Town and Country Planning Act 1990 (as amended).

## **3. RELEVANT HISTORY**

**BH2021/00573** Prior approval for the erection of an additional storey to form a first floor extension. Prior Approval Refused - Appeal Dismissed, with the Inspector upholding only reason for refusal no.3

1. The proposed development includes slate roof tiles which are dissimilar in appearance to the existing corrugated roofing material. The development would not therefore represent permitted development as it would breach the restrictions of Schedule II, Part One, Class AA.2(2a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The proposed additional storey would include windows that would be highly visible from the private gardens and rear windows of properties including no.44 Wayfield Avenue and nos. 49 and 51 Elm Drive; this would result in significant perceived loss of privacy for occupants of these properties which would be detrimental to their amenities.
3. By virtue of the building's position, size and materials, the design and architectural features of the principal elevation of the dwellinghouse as a result of the proposed development would result in a bulky building form which would be out of character with the area and harmful to the wider streetscene.

**BH2020/03788** Prior approval for the erection of an additional storey to form a first floor extension. Prior Approval Refused

1. The proposed additional storey would include windows that would provide unobstructed views into the private gardens and rear windows of properties including no.44 Wayfield Avenue and nos. 49 and 51 Elm Drive; this would result in overlooking that would cause a significant perceived and actual loss of privacy for occupants of these properties which would be detrimental to their amenities.
2. By virtue of the building's position, size and materials, the design and architectural features of the principal elevation of the dwellinghouse as a result of the proposed development would result in a bulky and utilitarian building which would be out of character with the area and harmful to the wider streetscene.

**BH2020/02147** Certificate of lawfulness for existing use as 3no self-contained dwellings (C3). Approved

**BH2003/00656/CL** Certificate of Lawfulness for proposed development of a block-built garage under a tiled roof. Approved

#### **4. APPLICATION DESCRIPTION**

- 4.1 Planning permission is sought to demolish the existing dwelling and erect a new chalet bungalow style dwellinghouse with rooms in the roof. The proposed design includes a simple pitched roof design with a rear (north) facing gable end featuring a small window bank, and a side (east) facing dormer window.

#### **5. REPRESENTATIONS**

**Fifteen (15)** representations have been received, objecting to the proposal on the following grounds:

- Development has commenced prior to any permission being granted
- There is no need for additional housing locally, given permitted major schemes in the area
- The development is ugly
- The proposed development is not in keeping with the local streetscene
- If approved, the dwelling would be enlarged using 'permitted development' rights
- Loss of privacy
- Loss of light/overshadowing
- Noise nuisance
- Light pollution
- New access onto Wayfield Avenue
- The proposed development would increase vehicle congestion and parking stress
- It would not be possible to enforce a 'car free' development
- The proposed development would limit access to the two flats within no.49 Elm Drive
- Increased risk of flooding
- Land contamination
- Damage to trees in the vicinity
- The design promotes an unsustainable lifestyle
- The development is contrary to private covenant
- The proposed development could set a harmful precedent
- The existing dwelling is unoccupied, contrary to the applicant's statement
- Emergency services may not be able to access the proposed dwelling
- Inaccuracies in the Community Infrastructure Levy documentation

## 6. CONSULTATIONS

### **Arboriculture – Verbal:**

The trees in the rear garden of no.47 Elm Drive are not of sufficient quality to merit an emergency Tree Preservation Order. Nevertheless, tree protection measures to mitigate the potential impact on these trees and the street tree in front of the application site on Elm Drive should be secured by condition in the interest of mitigating the impact of development.

### **Environmental Health:**

The previous uses of the site are unknown, and the existing roof could contain asbestos. It is recommended that if planning permission is granted that it be subject to a condition requiring further investigation into potential land contamination.

### **Southern Water:**

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

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

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**Transport:**

The application is acceptable subject to confirmation that the access would be sufficient for a fire engine to access the dwelling in case of emergency, provision of cycle storage and an easement providing access for number 49 Elm Drive to their existing off street parking.

## **7. MATERIAL CONSIDERATIONS**

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

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## 8. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

- SS1 Presumption in Favour of Sustainable Development
- SA6 Sustainable Neighbourhoods
- CP1 Housing Delivery
- CP8 Sustainable Buildings
- CP9 Sustainable Transport
- CP10 Biodiversity
- CP11 Flood Risk
- CP12 Urban Design

#### Brighton & Hove City Plan Part Two

- DM1 Housing Quality, Choice and Mix
- DM18 High quality design and places
- DM20 Protection of Amenity
- DM21 Extensions and alterations
- DM22 Landscape Design and Trees
- DM33 Safe, Sustainable and Active Travel
- DM35 Travel Plans and Transport Assessments
- DM36 Parking and Servicing
- DM37 Green Infrastructure and Nature Conservation
- DM42 Protecting the Water Environment
- DM41 Polluted sites, hazardous substances & land stability
- DM43 Sustainable Drainage
- DM44 Energy Efficiency and Renewables

### East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

- WMP3 Implementing the Waste Hierarchy

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1 The main considerations in the determination of this application relate to the design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents; and on highway safety.

### Principle of Development

- 9.2 The proposed dwelling would replace the existing lawful dwelling; given the fact that an established lawful dwelling currently occupies the development site, it is not considered reasonable to raise any strong objection in principle to its replacement with another single dwelling. There is no net gain in residential units on the site.

- 9.3 Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.4 The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.5 As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

#### Design and Appearance

- 9.6 The proposed development has a simple pitched roof design with a rear (north) gable end, a small dormer window on the east roof-slope and a total of two rooflights on the front and west-side roof slopes.
- 9.7 External materials include red roof tiles and weatherboarding on the external walls. Red clay tiles are characterful of the wider area and are considered to integrate well with the built environment. Weatherboarding is not common within the local area but is considered to be acceptable for this small, back-land development. Two sets of elevational drawings have been submitted showing two different options for the colour of weatherboarding; in the interest of clarity, the proposed external materials for the development shall be secured by condition in the interest of visual amenity.
- 9.8 The proposed development is a similar scale to the existing building but evokes a more traditional residential character. The existing building is of no architectural merit and appears as a rather tired, industrial structure that is ill-suited within its setting.
- 9.9 It is considered that the removal of the existing building is welcomed and that the proposed structure would be a marked improvement in visual amenity and build quality. Though concerns have been raised regarding the appearance of the building and it has been described as ugly in the representations received, it is considered simple in design and suitable as a back land garden development. Though it has a greater height than the existing structure, the proposed building is considered to be a suitable replacement that would not cause any significant harm to the visual amenity of the area and whilst architecturally simple in design, it is not considered so harmful to warrant refusal of the application.



- 9.10 Concerns have been raised that the development would not fit in well with the character of the local streetscene. As a back-land development the existing building is already atypical of the area. It is considered that in terms of form and roof materials the development does fit in as well as can be expected with the other dwellings in the area. The consideration is whether the proposed structure is so significantly different to the existing that would cause further harm. The proposed structure is not highly visible from the Elm Drive streetscene and so its need to directly adhere to the character of the streetscene is not considered to be a significant issue. It is considered that the proposal would have a neutral impact on the character of the area given the existing structure and establishment of a dwelling in this position.
- 9.11 The proposed dwellinghouse would be visible from Wayfield Avenue across a car park to the rear of no.44, presenting the gable end and the bedroom window. It is not considered that this would cause any significant harm to the visual amenities from north of the site.

#### Impact on Amenities

- 9.12 The proposed development would be approximately 0.65m taller than the existing structure and approximately 3.1m taller than the existing north boundary fence. It would cast a longer shadow than the existing structure but given it rises to a central gable point (rather than being the maximum height along its entire length) it is not considered that this shadow would be particularly harmful that would warrant refusal of the application.
- 9.13 West of the site is the garden of no.51 Elm Drive; given the orientation of the land, the pitched roof-form, and the fact the proposed dwelling would be adjacent to a garage within the curtilage of no.51, it is considered that the impact from shadowing would be acceptable. Some limited shadowing may occur in the early hours of the day, but this would only impact on the far (north) end of the rear garden and should not be significantly impactful on the amenities of neighbouring residents.
- 9.14 Northwest of the site is the rear garden of no.46 Wayfield Avenue, the closest boundary of which is approximately 6m from the corner of the proposed dwellinghouse. The pitched roof-form of the proposed development will mitigate overshadowing, and the potential morning shadow cast across the south end of the garden of no.46 Wayfield Avenue is not considered to cause any significant harm.
- 9.15 Directly north of the development is a car park, and the private gardens of nos.42 & 44 Wayfield Avenue. The gardens of these two properties are separated from the application site by approximately 9m and it is considered that the development would have an acceptable impact on the amenities of occupants therein from overshadowing. The rear gardens of nos.40 and 42 are considered likely to be more impacted upon by the existing garage that sits between said gardens and the proposed dwelling.

- 9.16 The rear (south) end of the garden of no.38 Wayfield Avenue is approximately 3.8m northeast from the closest corner of the proposed dwelling and may experience some overshadowing in the afternoon hours. This garden is already likely to be overshadowed by the abovementioned detached garage and any additional shadowing from the proposed development that would affect over the southern tip of the garden is unlikely to be significantly impactful. It should also be noted that some overshadowing of this area likely already occurs from the mature trees in the garden of no.47 Elm Drive.
- 9.17 Directly east of the proposed dwelling is the north end of the rear garden of no.47 Elm Drive. The shadow of the proposed dwelling is only likely to fall across any of this curtilage in the late afternoon/early evening and would not affect the areas closest to the main house. Shadowing is also already likely from the mature trees in this garden, so additional significant impact is unlikely.
- 9.18 It is considered that the overshadowing as a whole would be less impactful, and the development is acceptable in this regard. It should also be noted that previously refused applications for a full two-storey building in this location would have cast a larger shadow than the current proposal and were both found acceptable in this regard. The Planning Inspector for application BH2021/00573 also did not raise shadowing as a concern.
- 9.19 The potential impact caused by the building works themselves is not a material planning consideration to be given any weight in the assessment of the acceptability of this proposal. Although some level of disruption is very likely, this would be in the short-term only and is not reason to withhold planning permission. The proposed development represents a net increase of one bedroom on the site and it is not considered likely that the additional noise output associated with the occupation of this dwelling would be significant or warrant objection. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 9.20 Concerns have been raised that the proposed development would lead to an impact on amenities due to light pollution. Light spill from ground floor windows/doors would be largely blocked by the boundary fencing and trees in the area. Light spill from the two rooflights and two upper floor windows is not considered likely to cause any significant harm or merit refusal of the planning application. The application site is surrounded by other residential properties that are two-storey in height and have a larger number of windows. Any light from the windows of the proposed dwelling would have a similar impact to the existing setting; the LPA has no significant concerns in this regard.
- 9.21 Concerns have been raised that the proposed development would cause harm to the amenities of local residents due to the impact on privacy from the upper floor windows.
- 9.22 The south-facing rooflight would provide views into the rear gardens of nos.47-51 Elm Drive. Though these gardens already have some mutual overlooking from existing windows, the rooflight would provide slightly more compromising views (back towards the dwellings themselves and possibly into windows). However,

given the rooflight serves quite a small ensuite bathroom and is less likely to be used for views, it is not considered that the impact on the privacy of Nos.47-51 would be significantly harmful. Nevertheless, it is considered that a condition requiring the rooflight to be fitted with obscure glazing should be attached to any planning consent. Given the desirability of natural ventilation for a bathroom it is considered it would be unnecessarily onerous to also require the rooflight to be fixed shut, and that the installation of obscure glazing would, in this instance, satisfactorily address the concerns.

- 9.23 The west-facing rooflight would face out over the garage roof then rear garden of no.51 Elm Drive; given the internal height of the rooflight (with the lowest point being approximately 1.7m off the floor) and the fact it serves a bedroom, it is not considered that it would be likely to be used for views into private gardens but would provide useful skyward outlook for residents.
- 9.24 The north-facing window serves a bedroom and would offer views across the car park and potentially into the gardens of nos.42 and 44 Wayfield Avenue. The east-facing (dormer) window also serves the bedroom and would offer views across the rear gardens of nos.43-47 Elm Drive. There is potential for harm in this regard; loss of privacy would make these rear gardens less desirable as amenity spaces. The Planning Inspector for application BH2021/00573 made the ruling that windows fitted with measures to restrict views (such as obscure glazing and limited opening method) would have an acceptable impact on the amenities of local residents, and that the LPA had given too much weight to perceived overlooking. In light of that decision, it is considered that the two windows could be acceptable subject to a condition requiring both be fitted with obscure glazing up to an internal height of 1.7m, and also to be fixed shut to an internal height of 1.7m. This should allow for acceptable outlook and natural ventilation for occupants, whilst also safeguarding the amenities of neighbouring residents.

#### Impact on the Public Highway

- 9.25 It has been raised in the representations received that the proposed development would promote an unsustainable lifestyle, and that occupants are unlikely to cycle and more likely to own multiple private motor vehicles. This view is not considered to be supported by any clear evidence; the proposed development includes secure cycle parking (which could be secured by condition) and the site is proximate to local bus routes and Aldrington Railway Station, so future occupants would have practical means of sustainable travel.
- 9.26 The proposed development aspires to be 'car-free', but since the site does not lie within a Controlled Parking Zone, occupants would be free to park any vehicles on the public highway, so the Local Highway Authority would not have the power to secure car-free development in any case. The concern of local residents that there is a high level of parking stress in the area is noted, however, there is a dwelling sited in the rear garden currently.
- 9.27 It should be reiterated that there is no net increase in dwellings on the land; a single-bedroom unit is being replaced with a two-bedroom unit, and the likely increase in trips from the site is considered to be insignificant.

- 9.28 The Highways team have commented on the application and have raised concerns that fire engines should be able to access the site. Whilst this is noted, this would be something that is dealt with at the Building Regulations stage. The plans indicate the location of the cycle parking and is shown to be an open store. This would not be acceptable and a condition is required for the submission of further details that would meet the requirements of SPD14.
- 9.29 Concerns have been raised that the proposed development would limit the access to the two flats within no.49 Elm Drive. Given that access is unchanged from the existing, it is not clear why this would be the case. Moreover, the Highways team have advised that there should be an easement agreement to ensure access to the garages attached to the existing house at the front, 49 Elm Drive is maintained. However, since there is an existing dwelling in situ and this is a replacement of the existing dwelling with a new dwelling, it is not considered that this would be a reasonable requirement.
- 9.30 Concerns have been raised that a new access onto Wayfield Avenue (through the north edge of the site) would be created; however, such an access is not shown on the submitted drawings, so this has been given very limited weight. Depending on the ownership of the boundary wall/fence, access could be created without the need for express planning permission and matters surrounding rights of way are civil in nature so should not be given any weight in this assessment.

#### Standard of Accommodation

- 9.31 The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These standards have been formally adopted into policy DM1 of the CPP2 and can now be given full weight.
- 9.32 The new residential unit would provide a gross internal area (GIA) of approximately 76m<sup>2</sup>. This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 9.33 The dwelling is laid out as a two-bedroom, three bed-space house over two storeys, and should provide a minimum GIA of 70m<sup>2</sup> to comply with the NDSS and policy DM1 of the CPP2; which it comfortably exceeds. The layout is sensible with good circulation spaces and natural light provision for each room. The top floor bedroom is required to have obscure fixed to parts of both windows in the interest of safeguarding the amenities of neighbouring residents, so the scheme has been amended to include a single west-facing rooflight that can provide some skyward outlook, in order to mitigate this. The private garden for the dwelling is small but commensurate with the size of the property. There is space to the front of the dwelling for refuse and recycling bins, and for secure cycle parking, and the dwelling offers level access. There are no concerns with the standard of accommodation that would be offered to future residents.

### Sustainability

- 9.34 Policy DM44 requires new build residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B'. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. This can be secured by condition.

### Other Considerations

- 9.35 It has been stated in the representations received that development has commenced prior to any permission being granted. No development was observed at the time of the site visit; however, to seek planning permission retrospectively is a valid course of action in the development process and should not be weighed against a developer in the assessment of the propriety of a proposal. As there has been no evidence that the development has commenced, this application has been treated as a prospective proposal.
- 9.36 The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A suitably worded condition will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policies CP10 of the City Plan Part One and DM37 of the City Plan Part Two as well as SPD11.
- 9.37 Concerns have been raised that by granting permission for the proposed development a harmful precedent could be established. Each planning application is assessed on its own merits and the decision made in this regard to this application would not automatically set a precedent either for or against similar development in the area. It should again be reiterated that the proposed development site is atypical of the area and represents the replacement of an existing lawful dwelling that has become lawful due to the length of time it has been in situ; it should not be considered as a new subdivision of the land or establishment of a new planning unit. It should not be considered to set a precedent for other development in the area where a back-land dwelling would be a new addition to the housing stock.
- 9.38 Concerns have been raised that the proposed development would be contrary to a private covenant on the land. Private covenants are separate from the planning process and cannot be afforded any weight in this assessment.
- 9.39 It has been suggested that the proposed development would increase the risk of local flooding. Given that the proposed development has a footprint equal to that of the existing structure and therefore is likely to result in an equal amount of rainwater run-off, it is not understood why it would lead to increased flooding. Nevertheless, developments should seek to improve the quality of drainage over pre-existing conditions and introduce SuDS wherever practicable. Further information shall be secured as part of a landscaping condition.

- 9.40 Concerns have been raised that emergency services would not be able to access the new dwelling; however, it has been confirmed with a Building Control Surveyor that this is not the case. The access to the site is unchanged from the existing arrangement, which includes a driveway with a length of approximately 28m. Emergency Service use hoses with a length of 40m, so there are no reasonable grounds to suppose that the dwelling would be inaccessible.
- 9.41 Concerns have been raised that if permission is granted and the development carried out, it could later be enlarged through permitted development rights found in the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Given the constraints of the site and the high likelihood that further development could introduce detrimental impacts either visually or upon the amenities of neighbouring residents, the LPA would seek to remove the permitted development rights of the dwelling by condition, in order to have more control over any future development; such a condition would successfully mitigate this reasonable concern.
- 9.42 Concerns have been raised that the development site may be contaminated. Given the historic uses of the site (as a garage and vehicle workshop) this is a reasonable concern and planning permission shall only be granted subject to a condition requiring works cease if unidentified contaminants are found during the construction process, and for mitigation measures to be agreed with the LPA and implemented prior to works recommencing. Though it is noted that the building was most recently in use as a (C3) dwelling, the conversion works were not subject to any regulatory controls (since they became lawful through length of time) there is reasonable potential that contamination has not been sufficiently mitigated to date.
- 9.43 There are several mature trees adjacent to the development site in the rear garden of no.47 Elm Drive. The Council Arboriculture Officer has assessed these trees based on photographs taken at the time of a site visit and does not consider them to be of sufficient quality to merit a Tree Preservation Order, and that they should not be considered as a constraint to development. The submitted Tree Development Report from Connick Tree Care is considered suitable to demonstrate that development can be achieved without an undue detrimental impact on the health of these trees. The footprint of the proposed dwellinghouse is smaller than that of the existing structure and it has been reported that the existing building was constructed around a similar time to the closest (and largest) trees, so the root systems of these trees would not necessarily intrude into ground that would be needed for the foundations of the proposed development.
- 9.44 The street tree at the front of the site contributes positively to the visual amenity of the area and requires protection measures to ensure its health is safeguarded throughout the delivery and construction period. On-site tree protection measures for all trees outside of the development site shall be secured by condition in the interest of safeguarding the biodiversity of the site, as well as visual amenity.

### Conclusion

9.45 For the reasons outlined above, the proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents. Planning conditions in the interest of visual and residential amenity, biodiversity and sustainability shall be included. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP1, CP8, CP9, CP10, CP11 and CP12 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM20, DM22, DM33, DM35, DM36, DM37, DM41 and DM43 of the City Plan Part Two.

## **10. EQUALITIES**

10.1 The proposed dwelling appears to offer level access and so could be suitable for persons with a mobility-related difficulty. Development in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) shall be secured by condition. Some concern has been raised during the application regarding external access to the garden for wheelchair users, however, since access is possible through the dwelling, this is considered acceptable.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

11.1 It has been asserted in the representations received that the CIL information has been incorrectly submitted. The CIL Team will independently assess the submitted information and determine if the application is liable for a CIL charge. This will not have any impact on the planning merits of the application.

11.2 Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £2,550.90. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.

## **12. CLIMATE CHANGE/BIODIVERSITY**

12.1 Biodiversity improvements including a bee brick shall be secured by condition within the approved development. Tree protection measures shall be required in order to safeguard the health of trees around the site.

12.2 Re-use of an existing site will reduce pressure on undeveloped land for creating housing and the subsequent environmental impact. The application site is in a sustainable location in terms of transport, with bus routes and Aldrington Railway Station within walking distance. Secure cycle parking is shown on the approved drawings and shall be secured by condition.





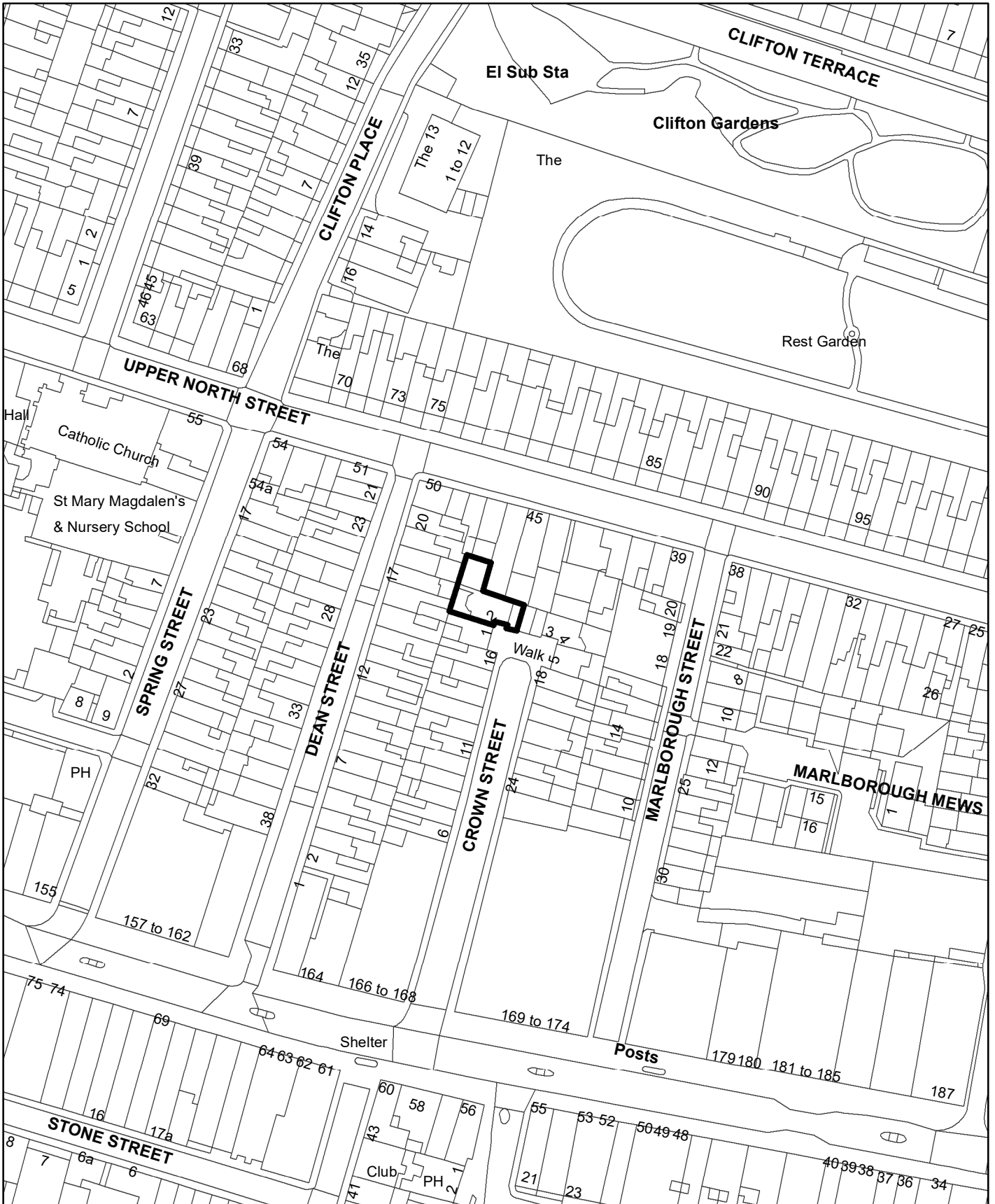
# **ITEM F**

**2 Bishops Walk, Crown Street  
BH2022/03842  
Householder Planning Consent**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**



# BH2022 03842 - 2 Bishops Walk, Crown Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/03842</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>2 Bishops Walk Crown Street Brighton BN1 3EH</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension to replace existing conservatory; roof alterations incorporating fitment of solar tiles and 3no. rooflights; new green roof on existing flat roof and reduction of small sloping roof to flat roof at the rear; composite timber cladding on rear elevations; replacement windows and doors to front and rear and associated alterations. (amended)</b>		
<b><u>Officer:</u></b>	Charlotte Tovey, 202138	tel: <b><u>Valid Date:</u></b>	15.12.2022
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	09.02.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	10.04.2023
<b><u>Agent:</u></b>	SC Planning 21 Prince Edwards Road Lewes BN7 1BL		
<b><u>Applicant:</u></b>	Mr and Mrs Christopher and Rachel Twigg 2 Bishops Walk Crown Street Brighton BN1 3EH		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	1.001	Rev B	28 February 2023
Proposed Drawing	2.003	Rev B	28 February 2023
Proposed Drawing	2.004	Rev A	16 March 2023
Proposed Drawing	2.005	Rev B	28 February 2023

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

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

3. The colour of the approved PV solar slate tiles hereby permitted shall match in colour the existing tiles of the existing east facing and neighbouring roofslopes.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18, DM20, DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. The rooflight(s) hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One
5. The second floor windows in the east facing elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
6. Access to the first floor rear living flat roof hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
7. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. The development hereby permitted shall incorporate at least one swift bricks/boxes within the external walls of the development and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height

above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

## **2. SITE LOCATION**

- 2.1. The application site comprises of a two storey dwellinghouse located on the north west corner of Bishops Walk. Bishop's Walk is a terrace of houses situated at the northern end of Crown Street within the Montpelier and Clifton Hill Conservation Area. It is on a site of a former school and factory. The existing building was constructed in the mid 1980's.
- 2.2. The building is finished in white painted render, fitted with white aluminium powder coated windows and the principle roof is pitched and fitted with grey slate roof tiles. The application site currently has white timber windows to its street elevation which differs from those installed in the remainder of the Bishops Walk building. To the rear, the site building has a ground floor conservatory extension that leads out to a small courtyard. There is a first floor rear bay that connects to an existing small rear terrace at first floor. The property has been altered with the addition of a first floor rear extension with a flat roof that sits to the north of the enclosed courtyard. The street scene is primarily residential and Bishops Walk appears as a newer terrace within the street scene.
- 2.3. The site is not listed however it does share a boundary with two Listed Buildings situated to the north of the site at no. 47 and no. 48 Upper North Street.

## **3. RELEVANT HISTORY**

- 3.1. **BH2003/03178/FP** First floor rear extension. Approved 01.12.2003

## **4. APPLICATION DESCRIPTION**

- 4.1. As originally submitted, the scheme included a roof terrace on the flat roof of the first floor extension. During the application amendments were received removing this element.
- 4.2. Planning permission is sought for erection of single storey rear extension to replace the existing conservatory; roof alterations incorporating fitment of solar

tiles and 3no. rooflights; new green roof on existing flat roof and reduction of small sloping roof to flat roof at the rear; composite timber cladding to the rear elevations; replacement windows and doors to front and rear and associated alterations.

## 5. REPRESENTATIONS

5.1. **Eight (8)** representations have been received objecting to the proposal on the following grounds:

- Adversely affects the Listed Building
- Adversely affects Conservation Area
- Detrimental affect on property value
- Noise
- Overshadowing/ loss of light
- Restriction of view
- Too close to the boundary
- Loss of privacy
- Inappropriate height of development
- Overbearing
- Impact to wildlife

5.2. **One (1)** representation has been received, making the following comments on the proposal:

- As my main concern was the impact of the roof terrace and this has now been withdrawn from the proposal I am happy to withdraw my objection. However I am still worried about damage to the ivy on the adjacent wall which is very close to where the cladding will be fitted. This ivy currently supports some roosting and nesting house sparrows. Would it be possible to include a clause in any approval to the effect that the ivy must not be damaged by the works.

## 6. CONSULTATIONS

None

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part Two (adopted October 2022);
- Brighton & Hove City Plan Part One (adopted March 2016);



- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## 8. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development  
 CP10 Biodiversity  
 CP12 Urban design  
 CP15 Heritage

#### Brighton and Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix  
 DM18 High quality design and places  
 DM20 Protection of Amenity  
 DM21 Extensions and alterations  
 DM26 Conservation Areas  
 DM29 The Setting of Heritage Assets  
 DM37 Green Infrastructure and Nature Conservation  
 DM43 Sustainable Drainage  
 DM44 Energy Efficiency and Renewables

#### Supplementary Planning Documents

SPD09 Architectural Features  
 SPD12 Design Guide for Extensions and Alterations

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact upon the Conservation Area, the impact upon the adjacent Listed Buildings and the impact on neighbouring amenity.
- 9.2. A site visit has been undertaken in this instance and the impacts of the proposal can be clearly assessed from the plans, the site visit and from recently taken aerial imagery of the site.
- 9.3. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

## Design and Appearance and Impact on Heritage Assets

- 9.4. Planning permission is sought for alterations to the front elevation of the dwellinghouse that include the fitment of photovoltaics (PV) slate roof tiles on the south facing front roofslope, the insertion of 3no. conservation style rooflights to the front facing roof slopes and the replacement of the existing timber framed windows and door with white aluminium double glazed windows and new timber framed double glazed door.
- 9.5. Concerns were raised during neighbour consultation that the proposed alterations would detrimentally affect the Conservation Area and Listed Buildings within the vicinity of the site.
- 9.6. The proposed PV slate tiles are considered an acceptable alteration to the roof that would be sympathetic to the existing materials and would not harm the conservation area. Due to their position upon the front roof slope, it is considered that they would not detract from the appearance of the Listed Buildings on Upper North Street and are considered an acceptable distance from the southern Listed Buildings on Crown Street. A condition is attached requiring that the colour of the PV tiles match the existing slate as to not cause harm to the appearance of the building or wider conservation area. Subject to this condition this aspect of the proposal is considered to be acceptable.
- 9.7. The 3no. proposed rooflights would be fitted to the front elevation of the roofslope, 2no. fitted to the south facing slope and 1no. to the east facing slope. They would be suitably scaled and positioned discreetly within the roof space to not appear visually cluttered. They would not appear incongruous with the street scene as it is noted that no. 12 and no. 10 Crown Street have a rooflight fitted to the front elevation of their roof slopes. A condition is attached requiring that the rooflights are black conservation style and fitted flush to the slope of the roof. Only in this instance is the number of rooflights considered acceptable due to the site's discreet location set within the western corner of the terrace at Bishop Walk's. There is no through road connecting Crown Street to Upper North Street which would limit their visibility and impact upon the Conservation Area.
- 9.8. The new glazing proposed upon the front elevation would replace the existing 3no. timber framed sash windows with white aluminium double glazing to match the adjacent properties of Bishop's Walk and replace the existing timber framed door with a new timber solid door with an obscured double glazed pane of glass.
- 9.9. The site visit demonstrated that the existing windows are in poor condition and it is acknowledged that they are in need of replacement. It also demonstrated that all of the other glazed windows to the front elevation of Bishop Walk at the neighbouring properties are white aluminium units and non original. Bishop Walk appears as a relatively new addition to the conservation area, built approx. in the mid 1980's. Therefore, whilst the proposed use of modern materials upon the front elevation would not normally accord with SPD09 there is some rationale to this alteration due to the context of the site. Due to the prevalent material of aluminium and double glazing on all of the other dwellings, it is not considered in this instance that the proposed alterations would cause significant harm to the

appearance of the building, conservation area or Listed Buildings on Crown Street to warrant refusal.

- 9.10. Permission is also sought for alterations to the rear to replace the existing conservatory, which is approx. 1.3m deep x 2.7m in height with a pitched roof and 4.3m wide, situated centrally upon the rear elevation within the courtyard. The new conservatory would retain the same depth, slightly increase the height to approx. 2.9m, increase the width to 5.7m abutting the shared boundary wall with no. 1 Bishop Walk that is approx. 3.5m in height.
- 9.11. The courtyard is modest in size and surrounded by a tall boundary walls, making the conservatory largely unseen. Due to the presence of the high boundary wall, the courtyard would have little enjoyment of natural light to be used as an outside space therefore a wider conservatory would be an appropriate use of this space and still retain a sufficient amount of uncovered external yard for use by the occupants. The materials would be powder coated aluminium framed glazing that would maximise the ingress of natural light into the kitchen/ diner. Whilst the use of glass would not accord with the materials of the host building due to its orientation at the rear and concealment below the boundary walls is considered an acceptable alteration that would not cause harm to the conservation area or setting of the Listed Buildings within the vicinity of the site.
- 9.12. Permission is also sought to replace the existing felt flat roof of the first floor rear extension with a green living roof and to insert 2no. obscured glazed rooflights. The alterations would not be visible from the street scene and are considered an improvement upon the current materials. It is not considered that the alterations would result in harm to the setting of the Listed Buildings north on Upper North Street. Due to the orientation of the works at the rear it is not considered to be harmful to the appearance of the building or character of the wider conservation area in accordance with SPD09.
- 9.13. Permission is also sought to replace the existing windows upon the rear elevation with grey powder coated aluminium framed units and to change the material pallet at the rear to grey timber cladding. The existing rear elevation of the building is a mixture of brick, render and brown and black hung tiles and the existing glazing is a mixture of white timber and white aluminium windows. The rear elevation of the building is largely concealed from view by the tall boundary walls of the courtyard. Due to the orientation of the site the rear elevation would not be visible to the public realm and are considered, on balance, acceptable. They are not considered to cause harm to the appearance of the building, character of the conservation area or the setting of the Listed Buildings within the vicinity of the site.
- 9.14. Permission is also sought to replace the existing pitched roof of the first floor rear addition with a flat roof and fit 2no. windows to the rear elevation to provide natural light into the loft conversion which would be used as an artist studio. The proposed alteration to the pitch of the roof would be a modest alteration that is not considered to cause harm to the appearance of the building. The new windows would be grey powder coated aluminium windows that would accord

with the other fenestration on the rear elevation and would accord with the new material palette of grey timber cladding.

- 9.15. Overall, the proposed extension and alterations would represent an acceptable addition to the host dwellinghouse and would not detrimentally impact on the character and appearance of the streetscene given the modern materials already prevalent within the vicinity of the site and the enclosed rear of the site not being visible from the public realm. The extension would retain the same depth as the existing conservatory and the proposal is considered to be broadly in accordance with Brighton & Hove City Plan Part Two policies DM18, DM21, DM22, DM26 and DM29 and City Plan Part One policies CP12 and CP15.

#### Impact on Amenities

- 9.16. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.17. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation. The main consideration to the development would be the impact upon the neighbours amenity to the south at no. 1 Bishop's Walk, to the dwellings east on Dean Street and north on Upper North Street.
- 9.18. Concerns were raised during neighbour consultation that the proposed alterations to the dwelling house would result in detrimental levels of noise from the new roof terrace and that it would overlook habitable rooms and gardens. The proposed privacy screening needed to mitigate any overlooking would result in a loss of light, a restriction of view and be could be overbearing to the local residents.
- 9.19. Satisfactory amendments have been made to the proposed alterations and the applicant is no longer seeking permission to erect a roof terrace upon the flat roof of the first floor rear extension. A condition is attached restricting access onto the flat roofs at the rear of the building to be for repairs and maintenance only in order to protect the amenity of the neighbouring residents.
- 9.20. The proposed new glazing fitted to the rear of the building would replace existing windows, with the exception of the two new units fitted to the second floor of the rear elevation. The units would be an acceptable size that would provide natural light into the artist studio in the loft. Due to the high level glazing and already proposed obscuring of the northern most window it is not considered to detrimentally overlook the neighbours amenity to warrant refusal, however, a condition to ensure the obscuring of the windows up to 1.7m from floor level is proposed in the event of an approval.
- 9.21. Concerns were raised that the proposed alterations at the rear would be positioned too close to the boundary and an inappropriate height of development. The new ground floor rear extension would replace the existing conservatory and retain the same depth as the existing structure, only increasing

in height by 0.02m. The site visit demonstrated that the extension would not overshadow the neighbours amenity area due to the extensions positioning below the existing boundary walls with its southern and eastern neighbours and the increase in footprint would retain suitable courtyard amenity space for the occupants.

- 9.22. Overall the proposal would not cause harm to the residential amenity that would be considered so harmful to warrant refusal of the application.

#### Sustainability

- 9.23. The proposed solar tiles mounted on the principle roofslope would aid with meeting the building's heating and energy needs. This is in general compliance with City Plan Part One Policy CP8. The provision of a living green roof would help with the reduction of rainwater run-off, which is supported as is the water butt that is proposed in the courtyard which would accord with DM43 of City Plan Part Two to provide improved sustainable drainage on site.

#### Standard of Accommodation

- 9.24. The proposed external alterations would internally enlarge the existing ground floor kitchen/ dining room. The alterations to the smaller bedroom include the removal of the en-suite shower and fitment of built in storage. The re-configured bedroom would meet the Nationally described space standards minimum floorspace of 7.5msq for a single bedroom. The proposed new layout would improve the overall standard of accommodation which would accord with Policy DM1 of City Plan Part Two.

#### Other Matters

- 9.25. Concerns were raised during neighbour consultation that the proposed external alterations would detrimentally impact the property value of the adjacent dwellings. This is not a material planning consideration.
- 9.26. Concerns were raised during neighbour consultation that the noise from the construction of the building works would be detrimental to the local residents within the vicinity of the site. As the alterations to the dwelling are considered a minor development it would not be reasonable to condition the hours of construction. As noise from construction is not a material planning consideration it cannot be considered as such.

## **10. EQUALITIES**

- 10.1. None identified.

## **11. BIODIVERSITY/CLIMATE CHANGE**

- 11.1. Concerns were raised during neighbour consultation that the proposed external works would disturb the wildlife that nest in the ivy that borders the site and the dwellings on Dean Street and would disrupt the birds that nest upon the flat roof adjacent to where the proposed green roof will be fitted.

- 11.2. The agent has confirmed in their Wildlife Assessment that no hedges would be affected by the development on site and the summary concludes that an ecologist is not needed to be consulted. There is precautionary advice that details birds are legally protected during breeding season (March to August inclusive) and unless it can be confirmed that there are no breeding birds in the proposed area, works must undertaken outside of these months.
- 11.3. The comments from the local resident's indicate that their main concerns to the impact upon the Wildlife would be from the creation and use of the roof terrace, which is no longer proposed.
- 11.4. The site visit demonstrated that there is little bio-diversity gain on site due to the hardstanding courtyard and the only green verge is the ivy that borders the site and the dwellings east on Dean Street.
- 11.5. The proposed alterations including the living green roof fitted to the flat roof of the first floor rear extension and the insertion of a bee brick and swift box to the west elevation will improve the ecology outcomes on the site in accordance which would accord with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.

# **ITEM G**

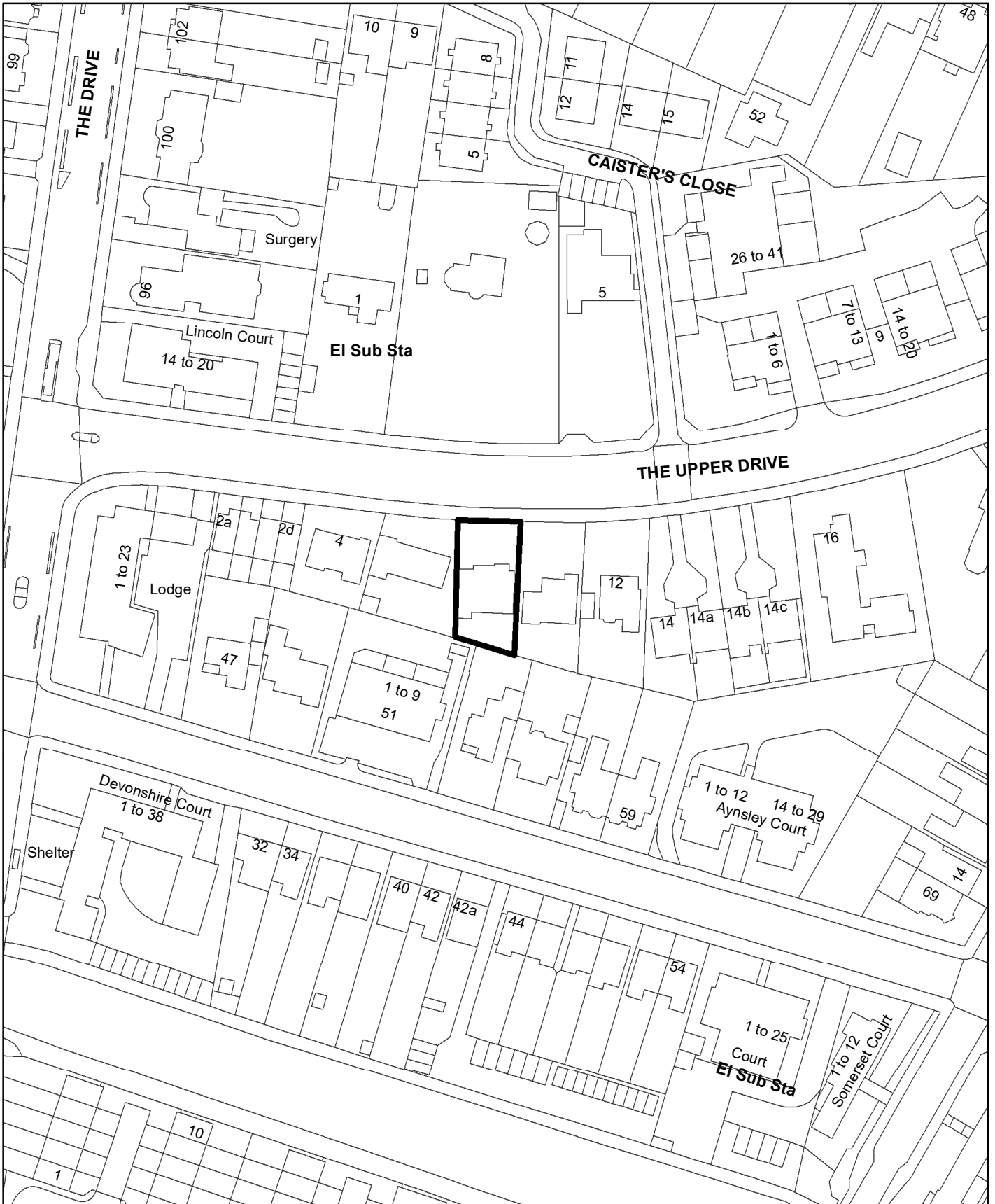
**8 The Upper Drive  
BH2023/00127  
Householder Planning Consent**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**





# BH2023 00127 - 8 The Upper Drive



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/00127</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>8 The Upper Drive Hove BN3 6GN</b>		
<b><u>Proposal:</u></b>	<b>Erection of first floor side extension with hipped flat-top roof, above existing ground floor side extension. Alterations to fenestration.</b>		
<b><u>Officer:</u></b>	Alice Johnson, tel: 296568	<b><u>Valid Date:</u></b>	13.01.2023
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	10.03.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	CMK Planning 11 Jew Street Brighton BN1 1UT		
<b><u>Applicant:</u></b>	Mrs A Beatty 8 The Upper Drive Hove BN3 6GN		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	225.13		13 January 2023
Proposed Drawing	225.14		13 January 2023
Location Plan	05225.00		13 January 2023
Block Plan	05225.01 02		8 March 2023
Proposed Drawing	225.15 03		7 March 2023

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

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

3. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

4. The development hereby permitted shall incorporate at least three swift bricks/boxes within the external walls of the development and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

## **2. SITE LOCATION**

- 2.1. No.8 The Upper Drive is a detached dwellinghouse located on the south side of The Upper Drive. To the west elevation is an existing ground floor extension, this application proposes to add an additional storey on top of the existing extension.
- 2.2. Within the immediate vicinity of no.8 the housing typography and design is varied. Flats, terraced houses, detached and semi-detached properties are present within the immediate streetscene. Predominantly these are redbrick properties; however, some properties are covered in white paint/render. To the north of no.8 flats, of a more modern design, have been erected.
- 2.3. It has been noted that scaffolding appears to have been erected on the site. Confirmation has been given by the agent that this is based on the extant lawful development certificate.

## **3. RELEVANT HISTORY**

- 3.1. **BH2016/01075** Certificate of Lawfulness for proposed loft conversion incorporating rear and side dormers and rooflights to side and rear. Approved 02.08.2016
- 3.2. **BH2001/00391/FP** Erection of 2 storey side extension. Approved 07.09.2001

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the erection of a first-floor side extension with a hipped flat-top roof, above the existing ground floor side extension. Planning permission is also sought for alterations to the fenestrations.

#### **5. REPRESENTATIONS**

- 5.1. **Five (5)** representations have been received, objecting to the proposal on the following grounds:
- Noise.
  - Overdevelopment.
  - Loss of privacy for neighbouring properties.
  - Inappropriate height of development.
  - Restriction of view.
  - Residential amenity.
  - Detrimental to the character and appearance of the area through the removal of the space between properties.
  - Overshadowing.
  - Too close to the boundary.

#### **6. CONSULTATIONS**

None

#### **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## 8. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

CP10 Biodiversity

CP12 Urban design

#### Brighton & Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM37 Green Infrastructure and Nature Conservation

#### Supplementary Planning Documents

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development and their impact on neighbouring amenity.
- 9.2. A case officer site visit was previously carried out in relation to the withdrawn application BH2022/02261. The impacts of the proposal can be clearly assessed from this previous visit photos, the plans and photos provided and from recently taken aerial imagery of the site.

### Design and Appearance

- 9.3. The first-floor extension would be located on top of the existing ground floor side extension.
- 9.4. The proposed first floor extension would have a depth of approximately 9.6m, a maximum height of approximately 7.1m and an eaves height of approximately 6m, all measured from ground level. The extension would be set back from the rear elevation. The extension would also be set back from the front elevation of the extension house and ground floor extension by 0.4m. The ridge of the extension's roof would be stepped down considerably from the ridge height of the main roof of the property. This set down and setback from the front, side and rear enables the extension to appear as a suitably subordinate addition to the main dwelling, particularly considering the size of the existing property. The

extensions width of approximately 3.6m would be substantially smaller than the width of the existing dwellinghouse avoiding the appearance of an over-extension.

- 9.5. The external materials of the extension would match the existing dwellinghouse. The similarity of these materials would aid the coherent appearance of the existing dwellinghouse and the proposed extension.
- 9.6. At ground floor level a window is to be added to the existing west elevation. This window will be small in scale and will match the existing window colour and material. The proposed windows on the west elevation at first floor level will match this window.
- 9.7. Within the streetscene property typology and appearance varies considerably. Between the detached properties built form there are visual gaps. Whilst the proposal would infill the gap at first floor level it would not remove the gap completely between no.8 and no.6 and both would still appear as separate properties when viewed from the streetscene.
- 9.8. The extensions and alterations are considered suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with policy DM18 and DM21 of City Plan Part 2 and SPD12 guidance.

#### Quality of Accommodation

- 9.9. Under policy DM1 residential extensions are expected to comply with the Nationally Described Space Standards. The additional two bedrooms would meet the Nationally Described Space Standards in terms of size required for a single bedroom. Both rooms would have adequate light and outlook.

#### Impact on Amenities

- 9.10. Policy DM20 of City Plan Part 2 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.11. With regard to amenity, no significant adverse impacts are expected as a result of the development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation and no significant harm has been identified.
- 9.12. The potential noise impact caused by the building works themselves, and any damage caused during those works, are not a material planning consideration to be given any weight in the assessment of this proposal.
- 9.13. Concerns have been raised about the potential for overlooking and a detrimental impact on neighbouring amenity through the addition of rear and side windows. The windows to the side elevation are high level windows set 1.7m above floor and ground level. These windows provide light to two bathrooms and a staircase. The transient nature of these spaces combined with the high-level location of the windows mitigate the opportunity for these side windows to provide

significant overlooking and privacy impacts on neighbouring properties. The window to the rear at first floor level would not provide significantly additional views than the existing first floor rear windows.

- 9.14. Due to the location and orientation of the proposed extension it is not likely to cause additional overshadowing for neighbouring properties.
- 9.15. Concerns have been raised that the extension would restrict the view of neighbouring properties. While the extension would infill the currently empty space at first floor level between nos. 8 and 6, it is not considered that any significant views from neighbouring properties would be blocked.
- 9.16. While in close proximity to the boundary with no.6, the set back of the extension from the front, side and rear of the existing property elevations would limit the potentially overbearing appearance of the extension to an acceptable level.

#### Other Considerations

- 9.17. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably-worded condition will be attached to secure a bee brick and swift bricks within the proposal in order to help meet the requirements of policies CP10 and DM37.

### **10. CLIMATE CHANGE/BIODIVERSITY**

- 10.1. The proposed works would modernise and increase the flexibility of the current property. A bee brick and swift bricks have been secured by condition potentially increasing biodiversity in the location.

### **11. EQUALITIES**

None identified



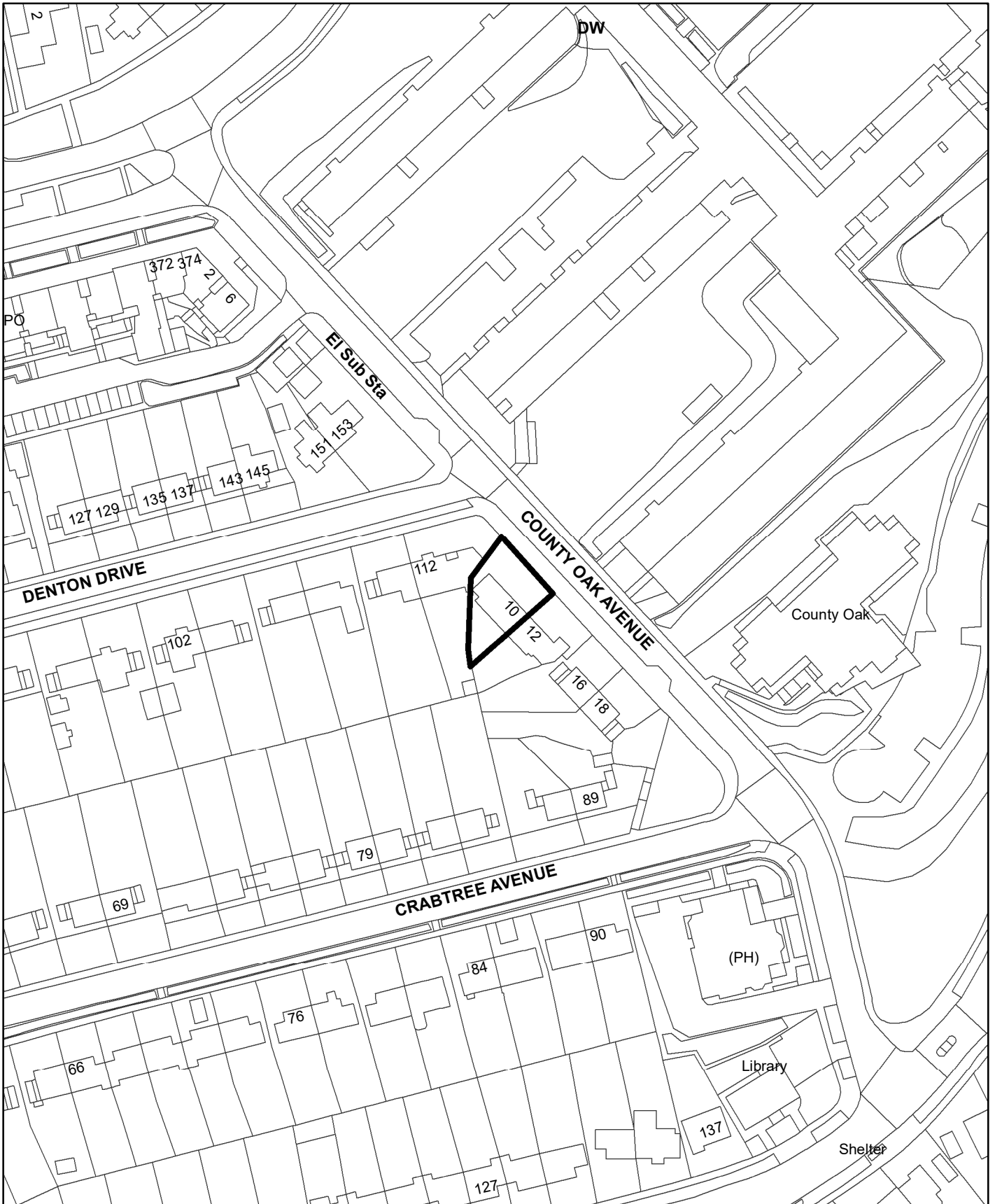
# **ITEM H**

**10 County Oak Avenue  
BH2023/00136  
Householder Planning Consent**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**



# BH2023 00136 - 10 County Oak Avenue



N



**Scale:** 1:1,250



<b><u>No:</u></b>	<b>BH2023/00136</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>10 County Oak Avenue Brighton BN1 8DJ</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey side extension at first floor level. (Part retrospective).</b>		
<b><u>Officer:</u></b>	Alice Johnson, tel: 296568	<b><u>Valid Date:</u></b>	14.02.2023
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	11.04.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Ade Williams 13 Gladstone Terrace Brighton BN2 3LB		
<b><u>Applicant:</u></b>	Mr And Mrs Miah Flat2 13 Gladstone Terrace Brighton BN2 3LB		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of no further representations raising additional material considerations within the re-consultation period ending 03.04.2023 and the following Conditions and Informatives:

**Conditions:**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	QS 395		16 January 2023
Proposed Drawing	QS 395		16 January 2023

2. Unless otherwise agreed in writing, prior to first occupation of bedroom five, of the development hereby permitted, the window in bedroom five shall be obscure glazed up to 1.7m in height and and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

3. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that with regards to condition 3 above, the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

## **2. SITE LOCATION**

- 2.1. No.10 is a two-storey semi-detached dwellinghouse located on the southwest side of County Oak Avenue. As pre-existing the property extended at ground floor level to the boundary with 112 Denton Drive. The property is situated opposite the County Oak Medical Centre and Carden Primary School. Red brick or rendered semi-detached properties with front and rear gardens are the predominant housing design in the primarily residential area.

## **3. RELEVANT HISTORY**

- 3.1. **93/0247/FP** Erection of side extension to provide new kitchen, garage and rear conservatory. Approved 18.05.1993

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought retrospectively to erect a single storey side extension at first floor level. The extension has grey roof tiles, white UPVC fenestrations and has been painted and rendered matching the existing property.
- 4.2. The description has been amended during the course of the application to clarify the location of the extension. This was followed by a re-consultation.
- 4.3. Works to extend the dwellinghouse have already taken place and as such the application is considered to be part retrospective. Recent photos provided as part of the application and a case officer site visit established that all the fenestration for the extension was yet to be fitted.

## **5. REPRESENTATIONS**

- 5.1. **Six (6)** representations have been received objecting to the proposed development on the following grounds:

- It is unclear why the application is considered to be part retrospective.
- The building works cause considerable disturbance to neighbours.
- The building is out of character with the area.
- Not enough parking has been provided at the site.
- There is detrimental impact on the privacy on neighbouring properties.
- Neighbouring properties will be impacted by noise and light disturbance if the property is to become a HMO.
- Overdevelopment.
- Poor Design.
- Inappropriate height of development.
- Noise disturbance
- Additional traffic.
- Overshadowing.
- Too close to the boundary.
- Loss of light for neighbouring properties.

5.2. **Councillor Alistair McNair and Councillor Anne Meadows** have objected to the proposal and a copy of their representation is attached.

## 6. CONSULTATIONS

None

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## 8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development  
CP10 Biodiversity

CP12 Urban design

Brighton & Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM37 Green Infrastructure and Nature Conservation

Supplementary Planning Documents

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

SPD17 Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development and the impact of the development on neighbouring amenity.

9.2. A recent case officer site visit has been undertaken in this instance. Impacts of the proposal can be clearly assessed from the site visit, plans, photos provided and from recently taken aerial imagery of the site.

### Design and Appearance

9.3. Prior to the development commencing, the property comprised of the original dwellinghouse and a ground floor side extension.

9.4. The first-floor extension recently constructed extends over the existing ground floor side extension. The extension is set back at first floor level from the existing front elevation of the pre-existing dwellinghouse. The roof has a staggered ridge following the topography of the area and reflecting the roof and property design in the streetscene. The extensions roof while matching the existing roof form is set down from the existing ridge.

9.5. Being part of a semi-detached property, the extension, due to its width and scale does risk causing a terraced effect. The first-floor level; however, is set back from the ground floor level on the front elevation limiting the opportunity of the extension appearing to merge into the pre-existing house and adjoining dwelling.

9.6. The materials of the extension match the existing house, other than the rear door at ground floor level. The matching materials are sympathetic to the existing dwellinghouse and allow the extension and existing dwelling to have a coherent appearance. The lack of confirmation on the colour and material of the ground floor rear door is not considered an issue given it is not visible from the streetscene and will not therefore be detrimental to the character and appearance of the streetscene.



- 9.7. Within the area, properties have undergone ground floor extensions and roof extensions including dormers which are visible from the streetscene. While the application results in a large extension, it is not considered that given the context of the area, it will be detrimental enough to the character and appearance of the area to warrant refusal.
- 9.8. The extension, being of approximately 7m in width, is a large addition to the property. This width; however, matches that of the pre-existing ground floor extension. The setback of the first-floor level and the staggered set down of the roof ridge help give the extension a more subservient appearance. It is considered on balance that, while the extension is large, the aforementioned set down and setback along with the coherent appearance with the existing dwelling and varied character of the surrounding area lead to an extension which is of acceptable design.

#### Quality of Accommodation

- 9.9. Under policy DM1 residential extensions are expected to comply with the Nationally Described Space Standards. Three additional bedrooms are provided, these bedrooms are labelled four, five and six on the proposed plans. Bedrooms four and five meet the Nationally Described Space Standards required for a single room and bedroom six for a double room. It is acknowledged that the outlook for bedroom five would be limited by the required obscure glazing condition requirement discussed in the amenity section below; however, there is adequate light and outlook provided to all the other bedrooms proposed and existing.

#### Impact on Amenities

- 9.10. Policy DM20 of City Plan Part 2 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.11. With regard to amenity, no significant adverse impacts are expected as a result of the development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation and no significant harm has been identified.
- 9.12. Concerns have been raised by local residents that the property would become a HMO. The application seeks to extend the property and results in an additional three bedrooms, bringing the total to six bedrooms. The house is to remain as a single dwellinghouse and the application does not include a change to a HMO.
- 9.13. Concerns have also been raised about the noise of the works during building. The potential noise impact caused by the building works themselves, and any damage caused during those works, are not a material planning consideration to be given any weight in the assessment of this proposal.
- 9.14. Due to the location and orientation of the proposal there will be some overshadowing experienced by no. 112 Denton Drive. This will occur in the

mornings but not throughout the whole day. The overshadowing is not therefore considered so significant to warrant refusal. There is also a loss of light for no.112 but this will primarily impact the roof of the house, although it is noted it may reduce the light to the rooflight and dormer window. The loss of light though is not considered to be significant enough to warrant refusal.

- 9.15. Concerns have been raised about the loss of privacy for neighbouring properties. The additional rear first floor window would be in very close proximity with no.112. A condition will secure that this window to be obscurely glazed up to the height of 1.7m. The condition will also require the windows to be non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The condition will that the privacy of neighbouring properties is maintained.

#### Transport

- 9.16. Concerns have been raised from those objecting about parking in the area. The agent has confirmed the site is to remain a single dwellinghouse. A parking space would be retained on the properties driveway meeting SPD14 Parking Standards which require that in outer areas one space per dwelling is acceptable for a dwellinghouse with four or more beds. One space per two dwellings for visitors is also required but as this property is not a new build it is not considered applicable. Not being within a restricted parking area there is on street parking available for visitors within the vicinity of the application site.

#### Biodiversity

- 9.17. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 10. EQUALITIES**  
None identified.

### **11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The extension has allowed continued use of an existing dwellinghouse and provides the opportunity for a more flexible use. The insertion of a bee brick will improve the ecology outcomes on the site in accordance which would accord with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.

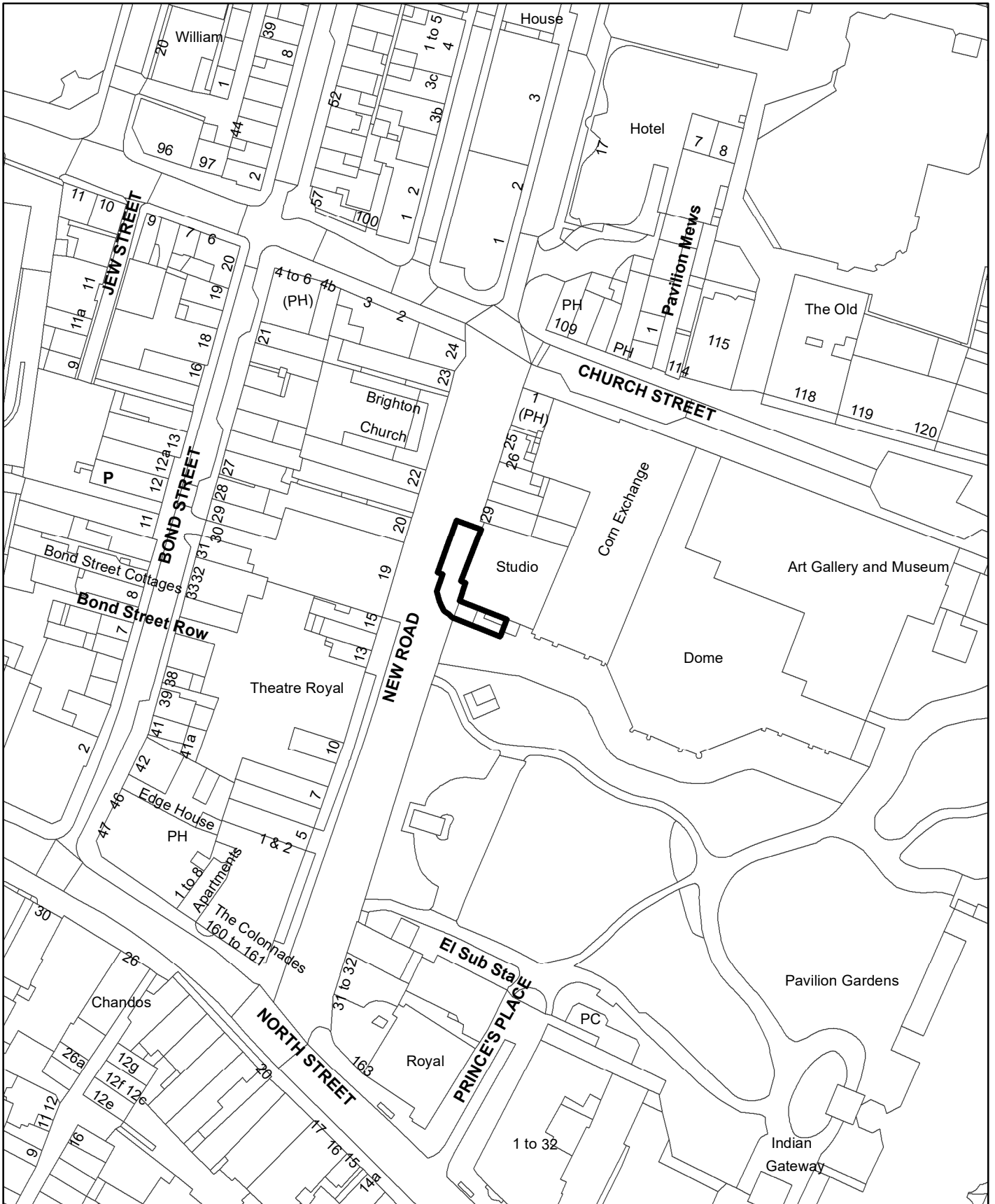
# **ITEM I**

**Brighton Dome, Church Street  
BH2023/00097  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**



# BH2023 00097 - Brighton Dome



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/00097</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Brighton Dome Church Street Brighton BN1 1UE</b>		
<b><u>Proposal:</u></b>	<b>Installation of 2no butterfly awnings, guillotine windows, wrap around planters and glazed screen, to accommodate outside restaurant dining area to West and South of Studio Theatre.</b>		
<b><u>Officer:</u></b>	Vinicius Pinheiro, 292454	tel:	<b><u>Valid Date:</u></b> 18.01.2023
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	15.03.2023
<b><u>Listed Building Grade:</u></b>	Grade I & II	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	M Palmer C/o Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	21-002-PL-00		11 January 2023
Proposed Drawing	1729/L/3011	C1	16 February 2023
Proposed Drawing	E-09		16 February 2023
Proposed Drawing	E-07	D	16 February 2023
Proposed Drawing	E-08	E	16 February 2023
Proposed Drawing	PL-02	H	15 March 2023

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

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

3. No customers shall remain in the external seating area hereby approved, outside the hours of 08.30 to 23.00 Monday to Sunday, Bank and Public Holidays. No activity within the outside seating area shall take place between the hours of 23.00 and 08.30 daily.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

4. The guillotine glazing hereby approved shall be retained in the lowered position throughout at all times outside of the business opening hours.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20, DM26 and DM27 of Brighton & Hove City Plan Part 2.

5. The awnings hereby approved shall be of a single colour and shall not incorporate any image, lettering, numbering or logo.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20, DM26 and DM27 of Brighton & Hove City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. The applicant must apply for a license for these proposals on the public highway under Section 115e of the Highways Act 1980. The applicant must contact the Council's Highway Enforcement Team ([street.licensing@brighton-hove.gov.uk](mailto:street.licensing@brighton-hove.gov.uk) 01273 292090) to apply for permission and the licence.

## 2. SITE LOCATION

- 2.1. The application relates to the Brighton Dome (Concert Hall, Corn Exchange And Studio Theatre), Brighton Museum And Art Gallery Church Street And New Road Brighton. These buildings form a complex of buildings of the highest significance. The buildings as existing are the result of a number of conversions, alterations and additions over time but in a manner which presents a coherent street frontage to Church Street. The buildings are largely unified by the use of tan brick with stone dressings and by their architectural style and motifs.
- 2.2. The Corn Exchange (with the Dome Theatre) is a grade I listed building, originally built as a riding school and stables by William Porden, between 1803-08, for the Prince of Wales, in connection with the Royal Pavilion, and extended in 1831. The Dome was converted into a theatre in 1864-67 by Philip Lockwood, with forms loosely derived from Islamic architecture, and the former riding school was converted to a corn exchange in 1868. The Dome was further extended and given two new entrances in 1901-02, including one on Church Street, and the building at this time took on an even greater Eastern character with greater reference to the Royal Pavilion. A further significant scheme of alterations took



place in 1934 by Robert Atkinson, including the conversion of the Corn Exchange into an exhibition hall and the addition of the Church Street entrance foyer. The Foyer's exterior has a central tall arch with a relief figure of Ceres in its tympanum.

- 2.3. This Studio Theatre is grade II listed and dates from c1935, when it was built as a supper room for the Corn Exchange, by Robert Atkinson in a stylised form of Islamic architecture. It was later converted to a theatre. Its significance largely resides in its external design appearance, a careful mix of 1930s with the Moorish influence of the Pavilion estate buildings. Its copper clad pyramidal roof behind, flanking towers and castellated parapet are key townscape features. The listing includes the booking office adjacent, originally an early 19th century house with segmental bay at first floor.
- 2.4. These buildings occupy a very prominent place within the Valley Gardens conservation area and provide a very significant backdrop and setting to the registered park & garden (Grade II) of the Royal Pavilion gardens and form part of the setting of the Pavilion itself. They also form part of the setting of a number of other listed buildings in Church Street and New Road, including the Grade II\* Theatre Royal.

### 3. RELEVANT HISTORY

- 3.1. There is a lot of history for the Brighton Dome, the most recent including the following;
- 3.2. **BH2023/00098** Installation of 2no butterfly awnings, guillotine windows, wrap around planters and glazed screen, to accommodate outside restaurant dining area to West and South of Studio Theatre. Concurrent Listed Building Consent.
- 3.3. **BH2022/02872** Display of 7no non-illuminated banner signs, 2no externally illuminated banner signs, 2no non-illuminated hanging logo signs, 2no externally illuminated building identification fascia signs, 1no externally illuminated vinyl lettering fascia sign, 1no non-illuminated wall mounted map sign, 2no non-illuminated wall mounted panel signs, 10no externally illuminated poster frame signs, 5no non-illuminated operational signs, 2no externally illuminated brand identifier fascia signs and 2no non-illuminated information panel menu board signs. Approved 18.10.2022.
- 3.4. **BH2022/02873** Display of 7no non-illuminated banner signs, 2no externally illuminated banner signs, 2no non-illuminated hanging logo signs, 2no externally illuminated building identification fascia signs, 1no externally illuminated vinyl lettering fascia sign, 1no non-illuminated wall mounted map sign, 2no non-illuminated wall mounted panel signs, 10no externally illuminated poster frame signs, 5no non-illuminated operational signs, 2no externally illuminated brand identifier fascia signs and 2no non-illuminated information panel menu board signs. Approved 04.11.2022.

- 3.5. **BH2017/01107** Installation of commemorative blue plaque to front elevation. Approved 22.05.2017.
- 3.6. **BH2013/03093** Application for approval of details reserved by condition 5 of Application BH2012/01635. Approved 30.10.2013.
- 3.7. **BH2013/00134** Application for approval of details reserved by conditions 2, 3 and 4 of application BH2012/01635. Approved 21.02.2013.
- 3.8. **BH2012/03201** Display of externally illuminated letterset sign to Pavilion Theatre and non illuminated banners and letterset sign to Corn Exchange. Approved 24.12.2012.
- 3.9. **BH2012/03200** Installation of externally illuminated letterset sign to Pavilion Theatre and non illuminated banners and letterset sign to Corn Exchange. Approved 24.12.2012.
- 3.10. **BH2012/01635** Installation of new and replacement external banner, fascia, letterset and logo signs to Brighton Dome, Corn Exchange and Pavilion Theatre. Installation of internal signage and plasma screens. Replacement of glazing to Pavilion Theatre and removal of canopy to Corn Exchange entrance. Approved 09.10.2012.
- 3.11. **BH2012/01634** Display of new and replacement non-illuminated banner, fascia, letterset and logo signs to Brighton Dome, Corn Exchange and Pavilion Theatre and 1no externally-illuminated letterset sign to Pavilion Theatre. Approved 09.10.2012.

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the installation of 2no butterfly awnings, guillotine windows, wrap around planters and glazed screen, to accommodate outside restaurant dining area to West and South of Studio Theatre.

#### **5. REPRESENTATIONS**

- 5.1. None received.

#### **6. CONSULTATIONS**

- 6.1. **Historic England:** 30/01/2023  
On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are attached.
- 6.2. **CAG** 06/02/2023  
The group recommended approval.

- 6.3. **Heritage:** 01/02/2023 - Seek amendment/further information  
These proposals relate to the areas of land outside the front and side elevations of the Studio Theatre, which is undergoing major alterations and restoration to change floor levels and incorporate a ground floor café/restaurant. The proposed enclosure for the outside seating area and the butterfly blinds would be removable, reversible fixtures that would not directly impact on any historic fabric of the Studio Theatre or indeed to the hard surfaces, but which would impact on the setting of the listed building and on the appearance and character of the conservation area. These impacts could be harmful if they are not sufficiently and appropriately minimised and mitigated through siting, design and detailing.
- 6.4. The enclosed area is large and the westward line of the enclosure to the north side of the entrance is considered to project too far, going beyond the line established by the street furniture and creating an awkward asymmetric arrangement. It should be pulled back further eastwards and this could perhaps be partly achieved by omitting the banquette.
- 6.5. The butterfly awnings as shown are considered to be the least intrusive approach to providing cover here. The metal framework would be level with the stringcourse band and on the key front elevation the awning itself would be set well away from the façade. The proposed colour scheme is suitably restrained and contextual, though it is noted that the colour of the awning fabric has not been specified.
- 6.6. The submitted elevation drawings should be repeated to also show the awnings when in place and the guillotine glazing when raised to its full height. On the south side an elevation drawing is also needed to show the proposals in conjunction with the existing brick retaining wall. At the eastern end here the relationship of the glazed screen to the listed building where they abut is unclear. The line of this is slightly different on plan and elevation and its abutment with the window has the potential to be visually awkward if not clearly considered. An additional detailed elevation or section may be needed to clarify this.
- 6.7. **Heritage:** 28/02/2023 - Approval  
The applicant's unwillingness to engage on the line and extent of the proposed seating area is disappointing, but the consistency with existing external seating areas on the east side of New Road is noted.
- 6.8. The additional drawings have clarified the height and appearance of the guillotine glazing when raised and the extent of the awnings when in place, and it is welcomed that the pitch to these is very shallow. The drawings have also clarified the relationship of the proposals to the previously approved brick retaining wall on the south side and how these impacts on the line of the guillotine glazing. Approval is now recommended, subject to conditions.
- 6.9. **Theatres Trust:** 06/02/2023 - Grant planning permission  
They seek installation of a butterfly awning, guillotine windows, glazed screen and planters to create an outdoor seating area associated with a new restaurant operation following refurbishment works at the Dome.

- 6.10. We are supportive of these proposals which will help enhance the attractiveness and viability of restaurant's operation, in turn contributing towards the operation and sustainability of the Dome complex as an important venue for Brighton. We consider that the design of the structure is sensitive to the historic significance of the Dome and Studio Theatre, and the character of the conservation area.
- 6.11. Therefore we are supportive of the granting of planning permission and listed building consent.
- 6.12. **Sussex Police: 23/01/2023**  
The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.
- 6.13. The level of crime and anti-social behaviour in Brighton & Hove district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.
- 6.14. This application seeks planning permission and listed building consent for the construction of a structure comprised of three unifying parts, a butterfly awning; guillotine windows and wrap around planters and a glazed screen to accommodate an outside dining area.
- 6.15. There is a cumulative impact policy in place and the premises falls within the cumulative area of the night-time economy.
- 6.16. The applicant and their partners are strongly advised to take note of the Brighton & Hove City Council Statement of Licensing Policy in relation to licensed premises in the Cumulative Impact Area, and to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.
- 6.17. 1.3. The restaurant area is ideally located on the south-west corner of the Brighton Dome, adjacent to the Pavilion Gardens to the south, with the shared space of New Road to the west. The lease includes external areas to the south and west of the building. Therefore, the intention is to provide formal external seating in these areas, to activate the frontage of Brighton Dome and maximise the offering from Redroaster. The proposed awnings would allow these areas to be used on a year-round basis.
- 6.18. 3.2. The structure would allow for an outside seating area to be used by customers of the café when weather conditions are less favourable, which will support the viability of the business and vitality of the area.

- 6.19. From a crime prevention viewpoint, there is no concern with regards to the design and layout of the proposals, but I do have concerns about the amenity of the surrounding residential community.
- 6.20. The application form does not state hours of trading and although as stated within point 5.7 of the accompanying Planning & Heritage statement: 'The proposed development will not introduce a new use to the area, and the way the site is used will be in keeping with existing uses. Therefore, the proposal will have a negligible impact on residents' nevertheless the introduction of additional outside dining and drinking to the area has the potential to impact on the local residential community through noise and activity at unsocial hours due to customers on a year-round basis.
- 6.21. I would therefore ask moving forward that reasonable hours of trading are made a condition of consent in order to protect the amenity of nearby residential occupiers and to accord with policy QD27 of the Brighton & Hove Local Plan.
- 6.22. In closing, from a crime prevention perspective I would ask that the observations and concerns as raised be given due consideration. Thank you for giving me an opportunity to comment.
- 6.23. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.
- 6.24. They seek installation of a butterfly awning, guillotine windows, glazed screen and planters to create an outdoor seating area associated with a new restaurant operation following refurbishment works at the Dome.
- 6.25. We are supportive of these proposals which will help enhance the attractiveness and viability of restaurant's operation, in turn contributing towards the operation and sustainability of the Dome complex as an important venue for Brighton. We consider that the design of the structure is sensitive to the historic significance of the Dome and Studio Theatre, and the character of the conservation area.
- 6.26. Therefore we are supportive of the granting of planning permission and listed building consent.
- 6.27. **Environmental Protection:** 22/02/2023 Grant subject to conditions  
The outdoor restaurant dining area to the west and south of the Studio Theatre (that falls within the butterfly awnings, guillotine windows, wrap around planters and glazed screen) should be closed at 11:00pm.
- 6.28. **Transport:** 15/03/2023 Unable to support the approval in principle  
Unable to support the approval of this application in principle. Further amendments to the proposals are requested to maintain the current on-street

access measures currently in place for visually impaired pedestrians walking on New Road. These are tactile linear paving along the drainage channel. Previously plans have been submitted and relocation of at least three of the sets of tables and chairs, and removal of the screening/wall were required as they obstructed the linear tactile paving/ drainage channel and therefore the safer route for pedestrians.

- 6.29. New plans have been provided since our previous comments detailing the rearrangement of the tables and chairs (and other ancillary furniture) but not the removal of the wall/screen. It is noted that the applicant has indicated that part of the wall is removable however, it would still appear to be obstructed and inaccessible for visually impaired highway users. We therefore still cannot support this application as this would be contrary to policy DM33 of the city plan that states "in order to encourage walking, new development should... maintain, improve, and/or provide pedestrian... accessible routes, that are easy, convenient and safe to use".
- 6.30. If the LPA is minded to approve this application, the following is requested:
- An agreed, suitably worded condition requiring the partial removal of the perimeter screen wall are made, prior to commencement.
  - A Tables and chairs license Informative is attached.

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part Two (adopted October 2022);
  - Brighton & Hove City Plan Part One (adopted March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## **8. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP4 Retail provision

CP5 Culture and tourism

CP8 Sustainable buildings

CP9 Sustainable transport  
CP12 Urban design  
CP15 Heritage

Brighton & Hove City Plan Part Two

DM18 High quality design and places  
DM20 Protection of Amenity  
DM26 Conservation Areas  
DM27 Listed Buildings  
DM29 The Setting of Heritage Assets  
DM33 Safe, Sustainable and Active Travel  
DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD02 Shop Front Design  
SPD07 Advertisements

Valley Gardens Conservation Area Study

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the impacts of the proposed development on the historic character and appearance of the host Listed Building, the wider area including the setting of other Listed Buildings and the surrounding Conservation Area, and highway safety. The impacts upon the amenity of neighbouring properties must also be assessed.
- 9.2. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. A site visit was not undertaken, but it was considered that the proposal could be assessed adequately based on site photographs provided, along with 3D satellite views.

Impact on Character and Appearance:

- 9.5. Amended drawings have been received since submission of the application to show the height and appearance of the guillotine glazing, the extent of the awnings and the proposals in conjunction with the existing brick retaining wall;

to remove all tables and chairs from the drainage channel and tactile strip, re-allocate the welcome station and re-allocate the service station.

- 9.6. As noted by the Heritage Officer, the proposals relate to the areas of land outside the front and side elevations of the Studio Theatre. The proposed enclosure for the outside seating area and the butterfly blinds would be removable, reversible fixtures that would not impact on any historic fabric of the Studio Theatre or indeed the hard surfaces.
- 9.7. After amendments, the butterfly awnings as proposed are considered to be acceptable. The metal framework would be level with the stringcourse band and would be set well away from the façade. The proposed colour scheme is suitably restrained and contextual.
- 9.8. The amended drawings have also clarified the height and appearance of the guillotine glazing when raised and the extent of the awnings when in place, and it is welcomed that the pitch to these is very shallow.
- 9.9. The proposal would be in keeping with the existing external seating areas on the east side of New Road, therefore, the works are considered to be acceptable.
- 9.10. Overall, it is considered that the proposed works would not harm the historic character or appearance of the Listed Building or the wider conservation area, in accordance with policies set out above.

Impact on Residential Amenity:

- 9.11. Policy DM20 of City Plan Part 2 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.
- 9.12. The proposed butterfly blinds would cover existing public realm space, but the plans show that the seating would be within the enclosing screen and planters. Accordingly, it is not considered that the structure would cause harm to public amenity and warrant refusal, especially when considering the external sitting areas within the immediate vicinity.
- 9.13. Although the enclosure will take up some from the pavement, it is considered that the pavement is wide enough as it is, and the development would not obstruct the road.
- 9.14. Transport has raised some concerns regarding the current on-street access measures currently in place for visually impaired pedestrians walking on New Road. Whilst their comments are acknowledged, the proposed plan has been amended to remove tables, chairs, the welcome station, and service table from the tactile linear paving along the drainage channel. Furthermore, the proposed enclosure for the outside seating area and the butterfly blinds would be removable, therefore, it is not considered that the proposal would cause adverse harm such to warrant a refusal at this stage.



9.15. Following a consultation with Environmental Health regarding the application, the Environmental Health Officer has not raised any objections to the proposal and suggested that the outdoor restaurant dining area to the west and south of the Studio Theatre (that falls within the butterfly awnings, guillotine windows, wrap around planters and glazed screen) should be closed at 11:00pm. A condition is to be included to secure the hours of use in order to adequately protect the amenity of the adjoining occupiers.

9.16. It is considered that for the reasons set out above, the proposed development would not cause substantial harm to the amenity of neighbours and would comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part 2.

#### Highway Safety

9.17. As set out above the Transport Officer has raised some concerns regarding the current on-street access measures currently in place for visually impaired pedestrians walking on New Road. Whilst their comments are acknowledged, the proposed plan has been amended to remove tables, chairs, the welcome station and service table from the tactile linear paving along the drainage channel. The proposed screen retained in the proposal would be removable and would not cause such adverse harm to warrant a refusal of the application. Furthermore a license for paraphernalia on the pavement would be required from the Council's Highway Team, which is a separate matter to the granting of the planning permission.

9.18. The applicant is not proposing any significant alteration to their current servicing arrangements to this site and for this development this is deemed acceptable.

9.19. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.

## **10. EQUALITIES**

10.1. As identified above, equalities concerns have been raised in relation to the application. In terms of the impact of the structure on those individuals who are blind or partially sighted or have mobility impairments, this is not considered to be significant from what is proposed. Essentially the proposal seeks to implement an enclosed outside seating area, however, the proposed enclosure for the outside seating area and the butterfly blinds would be removable. Therefore, it is not considered to be a substantial alteration which would need mitigation.

## **11. CLIMATE CHANGE/BIODIVERSITY**

None identified.



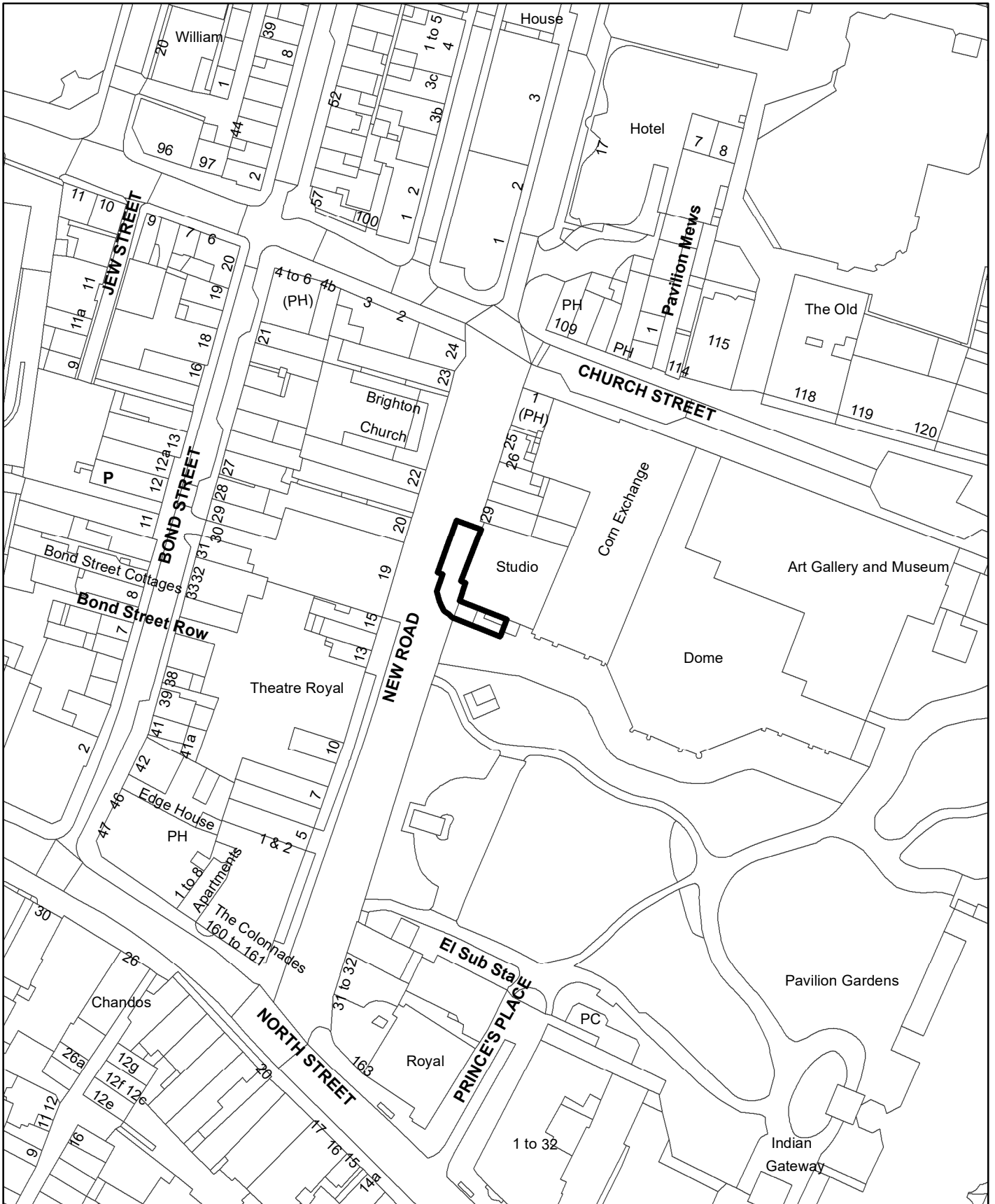
# **ITEM J**

**Brighton Dome, Church Street  
BH2023/00098  
Listed Building Consent**

**DATE OF COMMITTEE: 5<sup>th</sup> April 2023**



# BH2023 00098 - Brighton Dome



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/00098</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>Brighton Dome Church Street Brighton BN1 1UE</b>		
<b><u>Proposal:</u></b>	<b>Installation of 2no butterfly awnings, guillotine windows, wrap around planters and glazed screen, to accommodate outside restaurant dining area to West and South of Studio Theatre.</b>		
<b><u>Officer:</u></b>	Vinicius Pinheiro, 292454	tel:	<b><u>Valid Date:</u></b> 18.01.2023
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	15.03.2023
<b><u>Listed Building Grade:</u></b>	Grade I & II	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Lucky Bean Ltd C/o Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

### Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The guillotine glazing hereby approved shall be retained in the lowered position throughout at all times outside of the business opening hours.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20, DM26 and DM27 of Brighton & Hove City Plan Part 2.
3. The awnings hereby approved shall be of a single colour and shall not incorporate any image, lettering, numbering or logo.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20, DM26 and DM27 of Brighton & Hove City Plan Part 2.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	21-002-PL-00		11 January 2023
Proposed Drawing	1729/L/3011	C1	16 February 2023
Proposed Drawing	E-09		16 February 2023
Proposed Drawing	E-07	D	16 February 2023
Proposed Drawing	E-08	E	16 February 2023
Proposed Drawing	PL-02	H	15 March 2023

## 2. SITE LOCATION

- 2.1. The Listed Building application relates to the Brighton Dome (Concert Hall, Corn Exchange And Studio Theatre), Brighton Museum And Art Gallery Church Street and New Road Brighton. These buildings form a complex of buildings of the highest significance. The buildings as existing are the result of a number of conversions, alterations and additions over time but in a manner which presents a coherent street frontage to Church Street. The buildings are largely unified by the use of tan brick with stone dressings and by their architectural style and motifs.
- 2.2. The Corn Exchange (with the Dome Theatre) is a grade I listed building, originally built as a riding school and stables by William Porden, between 1803-08, for the Prince of Wales, in connection with the Royal Pavilion, and extended in 1831. The Dome was converted into a theatre in 1864-67 by Philip Lockwood, with forms loosely derived from Islamic architecture, and the former riding school was converted to a corn exchange in 1868. The Dome was further extended and given two new entrances in 1901-02, including one on Church Street, and the building at this time took on an even greater Eastern character with greater reference to the Royal Pavilion. A further significant scheme of alterations took place in 1934 by Robert Atkinson, including the conversion of the Corn Exchange into an exhibition hall and the addition of the Church Street entrance foyer. The Foyer's exterior has a central tall arch with a relief figure of Ceres in its tympanum.
- 2.3. This Studio Theatre is grade II listed and dates from c1935, when it was built as a supper room for the Corn Exchange, by Robert Atkinson in a stylised form of Islamic architecture. It was later converted to a theatre. Its significance largely resides in its external design appearance, a careful mix of 1930s with the Moorish influence of the Pavilion estate buildings. Its copper clad pyramidal roof behind, flanking towers and castellated parapet are key townscape features. The listing includes the booking office adjacent, originally an early 19th century house with segmental bay at first floor.
- 2.4. These buildings occupy a very prominent place within the Valley Gardens conservation area and provide a very significant backdrop and setting to the



registered park & garden (Grade II) of the Royal Pavilion gardens and form part of the setting of the Pavilion itself. They also form part of the setting of a number of other listed buildings in Church Street and New Road, including the Grade II\* Theatre Royal.

### 3. RELEVANT HISTORY

- 3.1. There is a lot of history for the Brighton Dome, the most recent including the following;
- 3.2. **BH2023/00097** Installation of 2no butterfly awnings, guillotine windows, wrap around planters and glazed screen, to accommodate outside restaurant dining area to West and South of Studio Theatre. Concurrent Full Planning Application.
- 3.3. **BH2022/02872** Display of 7no non-illuminated banner signs, 2no externally illuminated banner signs, 2no non-illuminated hanging logo signs, 2no externally illuminated building identification fascia signs, 1no externally illuminated vinyl lettering fascia sign, 1no non-illuminated wall mounted map sign, 2no non-illuminated wall mounted panel signs, 10no externally illuminated poster frame signs, 5no non-illuminated operational signs, 2no externally illuminated brand identifier fascia signs and 2no non-illuminated information panel menu board signs. Approved 18.10.2022.
- 3.4. **BH2022/02873** Display of 7no non-illuminated banner signs, 2no externally illuminated banner signs, 2no non-illuminated hanging logo signs, 2no externally illuminated building identification fascia signs, 1no externally illuminated vinyl lettering fascia sign, 1no non-illuminated wall mounted map sign, 2no non-illuminated wall mounted panel signs, 10no externally illuminated poster frame signs, 5no non-illuminated operational signs, 2no externally illuminated brand identifier fascia signs and 2no non-illuminated information panel menu board signs. Approved 04.11.2022.
- 3.5. **BH2017/01107** Installation of commemorative blue plaque to front elevation. Approved 22.05.2017.
- 3.6. **BH2013/03093** Application for approval of details reserved by condition 5 of Application BH2012/01635. Approved 30.10.2013.
- 3.7. **BH2013/00134** Application for approval of details reserved by conditions 2, 3 and 4 of application BH2012/01635. Approved 21.02.2013.
- 3.8. **BH2012/03201** Display of externally illuminated letterset sign to Pavilion Theatre and non illuminated banners and letterset sign to Corn Exchange. Approved 24.12.2012.
- 3.9. **BH2012/03200** Installation of externally illuminated letterset sign to Pavilion Theatre and non illuminated banners and letterset sign to Corn Exchange. Approved 24.12.2012.

- 3.10. **BH2012/01635** Installation of new and replacement external banner, fascia, letterset and logo signs to Brighton Dome, Corn Exchange and Pavilion Theatre. Installation of internal signage and plasma screens. Replacement of glazing to Pavilion Theatre and removal of canopy to Corn Exchange entrance. Approved 09.10.2012.
- 3.11. **BH2012/01634** Display of new and replacement non-illuminated banner, fascia, letterset and logo signs to Brighton Dome, Corn Exchange and Pavilion Theatre and 1no externally-illuminated letterset sign to Pavilion Theatre. Approved 09.10.2012.

#### **4. APPLICATION DESCRIPTION**

- 4.1. Listed Building Consent is sought for the installation of 2no butterfly awnings, guillotine windows, wrap around planters and glazed screen, to accommodate outside restaurant dining area to West and South of Studio Theatre.

#### **5. REPRESENTATIONS**

- 5.1. None received

#### **6. CONSULTATIONS**

- 6.1. **CAG** 06/02/2023  
The group recommended approval.
- 6.2. **Heritage: 01/02/2023 - Seek amendment/further information**  
These proposals relate to the areas of land outside the front and side elevations of the Studio Theatre, which is undergoing major alterations and restoration to change floor levels and incorporate a ground floor café/restaurant. The proposed enclosure for the outside seating area and the butterfly blinds would be removable, reversible fixtures that would not directly impact on any historic fabric of the Studio Theatre or indeed to the hard surfaces, but which would impact on the setting of the listed building and on the appearance and character of the conservation area. These impacts could be harmful if they are not sufficiently and appropriately minimised and mitigated through siting, design and detailing.
- 6.3. The enclosed area is large and the westward line of the enclosure to the north side of the entrance is considered to project too far, going beyond the line established by the street furniture and creating an awkward asymmetric arrangement. It should be pulled back further eastwards and this could perhaps be partly achieved by omitting the banquette.
- 6.4. The butterfly awnings as shown are considered to be the least intrusive approach to providing cover here. The metal framework would be level with the stringcourse band and on the key front elevation the awning itself would be set well away from the façade. The proposed colour scheme is suitably restrained

and contextual, though it is noted that the colour of the awning fabric has not been specified.

- 6.5. The submitted elevation drawings should be repeated to also show the awnings when in place and the guillotine glazing when raised to its full height. On the south side an elevation drawing is also needed to show the proposals in conjunction with the existing brick retaining wall. At the eastern end here the relationship of the glazed screen to the listed building where they abut is unclear. The line of this is slightly different on plan and elevation and its abutment with the window has the potential to be visually awkward if not clearly considered. An additional detailed elevation or section may be needed to clarify this.
- 6.6. **Heritage:** 28/02/2023 following submission of amended plans- Approval  
The applicant's unwillingness to engage on the line and extent of the proposed seating area is disappointing, but the consistency with existing external seating areas on the east side of New Road is noted.
- 6.7. The additional drawings have clarified the height and appearance of the guillotine glazing when raised and the extent of the awnings when in place, and it is welcomed that the pitch to these is very shallow. The drawings have also clarified the relationship of the proposals to the previously approved brick retaining wall on the south side and how these impacts on the line of the guillotine glazing. Approval is now recommended, subject to conditions.
- 6.8. **Historic England:** 30/01/2023  
On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are attached.
- 6.9. **Theatres Trust:** 06/02/2023 - Grant planning permission  
We are supportive of these proposals which will help enhance the attractiveness and viability of restaurant's operation, in turn contributing towards the operation and sustainability of the Dome complex as an important venue for Brighton. We consider that the design of the structure is sensitive to the historic significance of the Dome and Studio Theatre, and the character of the conservation area.
- 6.10. Therefore we are supportive of the granting of planning permission and listed building consent.

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);

- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

#### Brighton & Hove City Plan Part Two

DM26 Conservation Areas  
DM27 Listed Buildings  
DM29 The Setting of Heritage Assets

#### Supplementary Planning Documents:

SPD09 Architectural Features  
SPD12 Design Guide for Extensions and Alterations

Valley Gardens Conservation Area Study

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impacts of the works undertaken on the historic character and appearance of the Listed Building, and the wider Conservation Area.
- 9.2. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant listed building consent for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. A site visit was not undertaken, but it was considered that the proposal could be assessed adequately based on photographs provided within the submission, along with 3D satellite views.

- 9.5. Amended drawings have been received since submission of the application to show the height and appearance of the guillotine glazing, the extent of the awnings and the proposals in conjunction with the existing brick retaining wall; to remove all tables and chairs from the drainage channel and tactile strip, re-allocate the welcome station and re-allocate the service station.
- 9.6. As noted by the Heritage Officer, the proposals relate to the areas of land outside the front and side elevations of Studio Theatre. The proposed enclosure for the outside seating area and the butterfly blinds would be removable, reversible fixtures that would not impact on any historic fabric of the Studio Theatre or indeed the hard surfaces.
- 9.7. After amendments, the butterfly awnings as proposed are considered to be acceptable. The metal framework would be level with the stringcourse band and would be set well away from the façade. The proposed colour scheme is suitably restrained and contextual.
- 9.8. The amended drawings have also clarified the height and appearance of the guillotine glazing when raised and the extent of the awnings when in place, and it is welcomed that the pitch to these is very shallow.
- 9.9. The proposal would be in keeping with the existing external seating areas on the east side of New Road, therefore, the works are considered to be acceptable.
- 9.10. Overall, it is considered that the proposed works would not harm the historic character or appearance of the Listed Building or the wider conservation area, in accordance with policies CP15 of the Brighton & Hove City Plan Part One and DM26 and DM27 of City Plan Part 2.

**10. EQUALITIES**  
None identified



### APPEAL DECISIONS FOR THE PERIOD BETWEEN 22/02/2022 AND 21/03/2023

**WARD**

**CENTRAL HOVE**

APPEAL APPLICATION NUMBER

APL2022/00007

ADDRESS

44B Church Road Hove BN3 2FN

DEVELOPMENT DESCRIPTION

Erection of two storey rear extension to second and third floor with emergency escape ladder.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/01526

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**CENTRAL HOVE**

APPEAL APPLICATION NUMBER

APL2022/00105

ADDRESS

2 Belfast Street Hove BN3 3YS

DEVELOPMENT DESCRIPTION

Roof alterations to include rear dormer, 1no rooflight to front and installation of front window at first floor level, extension to rear outrigger and revised fenestration.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2022/02800

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**EAST BRIGHTON**

APPEAL APPLICATION NUMBER

APL2021/00100

ADDRESS

68A St Georges Road Brighton BN2 1EF

DEVELOPMENT DESCRIPTION

Change of use from office (E) to form a two bedroom dwelling (C3) incorporating revised fenestration.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2021/01376

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**EAST BRIGHTON**

APPEAL APPLICATION NUMBER

APL2022/00030

ADDRESS

24 Great College Street Brighton BN2 1HL

DEVELOPMENT DESCRIPTION

Installation of roof terrace and front porch at lower level.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

<u>PLANNING APPLICATION NUMBER</u>	BH2021/02687
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00024
<u>ADDRESS</u>	Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a new six storey building comprising 43no flats (C3), with undercroft parking, associated access and landscaping.
<u>APPEAL TYPE</u>	Against Non-determination
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00781
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00093
<u>ADDRESS</u>	63-65 The Drive Hove BN3 3PF
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00003
<u>ADDRESS</u>	Haven Lodge Eaton Villas Hove BN3 3TB
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from a single dwellinghouse (C3) to a Short Term Visitor Accommodation (sui generis). (Retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/01753
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00005
<u>ADDRESS</u>	25 Hove Park Villas Hove BN3 6HH



<u>DEVELOPMENT DESCRIPTION</u>	Variation of Condition 2 of application BH2013/00255 (Demolition of existing rear conservatory and erection of part single storey, part two storey rear extension and alterations including changes to fenestration. Loft conversion with dormers to front, side and rear and rooflights to sides to create additional flat.) to allow amendments to approved drawings in respect of layout of gardens, bike storage and waste storage.
<u>APPEAL TYPE</u>	Full Planning-against conditions
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/00186
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00006
<u>ADDRESS</u>	Land To The Rear Of 25 Hove Park Villas Hove BN3 6HH
<u>DEVELOPMENT DESCRIPTION</u>	Erection of detached single storey 2no. bedroom dwellinghouse (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/00185
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00010
<u>ADDRESS</u>	Cambridge Works Cambridge Grove Hove BN3 3ED
<u>DEVELOPMENT DESCRIPTION</u>	Erection of additional storeys at first and second floor level to create a 4-bedroom maisonette with side terraces, fronted by a brick facade. New front canopy to existing ground floor garage, new garage doors, paving, residential access and other associated alterations.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02495
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00013
<u>ADDRESS</u>	64 Goldstone Villas Hove BN3 3RS
<u>DEVELOPMENT DESCRIPTION</u>	Erection of extension with roller shutter to existing shopfront. (Retrospective)
<u>APPEAL TYPE</u>	Against Refusal

APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/01953  
APPLICATION DECISION LEVEL Delegated

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**WARD** **GOLDSMID**  
APPEAL APPLICATION NUMBER APL2022/00016  
ADDRESS Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE  
DEVELOPMENT DESCRIPTION Prior Approval for the erection of an additional storey to provide 5no two bedroom flats (C3).  
APPEAL TYPE Against Refusal  
APPEAL DECISION WITHDRAWN APPEAL  
PLANNING APPLICATION NUMBER BH2021/02514  
APPLICATION DECISION LEVEL Delegated

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**WARD** **GOLDSMID**  
APPEAL APPLICATION NUMBER APL2022/00027  
ADDRESS 68 Old Shoreham Road Hove BN3 6GF  
DEVELOPMENT DESCRIPTION Prior Approval for the erection of two additional storeys to form second and third floors.  
APPEAL TYPE Against Refusal  
APPEAL DECISION WITHDRAWN APPEAL  
PLANNING APPLICATION NUMBER BH2021/03419  
APPLICATION DECISION LEVEL Delegated

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**WARD** **GOLDSMID**  
APPEAL APPLICATION NUMBER APL2022/00031  
ADDRESS Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE  
DEVELOPMENT DESCRIPTION Erection of a three storey building with roof terrace to provide new office space (E).  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/00633  
APPLICATION DECISION LEVEL Delegated

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**WARD** **GOLDSMID**  
APPEAL APPLICATION NUMBER APL2022/00049  
ADDRESS 203 Dyke Road And 15 Caburn Road Hove BN3 6EF  
DEVELOPMENT DESCRIPTION Conversion of 15 Caburn Road from 11 person House in Multiple Occupation to 12 person House in Multiple Occupation (and retention of 203 Dyke Road as an 8 person HMO). (Retrospective)  
APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/04025  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**GOLDSMID**

APPEAL APPLICATION NUMBER APL2022/00055  
ADDRESS 82 Goldstone Villas Hove BN3 3RU  
DEVELOPMENT DESCRIPTION Conversion of loft to create 1no. self-contained studio flat (C3), associated alterations including front and rear rooflights.

APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL ALLOWED  
PLANNING APPLICATION NUMBER BH2021/03711  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**GOLDSMID**

APPEAL APPLICATION NUMBER APL2022/00067  
ADDRESS 6 Avondale Road Hove BN3 6ER  
DEVELOPMENT DESCRIPTION Erection of dormer to rear roof slope and outrigger, 1no rooflight to front slope, revised fenestration to side and rear elevation with associated alterations

APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/00170  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**GOLDSMID**

APPEAL APPLICATION NUMBER APL2022/00072  
ADDRESS 58B Davigdor Road Hove BN3 1RB  
DEVELOPMENT DESCRIPTION Roof extension to facilitate additional living space and installation of side window.

APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/00242  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**GOLDSMID**

APPEAL APPLICATION NUMBER APL2022/00073  
ADDRESS Land To Rear Of 74-82 Denmark Villas Hove BN3 3TJ  
DEVELOPMENT DESCRIPTION Erection of two storey building of 4no flats (C3), with new entrance to access route from Denmark Villas, re-configured escape stairs, associated landscaping and parking.

APPEAL TYPE Against Refusal

<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03497
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HANGLETON AND KNOLL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00015
<u>ADDRESS</u>	Land At King George VI Avenue (Toads Hole Valley) Hove
<u>DEVELOPMENT DESCRIPTION</u>	Outline application for a mixed use development comprising residential dwellings (C3 use); land for a 6-form entry secondary school (D1 use)/ community sports facilities (D2 use); office/ research/light industry floorspace (B1 use); neighbourhood centre including retail outlets (A1-5 uses), a doctors' surgery (D1 use) & community building (D1 use); public open space (including food growing space & children's play space), enhancements and alterations to the Site of Nature Conservation Interest (SNCI); & associated landscaping. Provision of 3no. vehicular accesses onto King George VI Avenue (unreserved) with associated highway alterations. [Additional Information to Environmental Statement Nov 21]
<u>APPEAL TYPE</u>	Against Non-determination
<u>APPEAL DECISION</u>	WITHDRAWN APPEAL
<u>PLANNING APPLICATION NUMBER</u>	BH2018/03633
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<b><u>WARD</u></b>	<b>HANGLETON AND KNOLL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00037
<u>ADDRESS</u>	27 Broad Rig Avenue Hove BN3 8EW
<u>DEVELOPMENT DESCRIPTION</u>	Prior Approval for the proposed erection of an additional storey.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04314
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HANGLETON AND KNOLL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00087
<u>ADDRESS</u>	7 Lynchets Crescent Hove BN3 8EL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey front and side extensions, front dormer extension, revised fenestration and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2022/02097  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**HANGLETON AND KNOLL**

APPEAL APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APL2022/00106  
89 West Way Hove BN3 8LP  
Erection of a single storey rear extension and roof alterations incorporating rear hip to gable roof extension, side dormers, rear Juliet balcony and associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2022/01837

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**HANOVER AND ELM GROVE**

APPEAL APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APL2022/00012  
45 Seville Street Brighton BN2 3AR  
Certificate of lawfulness for proposed erection of a rear L shaped dormer with juliet balcony.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/02879

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**HANOVER AND ELM GROVE**

APPEAL APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APL2022/00021  
44 Hanover Street Brighton BN2 9ST  
Erection of rear dormer, insertion of 2 front rooflights and 2 rooflights on the rear outrigger roof.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/02644

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**HANOVER AND ELM GROVE**

APPEAL APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APL2022/00023  
239 Queens Park Road Brighton BN2 9XJ  
Change of use from dwelling house (C3) to four-bedroom small house in multiple occupation (C4). (Retrospective)

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2021/02632

APPLICATION DECISION LEVEL

Delegated

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**WARD****APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****HANOVER AND ELM GROVE**

APL2022/00054

43-45 Bentham Road Brighton BN2 9XB

Conversion of existing building to create 8no studio flats (C3) and 1no two bedroom flat (C3) incorporating single storey rear conservatory extensions, insertion of windows to front & rear elevations, rooflights to east and west roof slopes, new front boundary wall and associated works.

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL DISMISSED

**PLANNING APPLICATION NUMBER**

BH2021/00770

**APPLICATION DECISION LEVEL**

Planning (Applications) Committee

**WARD****APPEAL APPLICATION NUMBER**

APL2022/00064

**ADDRESS**

39A Shanklin Road Brighton BN2 3LP

**DEVELOPMENT DESCRIPTION**

Erection of single storey garden building to rear.

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL DISMISSED

**PLANNING APPLICATION NUMBER**

BH2021/04547

**APPLICATION DECISION LEVEL**

Delegated

**WARD****APPEAL APPLICATION NUMBER**

APL2022/00065

**ADDRESS**

141 Elm Grove Brighton BN2 3ES

**DEVELOPMENT DESCRIPTION**

Application to vary conditions 1, 2 and 3 of planning permission BH2021/03176 to permit conversion of lower ground floor living room into sixth bedroom within house of multiple occupation.

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL ALLOWED

**PLANNING APPLICATION NUMBER**

BH2021/04478

**APPLICATION DECISION LEVEL**

Planning (Applications) Committee

**WARD****APPEAL APPLICATION NUMBER**

APL2022/00095

**ADDRESS**

68 Islingword Road Brighton BN2 9SL

**DEVELOPMENT DESCRIPTION**

Erection of a roof extension and second floor rear extension to provide an additional floor with associated alterations.

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL DISMISSED

**PLANNING APPLICATION NUMBER**

BH2021/02912

<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HANOVER AND ELM GROVE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00096
<u>ADDRESS</u>	11A Pankhurst Avenue Brighton BN2 9YP
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations and extension incorporating raising the ridge height and erection of rear dormer with juliet balcony and addition of window to side elevation.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/01790
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HOLLINGDEAN AND STANMER</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00019
<u>ADDRESS</u>	Land Adjoining 12 Dunster Close Brighton BN1 7ED
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey building comprising 1no semi-detached four bedroom house and 2no one bedroom flats (C3).
	ADDITIONAL INFORMATION - TRANSPORT STATEMENT
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00674
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<b><u>WARD</u></b>	<b>HOLLINGDEAN AND STANMER</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00099
<u>ADDRESS</u>	27 Ashburnham Drive Brighton BN1 9AX
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from 4no bedroom residential dwelling (C3) to a 4no bedroom small house in multiple occupation (C4).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/01626
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HOVE PARK</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00104
<u>ADDRESS</u>	7 Woodland Drive Hove BN3 6DH
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no two bedroom detached house (C3) to rear of existing dwelling, incorporating new vehicular crossover and associated landscaping and parking.
<u>APPEAL TYPE</u>	Against Refusal

<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02285
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<b><u>WARD</u></b>	<b>HOVE PARK</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00004
<u>ADDRESS</u>	141 Woodland Avenue Hove BN3 6BJ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey rear extension and single storey side extension, and erection of raised decking with privacy screen to rear.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03657
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00002
<u>ADDRESS</u>	40 Heath Hill Avenue Brighton BN2 4FH
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from existing single dwelling (C3) to a 4no bedroom small house in multiple occupation (C4).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/01014
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00024
<u>ADDRESS</u>	57 Birdham Road Brighton BN2 4RX
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no two storey dwelling (C3) adjoining existing dwelling.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02318
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00044
<u>ADDRESS</u>	40 Bodiam Avenue Brighton BN2 4LQ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 2 storey side extension to form an annex and part two and part single storey rear extension with associated alterations
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04175
<u>APPLICATION DECISION LEVEL</u>	Delegated



**WARD**  
**APPEAL APPLICATION NUMBER** APL2022/00050  
**ADDRESS** 9 Manton Road Brighton BN2 4FB  
**DEVELOPMENT DESCRIPTION** Change of use of existing 6no bedroom small house in multiple occupation (C4) to a 8no bedroom large house in multiple occupation (sui generis) incorporating cycle store to front and fenestration alterations to side elevation.  
**APPEAL TYPE** Against Refusal  
**APPEAL DECISION** APPEAL DISMISSED  
**PLANNING APPLICATION NUMBER** BH2021/04012  
**APPLICATION DECISION LEVEL** Delegated

**MOULSECOOMB AND BEVENDEAN**

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**WARD**  
**APPEAL APPLICATION NUMBER** APL2022/00053  
**ADDRESS** 18 Colbourne Avenue Brighton BN2 4GE  
**DEVELOPMENT DESCRIPTION** Use of the property as a nine-bedroom house in multiple occupation (sui generis).  
**APPEAL TYPE** Against Refusal  
**APPEAL DECISION** APPEAL ALLOWED  
**PLANNING APPLICATION NUMBER** BH2021/02989  
**APPLICATION DECISION LEVEL** Delegated

**MOULSECOOMB AND BEVENDEAN**

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**WARD**  
**APPEAL APPLICATION NUMBER** APL2022/00063  
**ADDRESS** 33 Hillside Brighton BN2 4TF  
**DEVELOPMENT DESCRIPTION** Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom large house in multiple occupation (Sui Generis).  
**APPEAL TYPE** Against Refusal  
**APPEAL DECISION** APPEAL DISMISSED  
**PLANNING APPLICATION NUMBER** BH2022/00051  
**APPLICATION DECISION LEVEL** Delegated

**MOULSECOOMB AND BEVENDEAN**

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**WARD**  
**APPEAL APPLICATION NUMBER** APL2022/00075  
**ADDRESS** 159 Ringmer Road Brighton BN1 9JA  
**DEVELOPMENT DESCRIPTION** Erection of one bedroom single storey detached eco dwelling (C3) in rear garden.  
**APPEAL TYPE** Against Refusal  
**APPEAL DECISION** APPEAL DISMISSED  
**PLANNING APPLICATION NUMBER** BH2021/04343  
**APPLICATION DECISION LEVEL** Delegated

**MOULSECOOMB AND BEVENDEAN**

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**WARD**  
**APPEAL APPLICATION NUMBER** APL2022/00052

**NORTH PORTSLADE**

ADDRESS 129 Southdown Road Portslade BN41 2HJ  
DEVELOPMENT DESCRIPTION Erection of single storey first floor rear extension.  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/04442  
APPLICATION DECISION LEVEL Delegated

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**WARD** **PATCHAM**  
APPEAL APPLICATION NUMBER APL2022/00088  
ADDRESS 14A Petworth Road Brighton BN1 8LQ  
DEVELOPMENT DESCRIPTION Erection of First Floor Side Extension with Ground Floor Front,with pitched roof, associated alterations and revised fenestration.  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/01894  
APPLICATION DECISION LEVEL Delegated

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**WARD** **PRESTON PARK**  
APPEAL APPLICATION NUMBER APL2021/00044  
ADDRESS 64B Preston Road Brighton BN1 4QF  
DEVELOPMENT DESCRIPTION Certificate of lawfulness for existing use as a dwellinghouse occupied by no more than 5 persons unrelated to each other (outside Use Class C4).  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2020/00065  
APPLICATION DECISION LEVEL Delegated

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**WARD** **PRESTON PARK**  
APPEAL APPLICATION NUMBER APL2022/00032  
ADDRESS 41 Preston Park Avenue Brighton BN1 6HG  
DEVELOPMENT DESCRIPTION External rendering of left and right flank and front of building up to middle moulding. (Part Retrospective)  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/02693  
APPLICATION DECISION LEVEL Delegated

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**WARD** **PRESTON PARK**  
APPEAL APPLICATION NUMBER APL2022/00048  
ADDRESS 106 Springfield Road Brighton BN1 6DE  
DEVELOPMENT DESCRIPTION Enlargement of existing 2no rear dormers into 1no large rear dormer with associated alterations

APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL ALLOWED  
PLANNING APPLICATION NUMBER BH2021/03990  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**PRESTON PARK**

APPEAL APPLICATION NUMBER APL2022/00051  
ADDRESS 1 Shaftesbury Place Brighton BN1 4QS  
DEVELOPMENT DESCRIPTION Change of use from 6no bedroom small house in multiple occupation (C4) to 7no bedroom large house in multiple occupation (sui generis), incorporating the installation of 2no rear dormers.

APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/02126  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**PRESTON PARK**

APPEAL APPLICATION NUMBER APL2022/00094  
ADDRESS 84 Havelock Road Brighton BN1 6GF  
DEVELOPMENT DESCRIPTION Installation of flue pipe to side elevation.

APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/02289  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**PRESTON PARK**

APPEAL APPLICATION NUMBER APL2022/00098  
ADDRESS 8 Prestonville Road Brighton BN1 3TL  
DEVELOPMENT DESCRIPTION Roof alterations incorporating rear dormer and balcony with balustrade and privacy screen and 1no rear rooflight.

APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/02297  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**QUEEN'S PARK**

APPEAL APPLICATION NUMBER APL2021/00055  
ADDRESS 18 Lower Rock Gardens Brighton BN2 1PG  
DEVELOPMENT DESCRIPTION Appeal against EN Without planning permission, the erection of a shed/outbuilding on the front hardstanding of the property.

APPEAL TYPE Against Enforcement Notice  
APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL Not Assigned

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**WARD**

**QUEEN'S PARK**

APPEAL APPLICATION NUMBER

APL2022/00011

ADDRESS

10 - 12 St Georges Road Brighton BN2 1EB

DEVELOPMENT DESCRIPTION

Change of use of former bank (E) and conversion of existing building to create 4no one bedroom flats, 3no two bedroom flats (C3) and ground floor retail unit (E) incorporating erection an additional storey and a two storey extension to north elevation with bin and cycle storage.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/01918

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**QUEEN'S PARK**

APPEAL APPLICATION NUMBER

APL2022/00018

ADDRESS

28 Park Street Brighton BN2 0BS

DEVELOPMENT DESCRIPTION

Alterations to existing single storey rear extension to create first floor roof terrace with new door for access. Replacement and rearrangement of rear ground floor doors and windows.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2021/03818

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**QUEEN'S PARK**

APPEAL APPLICATION NUMBER

APL2022/00026

ADDRESS

Hot Potato Cafe 71 St James's Street Brighton BN2 1PJ

DEVELOPMENT DESCRIPTION

Conversion of basement store (E class) to a studio flat (C3) with associated alterations.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/01786

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**QUEEN'S PARK**

APPEAL APPLICATION NUMBER

APL2022/00071

ADDRESS

34 Canning Street Brighton BN2 0EF

DEVELOPMENT DESCRIPTION

Erection of rear dormer, with installation of 1no. conservation style rooflight to front roofslope.

APPEAL TYPE

Against Refusal

APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/00998  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**QUEEN'S PARK**

APPEAL APPLICATION NUMBER

APL2022/00085

ADDRESS

Kemptown House 72 Carlton Hill Brighton BN2 0GW

DEVELOPMENT DESCRIPTION

Erection of additional storey to create 2no residential units (C3).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2022/00717

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2020/00172

ADDRESS

First And Second Floors 65 Western Road Brighton BN1 2HA

DEVELOPMENT DESCRIPTION

Certificate of lawfulness for proposed change of use of first & second floors from retail (A1) to residential (C3) to create 2no flats.

APPEAL TYPE

Against Refusal

APPEAL DECISION

WITHDRAWN APPEAL

PLANNING APPLICATION NUMBER

BH2020/00180

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ROTTINGDEAN COASTAL**

APPEAL APPLICATION NUMBER

APL2022/00001

ADDRESS

14 Chorley Avenue Saltdean Brighton BN2 8AQ

DEVELOPMENT DESCRIPTION

Roof alterations incorporating raising of roof ridge height to create second floor with a roof terrace to front elevation, 4no rear rooflights and associated alterations.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/02418

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ROTTINGDEAN COASTAL**

APPEAL APPLICATION NUMBER

APL2022/00008

ADDRESS

14 The Cliff Brighton BN2 5RE

DEVELOPMENT DESCRIPTION

Erection of lower ground, ground floor, first floor and second floor extensions. Incorporates the replacement of roof with additional storey and roof terrace, and fenestration alterations.

APPEAL TYPE

Against Refusal

<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02648
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00035
<u>ADDRESS</u>	The Outlook 2 Roedean Path Brighton BN2 5RP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey front and side extension, single storey rear extension, rear dormer and roof extensions/alterations with balcony and rooflights and revised fenestration with associated works to enable two flats to become one single dwelling.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02524
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00041
<u>ADDRESS</u>	1 Wanderdown Road Brighton BN2 7BT
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing bungalow and erection of part 2, part 3 storey building containing 5no. residential units (C3) and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02172
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00043
<u>ADDRESS</u>	91 Lustrells Crescent Saltdean Brighton BN2 8FL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no two bedroom detached single storey dwelling (C3) on land east of existing dwelling, incorporating removal of existing garage, landscaping and parking.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03083
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00070
<u>ADDRESS</u>	23 Rodmell Avenue Saltdean Brighton BN2 8LT

<u>DEVELOPMENT DESCRIPTION</u>	Remodelling and extensions to existing dwelling, incorporating new roof with side and rear dormers, two-storey front and rear extensions, first-floor side extension and alterations to fenestration.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/00265
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00091
<u>ADDRESS</u>	49 Falmer Road Rottingdean Brighton BN2 7DA
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey double garage.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/02177
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>SOUTH PORTSLADE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00106
<u>ADDRESS</u>	Panorama House 1D Vale Road Portslade BN41 1BA
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of units 9, 42, 45 and 46 to create 4no flats (C3) including installation of one window to unit 42 north elevation.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	SPLIT DECISION
<u>PLANNING APPLICATION NUMBER</u>	BH2021/01919
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>SOUTH PORTSLADE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00042
<u>ADDRESS</u>	97 Dean Gardens Portslade BN41 2FX
<u>DEVELOPMENT DESCRIPTION</u>	Erection of front dormer.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04370
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>SOUTH PORTSLADE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00069
<u>ADDRESS</u>	Garages Southdown Avenue Portslade
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a two storey 2no bedroom dwellinghouse (C3) replacing existing garages.
<u>APPEAL TYPE</u>	Against Refusal

APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/04509  
APPLICATION DECISION LEVEL Delegated

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**WARD** **SOUTH PORTSLADE**  
APPEAL APPLICATION NUMBER APL2022/00083  
ADDRESS 9 Elm Road Portslade BN41 1SA  
DEVELOPMENT DESCRIPTION Erection of a rear dormer onto outrigger  
roofslope incorporating 2no rear rooflights.  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/01296  
APPLICATION DECISION LEVEL Delegated

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**WARD** **SOUTH PORTSLADE**  
APPEAL APPLICATION NUMBER APL2022/00089  
ADDRESS 77 Trafalgar Road Portslade BN41 1GT  
DEVELOPMENT DESCRIPTION Display of internally-illuminated digital hoarding  
sign.  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/01197  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEAL APPLICATION NUMBER APL2022/00017  
ADDRESS 2 - 3 Gardner Street Brighton BN1 1UP  
DEVELOPMENT DESCRIPTION Display of non-illuminated low-branded  
sponsored murals.  
APPEAL TYPE Against Refusal  
APPEAL DECISION WITHDRAWN APPEAL  
PLANNING APPLICATION NUMBER BH2021/02245  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEAL APPLICATION NUMBER APL2022/00028  
ADDRESS 7 Richmond Road Brighton BN2 3RL  
DEVELOPMENT DESCRIPTION Erection of 1no single storey, two bedroom  
dwelling (C3) to the rear with associated works.  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/02065  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEAL APPLICATION NUMBER APL2022/00029



ADDRESS 55 Centurion Road Brighton BN1 3LN  
DEVELOPMENT DESCRIPTION Change of use from 5no bedroom residential dwelling/small house in multiple occupation (C3/C4) to a 6no bedroom residential dwelling/small house in multiple occupation (C3/C4).  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/03422  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEAL APPLICATION NUMBER APL2022/00045  
ADDRESS Smart House Ditchling Road Brighton BN1 4SE  
DEVELOPMENT DESCRIPTION Erection of a single storey self-contained one-bedroom/studio dwellinghouse (C3) with basement. New pedestrian and vehicle access gates.  
APPEAL TYPE Against Refusal  
APPEAL DECISION WITHDRAWN APPEAL  
PLANNING APPLICATION NUMBER BH2021/01764  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEAL APPLICATION NUMBER APL2022/00046  
ADDRESS Smart House Ditchling Road Brighton BN1 4SE  
DEVELOPMENT DESCRIPTION Erection of a single storey self-contained one-bedroom dwellinghouse (C3) with basement. New pedestrian and vehicle access gates.  
APPEAL TYPE Against Refusal  
APPEAL DECISION WITHDRAWN APPEAL  
PLANNING APPLICATION NUMBER BH2021/01765  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEAL APPLICATION NUMBER APL2022/00056  
ADDRESS 85 Ditchling Road Brighton BN1 4SD  
DEVELOPMENT DESCRIPTION Change of use of ground floor and lower ground floor from commercial unit (E) to create a two bedroom maisonette (C3) incorporating new basement lightwells, revised fenestration and associated works.  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2021/03411  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**

<u>APPEAL APPLICATION NUMBER</u>	APL2022/00058
<u>ADDRESS</u>	12 Frederick Gardens Brighton BN1 4TB
<u>DEVELOPMENT DESCRIPTION</u>	Erection of porch to front elevation.
<u>APPEAL TYPE</u>	Against Non-determination
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04337
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00059
<u>ADDRESS</u>	Hartley Court 11 Howard Place Brighton BN1 3BU
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two additional stories to create 3no flats (C3) incorporating removal and replacement of third floor level.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02961
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00060
<u>ADDRESS</u>	Waggon & Horses 109 Church Street Brighton BN1 1UD
<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing canopies with the erection of an aluminium structure with retractable roof and sides to the side and rear elevations.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04142
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00082
<u>ADDRESS</u>	158 Upper Lewes Road Brighton BN2 3FB
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations including front rooflight and rear dormer to facilitate the creation of 1no additional bedroom to existing (C4) property.
<u>APPEAL TYPE</u>	Against Non-determination
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/01497
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00084

<u>ADDRESS</u>	37B Compton Avenue Brighton BN1 3PT
<u>DEVELOPMENT DESCRIPTION</u>	Installation of safety rail around rear flat roof. (Retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02589
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00093
<u>ADDRESS</u>	7 Tichborne Street Brighton BN1 1UR
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations to include front rooflight and rear dormer with solar panels and revised fenestration.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/01435
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00097
<u>ADDRESS</u>	Land To The East Of The Sycamores Bath Street Brighton BN1 3TB
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no two bedroom dwellinghouse (C3) with associated amenity provision and refuse & cycle storage.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03089
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00014
<u>ADDRESS</u>	98 Portland Road Hove BN3 5DN
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from existing basement flat (C3) to office (E).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/01985
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee

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<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00022
<u>ADDRESS</u>	Garages Rear Of 148 To 166 Portland Road Fronting Raphael Road Hove

<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey 2no bedroom dwellinghouse (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/00225
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00036
<u>ADDRESS</u>	61 Wordsworth Street Hove BN3 5BH
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to roof incorporating dormers to rear elevation and rear outrigger and 3no Velux windows to front elevation.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04100
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00038
<u>ADDRESS</u>	Flat 4 175 Kingsway Hove BN3 4GL
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to existing rear access to roof area, with new rear roof terrace with balustrade.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03594
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00080
<u>ADDRESS</u>	51 Westbourne Villas Hove BN3 4GG
<u>DEVELOPMENT DESCRIPTION</u>	Erection of extension to rear annex to create first floor with pitched roof.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/01355
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WISH</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00092
<u>ADDRESS</u>	93 St Leonards Road Hove BN3 4QQ
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of 2no self-contained flats and former chiropody surgery room into 3no self-contained flats (C3) (part retrospective) and erection of car port (retrospective).
<u>APPEAL TYPE</u>	Against Refusal

APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2020/03631  
APPLICATION DECISION LEVEL Delegated

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**WARD**

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

**WISH**

APL2021/00094

93 St Leonards Road Hove BN3 4QQ

Appeal against

Against Enforcement Notice

APPEAL DISMISSED

Not Assigned

**WARD**

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

**WISH**

APL2022/00034

46 Boundary Road Hove BN3 4EF

Prior approval for change of use of basement and ground floor from retail (A1) to residential (C3) to form 1no one bedroom flat, incorporating replacement of shopfront with window and alterations to side and rear fenestration.

Against Refusal

APPEAL DISMISSED

BH2021/02824

Delegated

**WARD**

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

**WITHDEAN**

APL2021/00099

20 Bavant Road Brighton BN1 6RD

Appeal against

Against Enforcement Notice

APPEAL DISMISSED

Not Assigned

**WARD**

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

**WOODINGDEAN**

APL2022/00025

1 Falmer Gardens Brighton BN2 6NE

Erection of a three storey, including lower ground floor, 4no bedroom detached house (C3) on land to the west of existing dwelling including landscaping, parking and new vehicle crossover.

Against Refusal

APPEAL DISMISSED

BH2021/02945

Delegated

**WARD****APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****APPLICATION DECISION LEVEL****WOODINGDEAN**

APL2022/00033

15 Crescent Drive North Brighton BN2 6SP

Erection of single storey rear extension at first floor level.

Against Refusal

APPEAL ALLOWED

BH2021/04348

Delegated

**WARD****APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****APPLICATION DECISION LEVEL****WOODINGDEAN**

APL2022/00039

139 Kipling Avenue Brighton BN2 6UF

Prior approval for the erection of an additional storey to form a second floor extension.

Against Refusal

APPEAL DISMISSED

BH2021/03674

Delegated

**WARD****APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****APPLICATION DECISION LEVEL****WOODINGDEAN**

APL2022/00040

139 Kipling Avenue Brighton BN2 6UF

Prior approval for the erection of an additional storey to form a second floor extension.

Against Refusal

APPEAL DISMISSED

BH2021/02820

Delegated

**WARD****APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****APPLICATION DECISION LEVEL****WOODINGDEAN**

APL2022/00081

Land East Of 5 Nolan Road Brighton BN2 6RS

Erection of 2no two-storey semi-detached dwellinghouses with associated landscaping.

Against Refusal

APPEAL DISMISSED

BH2022/00903

Delegated