

Planning Committee

Date: **6 September 2023**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Loughran (Chair), Allen (Deputy Chair), Cattell, Fishleigh, Hamilton, Nann, Pumm, Robinson, Shanks and C Theobald

Conservation Advisory Group Representative

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AGENDA

31 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.

32 MINUTES OF THE PREVIOUS MEETING

1 - 12

Minutes of the meeting held on 02 August 2023 (attached).

33 CHAIR'S COMMUNICATIONS

34 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 31 August 2023.

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

36 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: Any persons 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 register to speak by emailing Democratic Services at: democratic.services@brighton-hove.gov.uk

(Speakers are allocated a strict 3 minutes to address the committee. If more than one person wishes to speak the time will need to be shared, or one can be elected by communal consent to speak for all).

MINOR APPLICATIONS

A	BH2023/00424 - 7 Saxon Close, Saltdean - Full Planning	13 - 34
B	BH2023/00643 - Pavilion and Avenue Tennis Club, 19 The Droveaway, Hove - Full Planning	35 - 50
C	BH2023/01992 - Rottingdean Bowls Clubhouse, 3 Falmer Road, Rottingdean - Removal or Variation of Condition	51 - 66
D	BH2023/00999 - 34 Crescent Drive South, Brighton - Full Planning	67 - 80
E	BH2022/02809 - St Agnes Church, Newtown Road, Hove - Full Planning	81 - 96
F	BH2022/02810 - St Agnes Church, Newtown Road, Hove - Full Planning	97 - 114
G	BH2023/01135 - 13 Hailsham Avenue, Saltdean - Householder Planning Consent	115 - 126

- H BH2023/01467 - Hove Central Library, 182-186 Church Road, Hove - Listed Building Consent **127 - 134**
- I BH2023/01981 - Hove Central Library, 182-186 Church Road, Hove - Listed Building Consent **135 - 144**

37 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

- 38 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **145 - 148**
(copy attached).
- 39 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **149 - 150**
(copy attached).
- 40 APPEAL DECISIONS** **151 - 152**
(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) or email democratic.services@brighton-hove.gov.uk

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Date of Publication - Tuesday, 29 August 2023

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 2 AUGUST 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Cattell, Fishleigh, Hamilton, Nann, Robinson, Shanks, C Theobald and Miller (substitute)

Officers in attendance: Nicola Hurley (Planning Manager), Jane Moseley (Planning Manager), Alison Gatherer (Lawyer), Don Anyiam (Highway Agreements Officer), Charlotte Bush (Senior Planning Officer), Sonia Gillam (Senior Planning Officer), Rebecca Smith (Planning Officer), Wayne Nee (Principal Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

21 PROCEDURAL BUSINESS

a) Declarations of substitutes

21.1 Councillor Miller substituted for Councillor Pumm.

b) Declarations of interests

21.2 Councillors Theobald, Fishleigh, Robinson, Cattell, Nann and Loughran stated they had received emails from objecting residents relating to BH2022/03810: 15-26 Lincoln Cottages, Brighton. Councillor Fishleigh stated they had received emails from the agent for BH2022/03810: 15-16 Lincoln Cottages, Brighton.

c) Exclusion of the press and public

21.3 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.

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

d) Use of mobile phones and tablets

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

22 MINUTES OF THE PREVIOUS MEETING

22.1 **RESOLVED:** That the minutes of the meeting held on 5 July 2023 were agreed.

23 CHAIR'S COMMUNICATIONS

23.1 There were none.

24 PUBLIC QUESTIONS

24.1 There were none.

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

25.1 There were none.

26 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

26.1 The following items were not called by the Committee and were taken to be agreed in accordance with the officer's recommendation(s):

- Item D: BH2023/01539: 6 West Hill Street, Brighton

A BH2022/03385 - 239-243 Kingsway, Hove - Removal or Variation of Condition

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

Answers to Committee Member Questions

2. Councillor Shanks was informed that the 5% of the units would remain accessible. The only issue in the adaptable units would be the length of the kitchen worksurface. It was noted that the development meets policy M4 (3) which complies with policy. The Principal Building Control Surveyor the proposed buildings include optional M4 (2a and 2b). These regulations are not enforceable.
3. Councillor Theobald was informed by the Principal Building Control Surveyor that the two accessible units were on the ground floor and compliant with building regulations regarding door widths, bathrooms etc.
4. Councillor Robinson was informed that both accessible units were on the ground floor and exceeded the 5% of accessible units required.
5. Councillor Miller was informed by the agent acting on behalf of the applicant that the kitchens in the accessible units would be tailored to the occupiers needs.

Debate

6. Councillor Fishleigh noted the application has been refused at committee and allowed at appeal. The councillor considered the developers were 'land banking'. It was noted by the Planning Manager that the works had started, and this site could not be therefore considered as 'land banking'.
7. Councillor Theobald considered it a shame the application had been agreed at appeal, however the reduction in the number of units was a good thing.
8. Councillor Shanks stated that they did not support the application and considered the constant changes to the scheme to be good.
9. Councillor Cattell noted that the applicant can come back to the Local Planning Authority (LPA) any time and request variations to conditions.

Vote

10. A vote was taken, and by 9 to 1 the committee agreed to grant planning permission.
11. **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.

B BH2022/03810 - 15-26 Lincoln Cottages, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee. It was noted that the applicant has taken the application to the Planning Inspectorate as the application was not determined within the set timescales. The committee were therefore being requested to give an opinion as to whether they would have granted or refused planning permission. The case officer updated the committee noting that the date on condition number 5 had been updated, condition 6 was to remain the same following agent enquires, the turning space was deemed acceptable, and the Fire and Safety consultation found the amended plans acceptable.

Speakers

2. Liz Cook addressed the committee on behalf of the objecting residents and stated that the represented more than 60 households surrounding the proposal site. The community are open to a development that enhances the city, the report does not give enough weight to the serious harms the development will cause. The following are disputed: access – is not fit to support the burden of the proposed level of use; disturbance and intrusion – the area is characterised by back to back housing; however, this development creates a new street outside our bedroom windows, noise and light pollution and disturbance from human traffic. If approved the light levels should be controlled by condition. The report does not mention the serious harm caused by the bins for the development. Harms to health will come from the large bin collection point adjacent to existing properties. Traffic increase has been seriously underestimated in the report. The report acknowledges there is no light assessment and losses of light to the existing neighbours are likely to be greater than stated. Over shadowing and overlooking: the proposals will cause significant loss of privacy for neighbouring gardens

and bedrooms, if approved the non-use of roofs and no replacement of opaque windows should be required by condition. The development would lead to a cramped and intrusive arrangement for existing and future occupiers. Please refuse the proposals and aspire to something better for the community.

3. Ward Councillor Rowkins addressed the committee and stated that they had been watching the application carefully, which is located in the heart of the city. The existing structures are used as work spaces and should be comparably used in the future. The foot print of the development needs to be reduced with more room for trees and wildlife. The bins collection space needs to be better designed. Under urban design policy the site needs to be put to better use. An amended scheme is in the application system already and committee could look at that as a way forward. The committee were requested to refuse the application before them.
4. Oliver Milne addressed the committee as the agent acting on behalf of the applicant and noted that the site had been set aside under the local plan for 18 homes and this application was for only 9. The development consisted of much needed 3 bedroom homes on this brownfield site. The development is a good use of the site and not an overdevelopment. The preapplication advice received from the council and consultation with the public has led to changes in the proposals. Biodiversity will form part of the development. Green technology has been included to future proof the homes were possible. The development will be car free, and no objections have been received from the consultations. The committee were requested to agree the planning permission.

Answers to Committee Member Questions

5. Councillor Fishleigh was informed that the amended application still to be decided was not for consideration at the meeting and the Members were to be decide the application before them. The councillor was informed by the resident that the street lighting proposed would be too bright for the existing homes and that no invites had been received to the consultation event and those who did attend considered it a presentation only with on interaction from residents.
6. Councillor Loughran was informed by the resident that the closest property to the proposed bin collection store would be number 89.
7. Councillor Theobald was informed by the agent that the existing garages were mostly vacant, and the remaining would be soon. It was noted that sprinklers would be installed in the new properties.
8. Councillor Shanks was informed that the affordable housing threshold for onsite provision was 15 or more units, and this application was for 9 and therefore a financial contribution was acceptable. The case officer noted that more units would have a greater impact on the local amenities.
9. Councillor Cattell was informed by the resident that they were not aware of the consultation process undertaken for City Plan Part Two. The Principal Planning Policy Officer informed the committee that there had been a series of consultations for City Plan Part Two in the summer of 2018 and autumn of 2019 and there had been a number of options to make representations. No comments were received regarding this

site. The consultations were evaluated in 2021 and published online. The Planning Manager noted that the City Plan Part Two was adopted and due process had been carried out.

10. Councillor Miller was informed by the resident that tree planting was wanted by the residents, however, the existing landscaping scheme included deciduous trees not evergreen. The Planning Manager noted that condition 14 required the landscaping scheme to be secured by condition and therefore agreed at a later date if the appeal was allowed. The resident considered there was not enough room to plant big enough trees in this scheme to provide privacy.
11. Councillor Robinson was informed by the agent that the street lighting details were to be agreed. The case officer agreed that a further condition could be added for more details of the lighting.
12. Councillor Nann was informed by the Highway Agreements Officer that four vehicles per day were estimated at the site and the access road would be private. The developer would be responsible for maintaining the access. The officer confirmed that the impact of the delivery vehicles was not considered significant enough to refuse the application.
13. Councillor Miller was informed by the resident that they wanted to Green up the Hanover community and trees would be welcomed. The nine large bins would total 18 with the recycling bins and collection point would be preferred to be an alleyway. The Planning manager noted that condition 13 covered the storage of bins for each property and collection. The agent stated that communal bins were not preferred, and each property would store their own bins and wheel down for collection day from the private access.
14. Councillor Theobald was informed that the landscaping scheme was to be approved by condition. If the Planning Inspector approves the appeal, they will look at conditions suggested by the council.
15. Councillor Cattell was informed by the case officer that the design of windows in the development allowed only oblique views of neighbouring properties.
16. Councillor Loughran was informed by the agent that the details of the heat pumps and solar panels would be submitted by condition.

Debate

17. Councillor Cattell noted there were no objections to the selection of the site for housing. The site could hold 18 dwellings however the application was for 9.
18. Councillor Loughran considered there were many constraints on the site and the spacing around the homes was an issue. The councillor considered that the developer had not worked with the community and felt their inadequate circulation, harm to the neighbours. More details were required relating to the green energy.
19. Councillor Shanks wanted affordable housing and considered that homes were needed and supported the application.

20. The Planning Manager noted that the current scheme in the system could not be considered in the debate and the committee were to make a decision on the application before them.
21. Councillor Nann considered that the traffic was underestimated, and the character of the area would be changed. They did not consider the development was a good use of the site.
22. Councillor Miller considered that if the application was agreed, the residents should be consulted to minimise impact.
23. Councillor Hamilton noted the site had been set aside for development in City Plan Part Two however the committee did not need to accept the scheme before them. The proposals are an overdevelopment of the site with no parking. The councillor considered the scheme would have a detrimental impact on local residents. The committee were requested to refuse the application.
24. Councillor Fishleigh considered the development have a detrimental impact on light and privacy; layout and density were harmful with loss of amenities to residents. The councillor was against the application.
25. Councillor Theobald considered the application difficult and considered the site visit very helpful to understand the application. The access for emergency vehicles would be difficult and bin collection point was not good. The councillor considered that two storey dwellings would be better as the current design blocked views. The councillor stated they could see both sides.

Vote

26. A vote was taken, and by 1 to 9 against the committee voted against the officer recommendation.
27. Councillor Fishleigh proposed a refusal, seconded by Councillor Miller, on the grounds of overdevelopment, loss of light, privacy, density, loss of amenity and traffic.
28. A recorded vote was taken to refuse the application on the grounds proposed. Councillors: Allen, Cattell, Fishleigh, Hamilton, Nann, Robinson, Theobald, Miller and Loughran voted for the refusal. Councillor Shanks abstained.
29. **RESOLVED:** That the committee was minded to refuse the application. The reasons to be agreed with the proposer and seconder.

C BH2023/00953 - 9 The Village Barn, Church Hill, Brighton - Householder Planning Consent

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

Answers to Committee Member Questions

2. Councillor Theobald was informed by the case officer that there was one existing rooflight facing Vale Avenue and one proposed. There were rooflights on the barn opposite the application site. The Planning Manager confirmed the officer recommendation was for approval.

Debate

3. Councillor Miller considered Solar Panels to be good and supported the application.
4. Councillor Robinson considered the symmetry would change.
5. Councillor Theobald noted as Ward Councillor that the application site was in a conservation area and opposite an historic barn. There are no other rooflights or glazed roof areas and the application will set a precedent. The nearby church is listed. Residents have objected. The councillor was against the application.
6. Councillor Allen noted the proposals would not be visible from the nearby listed church.
7. Councillor Loughran noted there had been no objections from the heritage officer.

Vote

8. A vote was taken, and by 8 to 1 against the committee agreed to grant planning permission. (Councillor Fishleigh had left the meeting and took no part in the discussions or vote).
9. **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.

D BH2023/01539 - 6 West Hill Street, Brighton - Householder Planning Consent

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 in the report.

E BH2023/00722 - 100-104 Church Road, Hove - Full Planning

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

Answers to Committee Member Questions

2. Councillor Robinson was informed as Ward Member by the case officer that it was not acceptable to condition deliveries to front only as the use was existing. The planning manager informed the committee that to add a condition the condition needed to be reasonable and as there was no change of use at the premises, to add a condition regarding deliveries would be unreasonable. The case officer noted there had been

some small deliveries to the rear of the property under the previous owner. The councillor was also informed that the air conditioning units were already existing and could not be conditioned to reduce the noise. The case officer noted that noise levels were a matter for the Environmental Health team and the noise assessment for the application was found to be acceptable.

3. Councillor Robinson proposed a condition to prevent deliveries to the rear of the property, however, no other committee Member seconded the motion.
4. Councillor Allen noted the formula for measuring noise was very difficult to define and give a level of acceptability for the site.
5. Councillor Loughran noted there were British Noise standards.

Debate

6. There was no debate.

Vote

7. A vote was taken, and the committee agreed unanimously to grant planning permission. (Councillors Theobald and Fishleigh had left the meeting and took no part in the discussion or vote).
8. **RESOVLED:** 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.

F BH2023/00789 - Land to the rear of 69 Centurion Road, Brighton - Full Planning

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

Speakers

2. Paul Bowes addressed the committee as an objecting resident and stated that they lived in Centurion Road, and they objected to the proposed garage. The garage was bought last year, and the proposals would make the structure three times bigger. Commercial use was originally requested and then withdrawn. It is considered that the size will be for commercial use. The development will increase parking pressures on the site. If the council were to approve, please use a S106 agreement for non-commercial use. Please also have an informative to maintain the right of way. The committee were requested to refuse the application.
3. Ward Councillor McLeay addressed the committee and noted there had been 32 objections and there were many concerns including over development, intended use, wall maintenance and scale of development in a tight area of the site. The use is unclear as business use was previously applied for and the application was submitted under a company name. The local residents want clarification and a tighter agreement on use. The maintenance of the retaining wall will be an issue and the design is close to the wall.

4. James Oliver addressed the committee as the applicant and stated that they thanked the case officer for the changes agreed. The use would be for private storage and car parking. The space is derelict at the moment and anti-social behaviour has been noted in the area. Planting is planned to deter intruders.
5. The Planning Manager clarified that the maintenance of the retaining wall was a private matter and not a planning consideration. The suggestion of s106 agreement would not be advised. If the unit is used for commercial purposes, then a condition could be enforced effectively.

Answers to Committee Member Questions

6. Councillor Allen was informed by the architect that the roof was pitched, and guttering would deal with the rainwater and there would be a gulley to the rear of the building against the retaining wall.
7. Councillor Cattell was informed by the architect that the B8 use was withdrawn as it had become clear to the applicant it was not needed. The applicant confirmed the garage was not for commercial use.
8. Councillor Shanks was informed that the access to the retaining wall was not a planning matter, and the land was not owned by the council.
9. Councillor Theobald was informed by the applicant that they owned an electric bike business in Lewes and the garage would be for private storage only such as a canoe and personal bikes. The applicant was happy to have a condition restricting the use to private. The Planning Manager noted that condition 3 restricted the use to private.

Debate

10. Councillor Allen noted that the site was not attractive, and the drainage proposed was acceptable. The councillor supported the application.
11. Councillor Theobald noted that the gap between the retaining wall and the structure was tiny. The councillor did not support the application.
12. Councillor Robinson noted the current space was used for anti-social behaviour. The new garage would be better, and they supported the application.
13. Councillor Fishleigh noted the Planning Enforcement team were very good.
14. Councillor Shanks considered they were not able to oppose and asked that if any commercial use was seen that it be reported.

Vote

15. A vote was taken, and by 9 to 1 against the committee agreed to grant planning permission.

16. **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 BH2023/01017 - Studio Workshop at rear of 49 Elm Drive, Hove - Householder Planning Consent

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

Speakers

2. Philip Bryman addressed the committee as an objecting resident and stated they represented some twenty families. Overlooking is an issue as is parking in the area. The retrospective application is not considered to be good for the area. Common sense should be used as the building is too close to the boundary, is overbearing and cramped on the site. The development is against policy in the National Planning Policy Framework (NPPF). Previous applications have extended the height with larger extensions. It was requested that an article 4 be placed on the property for no further extensions. The resident stated they spoke for neighbours. The development has caused great anxiety.
3. Ward Councillor Hewitt addressed the committee and stated that they objected to the development as it was too large in this space for a garage and something smaller. The structure is too high and can be seen from surrounding roads. The development is overlooking and overshadowing the neighbours, who also have reduced light. Access for emergency vehicles is an issue. Parking is limited, which may lead to double parking and over obstructions. The increased height will set a precedent. Previous applications at the property have been withdrawn. The committee were requested to refuse the application.
4. Paul Heath addressed the committee as the applicant and stated that they had tried to reach out to local residents and the precedent for back garden developments had been set already. The development replaced large garages and bin store. Previous applications that were withdrawn were completely different from this application with a new roof that is smaller but higher than the existing. The proposed clay tile roof will be better with conservation style dormers. The development requires no underpinning and is a good design.
5. The Planning Manager clarified that the photos handed to the committee were not verified by the council officers. Covenants were not a planning issue. Parking matters were not considered as this is an existing property. A previous application was refused for too many windows not overshadowing.

Answers to Committee Member Questions

6. Councillor Cattell was informed by the applicant that the ground floor of the property was open plan with one bedroom and the first floor has a new bathroom and bedroom. The dwelling is a two bedroom property.

7. Councillor Robinson was informed by the applicant that windows do look at over properties. The Planning Manager stated that the windows do not look directly into other property windows and the windows are obscure glazed at first floor.
8. Councillor Theobald was informed that the height increase was by 1.8 metres and the property was a separate dwelling from the main house following the issuing of a Certificate of Lawfulness proving the property to be a dwelling.
9. Councillor Loughran was informed by the applicant that the structures formerly on the plot were a summer house and a small wall. These have now been removed and trees for screening have been proposed.
10. Councillor Cattell was informed that there were no Permitted Development (PD) rights for the property and any further development would require planning permission.
11. Councillor Miller was informed that any new Velux windows would require planning permission.

Debate

12. Councillor Allen considered the proposals to improve the dwelling and they supported the application.
13. Councillor Miller supported the application.
14. Councillor Theobald considered that the change from studio to property was unfair on the neighbours. The roof was visible from neighbouring gardens. The two storey property was too big.
15. Councillor Loughran considered the property too big and takes up too much space, causing harm to the neighbours from overshadowing. The property has adverse effects on the residents as it is visible to many. The property is overbearing and damages the townscape and character of the area. The councillor was against the application.

Vote

16. A vote was taken, and by 5 to 4 against the committee agreed to grant planning permission. (Councillor Fishleigh had left the meeting and took no part in the discussions or vote).
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 **GRANT** planning permission subject to the Conditions and Informatives in the report.

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

- 27.1 There were none.

28 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

29 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

29.1 There were none.

30 APPEAL DECISIONS

30.1 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 Planning Manager informed the committee that the Planning Inspector had dismissed two telecom masts applications as the operators had not considered alternative sites, in particular rooftop installations on buildings in the vicinity that could and the inspector had agreed with the council regarding the grounds for refusal. It was noted that this was a change to previous inspector decisions.

The meeting concluded at 6.16pm

Signed

Chair

Dated this

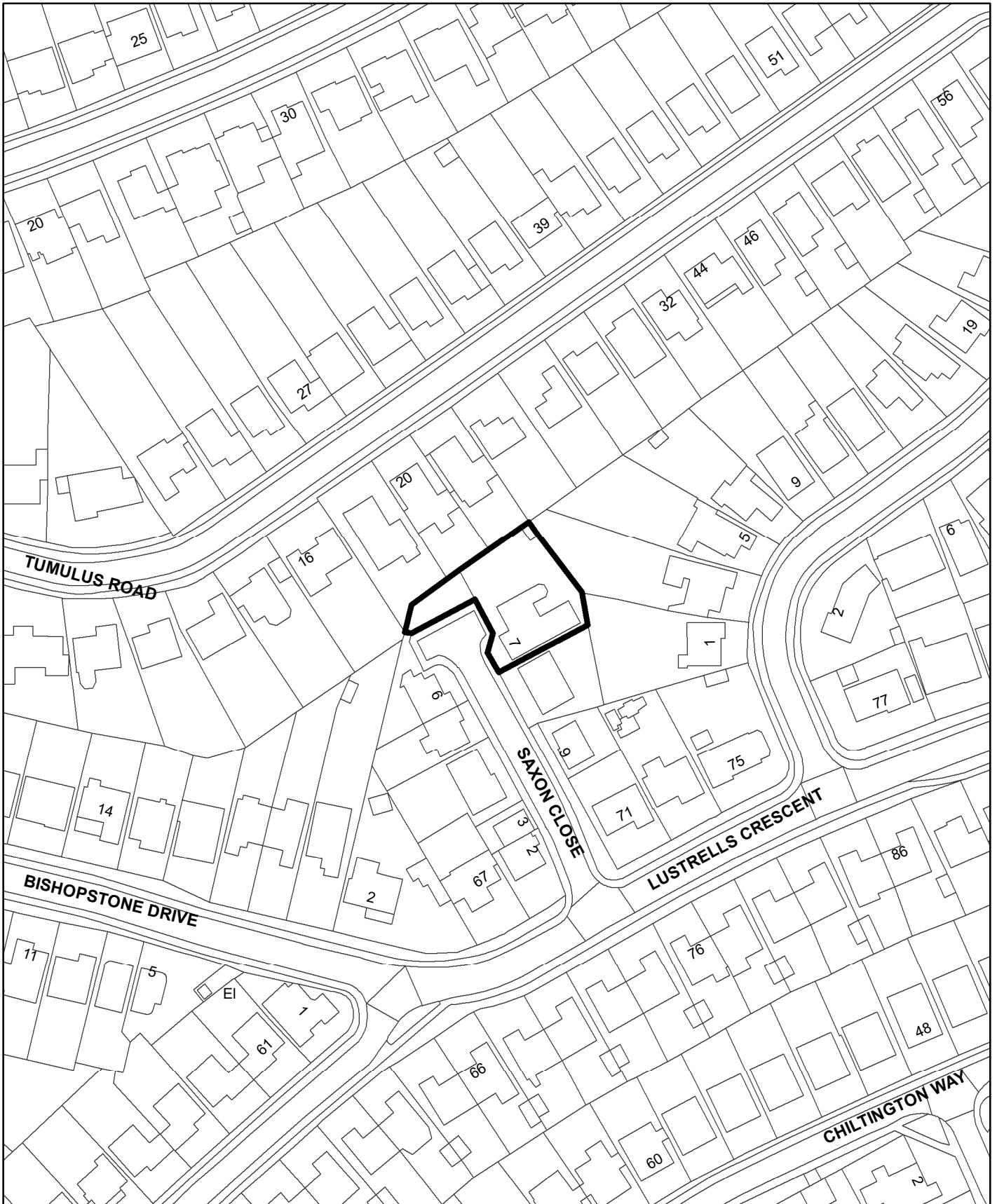
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ITEM A

**7 Saxon Close
BH2023/00424
Full Planning**

DATE OF COMMITTEE: 6th September 2023

BH2023 00424 - 7 Saxon Close



N



Scale: 1:1,250

<u>No:</u>	BH2023/00424	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Saxon Close Saltdean Brighton BN2 8GA		
<u>Proposal:</u>	Erection of 1no detached part 1/part 1.5 storey three bedroom dwelling (C3) with associated parking, bin store and landscaping on land at 7 Saxon Close, including subdivision from 7 Saxon Close.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	06.03.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.05.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	07.07.2023
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Investsave Ltd C/O Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	TA 1398/09	A	19 July 2023
Proposed Drawing	TA 1398/11	C	19 July 2023
Proposed Drawing	TA 1398/12	C	19 July 2023
Proposed Drawing	TA 1398/13	C	19 July 2023
Proposed Drawing	TA 1398/14	C	19 July 2023
Proposed Drawing	TA 1398/15	C	19 July 2023
Proposed Drawing	TA 1398/16	C	19 July 2023
Proposed Drawing	TA 1398/17	C	19 July 2023
Proposed Drawing	TA 1398/18	B	19 July 2023
Proposed Drawing	TA 1398/19	B	19 July 2023
Proposed Drawing	TA 1398/10	C	19 July 2023
Report/Statement	Ecological report		19 July 2023
Report/Statement	Ecological report appendix		19 July 2023
Report/Statement	Heritage Report		13 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. Notwithstanding any details shown on the approved plans, 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, including (where applicable):
 - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments
 - e) 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/DM21/DM26 of Brighton & Hove City Plan Part 2 and CP12/CP15 of the Brighton & Hove City Plan Part One.

4. Prior to occupation of the development hereby permitted, a scheme for landscaping, for both 7 Saxon Close and the new dwelling, 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 the 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 food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

5. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Confidential Badger Appendix (David Archer Associates, July 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40

of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

6.
 - i) No development shall take place 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.
 - ii) The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in advance and in writing with 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 Two, and CP15 of the Brighton & Hove City Plan Part One.

7. 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 of the Brighton & Hove City Plan Part Two.

8. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - 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 Dm20 & DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.

9. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans TA1398/11 C and TA1398/12 C received on 19th July 2023. The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

10. The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
11. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
12. 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.
13. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential.
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.
14. The residential unit hereby approved shall not be occupied until the building 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.
15. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to on drawing TA1398/10 C shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
16. 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.

17. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, in accordance with the recommendations in the Preliminary Ecological Appraisal (David Archer Associates, July 2023) 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) 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, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) 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 provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, 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 City Plan Part Two.

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

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

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. In order to be in line with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for purpose-built secure cycle stores (e.g., Tri-metal). Alternatively stores such as sheds made from other materials such as wood must be covered and include a concrete base with Sheffield type stands

to ensure the main frame of the bicycle can be secured. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.
4. 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.
5. 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.
6. The applicant should be aware that the site may be 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>
7. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
8. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.

2. SITE LOCATION

- 2.1. The application site is a two storey detached dwelling with a rear/side garden at the end of Saxon Close in Saltdean. The site is irregular in space, with the main dwelling located along the southern boundary, a large garden along the northern (side) boundary which extend west around the corner along the edge of the hammerhead of the cul-de-sac. The land slopes upwards to the north-west towards the end of the cul-de-sac to the north-west, with dwellings beyond the site on Tumulus Road sitting at a significantly higher level than the application site.
- 2.2. The site is not listed and is not within a conservation area. There are no Article 4 Directions covering the site which are relevant to the proposed development. It is noted that the site is within an Archaeological Notification Area (ANA).

3. APPLICATION DESCRIPTION

- 3.1. The application is seeking planning permission for the subdivision of the side garden from 7 Saxon Close and the erection of a new detached dwelling on the plot with a driveway to the front and garden to the rear.
- 3.2. The application has been amended since the application was originally submitted and a second round of consultation has been carried out. Initially the proposed design of the new dwelling was of a contemporary appearance. The amended plans have detailed a more sympathetic design which reflects the surroundings. This amended design has been slightly clarified in further revisions to address matters raised by consultees.
- 3.3. The representations listed below are from both (March and May 2023). This recommendation is considering only the latest plans (received July 2023).

4. RELEVANT HISTORY

- 4.1. **BH2022/03233** - Partial demolition and remodelling of the existing dwelling and erection of 1no four bedroom dwelling and 1no three bedroom dwelling (C3). Withdrawn

5. REPRESENTATIONS

- 5.1. **Seventeen (17)** letters have been received, objecting to the proposed development for the following reasons:
 - Additional traffic
 - Detrimental effect on property value
 - Inappropriate height of development
 - Overdevelopment
 - Overshadowing and loss of light
 - Poor design

- Restriction of view
- Too close to the boundary
- Increased noise from additional dwelling and garden
- Potential land subsidence to properties on Tumulus Close
- Potential flood risk
- Loss of privacy
- Would set a precedent for other development in Saltdean.
- Housing has been built nearby already.
- Properties in Saxon Close are not selling.
- Saxon Close already has a lack of parking.
- Building will be on a Saxon burial site.
- Disruption to neighbours during build
- Impact on existing drainage / potential drainage issues,
- Loss of tree in rear garden and biodiversity.
- Impact on protected species
- Development is for private gain not the community.
- Schools and doctors are full.
- Cars will not be able to turn around in the end of the road.
- Will create issues for refuse collection lorries.
- Saxon Close is subject to a design covenant.
- Impact on retaining wall between Saxon Close properties and Tumulus Close properties.
- Security risk from flat roof.
- Drawings look incorrect in terms of retaining wall.
- Takes away the view from Tumulus Road

5.2. **Councillor Fishleigh** has objected to the application and called the application to planning committee. A copy of the representation is attached.

6. CONSULTATIONS

Internal:

6.1. **Sustainable Transport:** No objection

Initial concerns have been overcome with an amended boundary wall design that provides an acceptable visibility splay for the vehicle parking area. Car parking provision has been reduced to align with SPD14. The proposal is now acceptable in transport terms subject to the suggested conditions.

6.2. **Urban Design:** No objection

First Comment - seek amendments/more information:

This application presents proposals for a new dwelling on land from 7 Saxon Close. From an urban design perspective, there appears sufficient space to accommodate one small (2-3 bed) new dwelling with private external amenity that draws upon the valuable characteristics of the local context. In this regard, development here could be supported in principle in urban design terms.

6.3. The proposals present a 3-bedroom detached dwelling to the North of 7 Saxon Close, with parking and private external amenity, using some of the existing

garden of 7 Saxon Close. This makes number 7's garden s lightly smaller but this is not considered detrimental to the quality of external amenity for this existing property.

- 6.4. Proposals present a number of positive elements :
- An overall appearance that is congruent with the street scene;
 - Appropriately sized development for the plot size;
 - High quality private external amenity.
 - However, there are a number of concerns:
 - The existing character of the street namely the landscaping at the end of Saxon Close is impacted by the proposed new development;
 - Insufficient information on aspects of the development including, approach to low-carbon and sustainability, detail on materials, SUDs and landscape strategies.
- 6.5. Second comment (following submission of plans dated July 2023):
- Revised plans look to respond positively to comments on rationalising the rear roofscape by replacing the two smaller dormers with one continuous one, replacing the rear steep roof to ground floor with a flat roof would further rationalise the roofscape.
 - Revised plans also include additional information on the low-carbon approach to space heating with an air-source heat pump proposed which is welcome.
 - The low-carbon approach in general is still lacking in information, especially in regard to the material strategy and construction of the building. Drawings lack information on materiality which remains a concern in this regard, as well as assessment of overall appearance. If further information is not to be provided at this stage, this requires condition.
 - The ecology officer comments / recommendations could be considered in relation to urban design comments on materiality, sustainable urban drainage and landscape design,
 - The introduction of a window in the kitchen is welcome for improved natural ventilation.

External:

- 6.6. **Brighton & Hove Archaeological Society: Comment**
Saltdean has produced a number of interesting finds in the past from prehistoric and Bronze Age flintwork to Saxon burials. Very little is known about archaeology in Saltdean, so there is the potential for new find spots.
- 6.7. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.
- 6.8. **County Archaeology: No objection**
The proposed development lies within an Archaeological Notification Area (a non-designated heritage asset) associated an Anglo-Saxon cemetery.

- 6.9. There is no objection subject to conditions for the implementation of a programme of archaeological works in accordance with a written scheme of investigation prior to the commencement of the development.
- 6.10. **Ecology:** No objection subject to the recommended conditions
 Following the submission of a report concerning protected species there are no objections from an ecological perspective, providing that the methodology within the ecological reports is followed and a scheme to increase biodiversity is secured by condition.

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. 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
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM3	Residential conversions and the retention of smaller dwellings
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees

DM31	Archaeological Interest
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

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 the principle of subdividing the existing garden to allow for a new dwelling, the design and appearance, impacts on the retained 7 Saxon Close, the proposed standard of accommodation, impacts on neighbour amenity, ecology and transport matters.

Principle of the 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.
- 9.3. 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. 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. As noted above, 7 Saxon Close benefits from a large rear side and front garden, with the front garden extending along the end of the road. The proposed subdivision would infill the side garden, with the original dwelling remaining unaltered, other than having a smaller garden.
- 9.6. Subject to other considerations such as the design and appearance of the proposed dwelling and impacts on neighbours, the highway and the local environment being acceptable the development can be supported in principle.

Design and Appearance:

- 9.7. The proposed design has been significantly amended since the application was received. Initially a linear and contemporary designed detached property design was proposed, two storeys in height. This was superseded by a part one/part 1.5 storey dwelling which is what is now being considered. I
- 9.8. It is noted that planning permission was granted for an infill development at what is now 9 Saxon Close (BH2012/02168) but which previously formed part of the rear garden of 71 Lustrells Crescent. The subdivision of plots is not therefore unprecedented in the immediate vicinity.
- 9.9. In terms of this proposal, the three-bedroom dwelling proposed would be in keeping with the character of the area in terms of plot sizes and would utilise the same building line as other properties within Saxon Close. The overall size of the plot is comparable with that relating to other dwellings within the Close.
- 9.10. The design of the property now better reflects the character and appearance of the other properties within 7 Saxon Close. The substantial difference in height of the original submission has been removed, the size of the dwelling has been reduced by a bedroom and there has been a reduction in parking spaces. Further amendments were made to address the comments of the Urban Designer and provide clarity on specific aspects such as accessibility and sustainable design.
- 9.11. The proposed dwelling would have a style which is in keeping with the neighbouring properties in terms of form and scale. It would have the appearance of a bungalow with accommodation at roof level, with a rear dormer similar to the existing dwelling at no. 7 Saxon Close. It While the other dwellings of Saxon Close have a two-storey appearance, this approach is considered appropriate given the upward incline of the road towards the rear gardens of Tumulus Road. The overall height of the new dwelling would match that of 7 Saxon Close. Further details of the material finish of the dwelling are sought via condition.
- 9.12. The design would incorporate a front balcony area which is considered to be proportionate to the dwelling and in keeping with other properties within the street which have small balconies overlooking the street. The proposed dwelling would have large window openings at ground floor and smaller openings in the rear dormer at first floor level. The rear ground floor bay will have a projecting seam roof.
- 9.13. It is considered to relate well to the appearance and character of the existing streetscene and would sit comfortably within the plot with access to the rear garden possible on both sides of the dwelling.
- 9.14. Although the dwelling is considered to be well sited within the plot and in relation to the topography of the locality, it is considered that removal of 'permitted development rights' would be justified in this instance as any enlargement of the property could result in harm to the character of the area or neighbouring

amenity if not appropriately overseen. Therefore, a condition is recommended removing such rights.

- 9.15. Therefore, subject to the conditions noted above, the proposed new dwelling is considered acceptable in terms of its design and appearance as a detached dwelling and relationship to Saxon Close and would be in accordance with polices CP12 of the City Plan Part One and polices DM18 of the City Plan Part Two and SPD12 guidance.

Standard of Accommodation:

- 9.16. 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. They form a useful guide in assessing the standard of new residential accommodation. These space standards have been formally adopted into the Brighton and Hove City Plan Part Two through Policy DM1.
- 9.17. The proposed development would result in a three-bedroom, five-person dwelling with an overall internal floor area of 110sqm, exceeding the minimum required (93sqm sought by Policy DM1).
- 9.18. The proposed internal layout would have the primary living spaces on the ground floor comprising a kitchen/dining room (23.54sqm) and living room (22.15sqm), alongside a double bedroom (12.77sqm) and a shower room. On the first floor there would be two bedrooms; a double (13.15sqm) and a single (8.94sqm) occupancy room and a bathroom. The bedrooms would accord with the relevant requirements of the NDSS, with the remaining areas considered to be of sufficient size.
- 9.19. The bedrooms and living areas would benefit from windows providing sufficient natural light, outlook and ventilation to the dwelling for future occupiers. The windows are considered to be of a good size for the spaces that they serve.
- 9.20. Externally, as described above the plot would be subdivided and to ensure that 7 Saxon Close retains a usable garden, it is recommended that landscaping details are provided prior to occupation of the new dwelling so that both properties are provided with useable outdoor space, not just the new dwelling considered here. The retained garden for 7 Saxon Close is considered to be of an appropriate size for the dwelling. Similarly the garden for the new dwelling would provide ample space to the rear and a landscaped front garden surrounding the off-road parking area.
- 9.21. The proposed dwelling would meet the space standards set out within policy DM1 of the City Plan Part Two and the garden spaces of the two dwellings would be appropriate for the size of the dwellings. It is also noted that the new dwelling would have internal spaces which benefit from good natural light, ventilation and outlook. Accordingly, the proposal is in accordance with policy DM1 of the City Plan Part Two.

Impact on Amenity:

- 9.22. Policy DM20 of City Plan Part Two states that planning permission for development 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.
- 9.23. A new dwelling within the side garden will result in an increase in trips to and from Saxon Close. However the additional uplift in activity associated with a single new dwelling is not considered to be so great or intense as to warrant refusal of the application on the basis of increased noise and disturbance to neighbours.
- 9.24. It is noted that there would be a small window in the south elevation at first floor level serving the smaller bedroom. However, this would overlook the blank flank wall of 7 Saxon Close so there would be no loss of privacy resulting.
- 9.25. In terms of the other windows to the rear, these would not result in any significant overlooking or loss of privacy towards the neighbouring properties on Tumulus Road and Winton Avenue over and above the existing views from no. 7 Saxon Close. There are no windows in the side elevation facing the gardens of Tumulus Close.
- 9.26. It is also noted that as the ridge height of the proposed dwelling would not exceed the height of 7 Saxon Close. The proposed dwelling would be set back from the retaining wall to the north and would not protrude more than approximately 0.56m above this wall. There is considered sufficient separation distances from the rear of the properties on Tumulus Road and also Winton Avenue to the east to ensure the proposal would not have an overbearing or enclosing impact on these properties or result in any significant loss of light or outlook.
- 9.27. Sufficient separation has been provided from the proposed dwelling and the host dwelling at 7 Saxon Close to ensure that there is no significant overbearing impact, or loss of outlook, light or privacy to the existing property.
- 9.28. Overall, the proposals are in accordance with DM20 of the City Plan Part Two.

Sustainable Transport:

- 9.29. The proposed new dwelling is located in a cul de sac at the head of the road. There are no restrictions on on-street parking.
- 9.30. It is noted that there have been objections relating to parking stress. The dwelling would provide one off street parking space in accordance with SPD14 on parking standards. The Local Highway Authority (LHA) are satisfied with the team in respect of parking provision.
- 9.31. It is noted that the design of the front garden has also been amended, with the wall adjacent to the parking space lowered to improve visibility. This change has overcome the initial concerns of the LHA. It is considered necessary to add a condition securing the retention of this parking area to limit any impacts of overspill parking that might arise.

- 9.32. The proposal incorporates an electric vehicle charging point within the driveway/parking area and dedicated space to park cycles, therefore future occupiers will be able to make sustainable travel choices. Further detail of the proposed cycle parking is sought via condition to ensure that the cycle parking is policy compliant. It is acknowledged that depending on the size of vehicle parked on the drive it may be tight to get a cycle in and out, this will be something for a future occupier to manage appropriately.
- 9.33. In terms of the impacts on trip generation, the proposal would not represent a significant impact to the local highway network, and it is noted that the no. 27 bus which connects Saltdean with the city centre has bus stops at the end of the Close giving future residents a further option of sustainable travel.
- 9.34. Accordingly, the proposal, subject to the recommended conditions, is in accordance with policy CP9 of the City Plan Part One and policies DM33 and DM36 of the City Plan Part Two and the SPD14 Parking Standards.

Landscaping and Ecology:

- 9.35. The proposal would result in a loss of garden space for no. 7 Saxon Close and it is noted that the existing large garden is well landscaped, including the side garden where the dwelling would be sited and the front garden over the end of the road.
- 9.36. As shown in the plans the site is to be subdivided and a parking space provided to the front of the new dwelling. The works would result in the majority of the existing landscaping being lost during the works. To ensure that following the development the landscaping is maintained, making a positive contribution to the street scene and to improve biodiversity outcomes, further details of the landscaping arrangements for both properties is sought via condition.
- 9.37. The site is not designated for its nature conservation interest, and there is nothing designated nearby that would be affected by a development on this scale. .
- 9.38. It is noted that a number of representations cite that there are protected species within the vicinity of the site. In response to the neighbour comments and the Ecologist's comments on the site further investigation of the site has been undertaken and a report has been provided which includes a method statement for dealing with any protected species during the works. This has been reviewed by the Ecologist and found to be acceptable. A condition is recommended to ensure that protected species are appropriately managed, and that the biodiversity of the site is enhanced.
- 9.39. Subject to the recommended conditions above, the development would provide appropriate landscaping and would be acceptable in regards to ecology issues accordance with policy CP10 of the City Plan Part One and policies DM22 and DM37 of the City Plan Part Two.

Sustainability:

- 9.40. The proposed dwelling has been designed with sustainability in mind; solar panels would be incorporated into the design of the dormer roof and an air source heat pump situated beside the northern elevation. The proposal would also be subject to a condition securing the energy performance of the building at EPC rating B and a restriction to ensure that the dwelling utilises water efficient technologies in accordance with policy CP8 of the City Plan Part One and policy DM43 of the City Plan Part Two.

Other Considerations:

- 9.41. It is noted that the site lies within an Archaeological Notification (ANA) area, as a result the County Archaeologist has recommended that prior to the commencement of any works on site archaeological surveys are undertaken. This is secured by condition and would be in accordance with policy DM31 of the City Plan Part Two.
- 9.42. It is noted that the representations cite concerns about the potential impacts on the stability of the retaining wall. This is addressed through other regulation so is not a material planning consideration.

10. EQUALITIES

- 10.1. Condition 12 will require that the dwelling is accessible and adaptable, and the internal layout includes a ground floor bedroom and shower room so once inside a person could comfortably live on the ground floor.

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The scheme would incorporate various measures of benefit to climate change and biodiversity including a bee brick, swift bricks/boxes, a biodiversity improvement plan, air source heat pump, solar panels, cycle parking, and an EV charging point. Further, it would make more efficient use of brownfield land.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. 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 £23,914.67. 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.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Bridget Fishleigh
BH2023/00424 – 7 Saxon Close

5th July 2023:

If officers recommend minded to/grant on this application, then please can it come to committee for a public discussion and decision.

MPCs are as below:

- Overdevelopment
- Parking
- Highway safety
- Traffic
- Layout and density of building

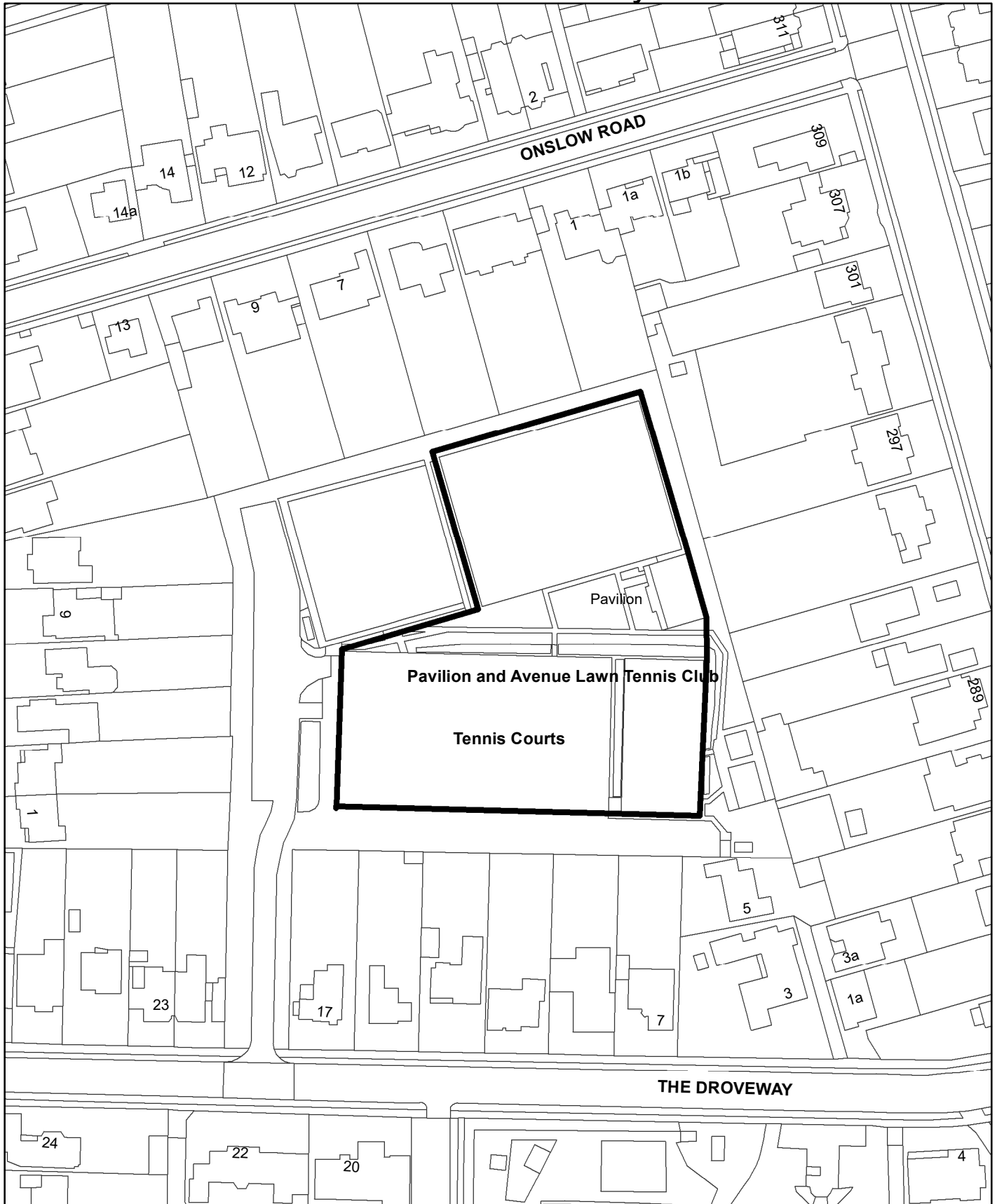
Please would you ensure that The West Saltdean Neighbourhood Forum is consulted.

ITEM B

**Pavilion and Avenue Tennis Club
19 The Drove
BH2023/00643
Full Planning**

DATE OF COMMITTEE: 6th September 2023

BH2023 00643 - Pavilion and Avenue Tennis Club, 19 The Droeway



N



Scale: 1:1,250

<u>No:</u>	BH2023/00643	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 The Drove way Hove BN3 6LF		
<u>Proposal:</u>	Installation of 12no lighting columns to courts 6, 7 and 8 and 6no lighting columns to court 1.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	17.03.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	12.05.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Neil Moss Pavilion And Avenue Tennis Club 19 The Drove way Hove BN3 6LF		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	AL-01 C		17 March 2023
Proposed Drawing	AL-03 B		2 March 2023
Proposed Drawing	AL-04		2 March 2023
Proposed Drawing	AL-05 A		2 March 2023
Report/Statement	6612b	Lighting design document	29 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. The floodlighting units hereby approved shall be installed in accordance with the specification provided within the 'Outdoor LED Tennis Lighting Design' document by 'Luminance Pro Lighting Systems Ltd' ref: 6112b received 29th March 2023. At no time and under no circumstances shall the light from the floodlights hereby approved into the habitable room windows of adjacent residential properties exceed a level of 2 lux vertical illuminance.

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

4. The floodlighting units hereby approved shall be installed in such a manner so as to ensure that light sources and reflectors are not directly visible from the habitable room windows of any residential property directly abutting the site.

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

5. The floodlighting hereby approved shall only be in use between the hours of 08:00 and 21:00 on Mondays to Fridays, 08:00 and 20:00 on Saturdays, and 16:00 and 18:00 between 1 October and 31 March on Sundays, Bank or Public Holidays. The floodlighting should not be in use at any time on a Sunday between 1 April and 30 September.

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.

Informatives:

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

2. SITE LOCATION

- 2.1. The application site comprises the Pavilion & Avenue Tennis Club located on the northern side of The Droveaway, Hove. The Club is bounded on all sides by residential properties. The site is not located within a Conservation Area or otherwise subject to any designations or protections.
- 2.2. There are ten tennis courts and a clubhouse building on the site. Courts 2-5 benefit from existing floodlights; and courts 9 & 10 are covered by an air-hall during winter months which is internally floodlit. The application relates to the remaining courts 1, 6, 7 and 8.

3. RELEVANT HISTORY

- 3.1. **BH2015/02509** Installation of 8no eight metre high floodlights to courts 6, 7 and 8. Refused 09/03/2016 for the following reasons:
 - “1. *The proposed lighting would result in a development having an adverse cumulative impact on the amenities of nearby residents by reason of the resulting total overall visible light levels. The proposed development is therefore contrary to policies QD26 and QD27 of the Brighton & Hove Local Plan 2005.*

2. *The development would result in an increased and detrimental noise and disturbance impact on nearby residents. The proposed development is therefore contrary to Policies SU10 and QD27 of the Brighton & Hove Local Plan 2005.*”
- 3.2. **BH2014/03253** Demolition of coaches’ building and extension and alterations to physiotherapy building including creation of first floor with pitched roof, two storey side extension and associated alterations. Approved 28/01/2015
- 3.3. **BH2014/01594** Application for variation of condition 11 of BH1998/02626/FP (Amendment to consent (reference 3/96/0334(F)) for change of use from private school playing fields to use by tennis club with extension to existing courts to provide 4 extra courts including protected floodlighting to southern courts comprising alteration to buffer zone to allow retention of existing buildings for use as a clubhouse and alterations to landscaping (revised)) to state that the access between 1 & 3 The Drove way shall be used for emergency purposes plus maintenance and access and parking for 2 car spaces with onsite turning space within the site boundaries. Approved 08/10/2014
- 3.4. **BH2009/01231** Replacement of existing timber windows, doors and vertical cladding with UPVC windows, aluminium doors and horizontal timber cladding. Approved 24/07/2009
- 3.5. **BH2002/01521/OA** Outline application for installation of lightweight covered structure and internal lighting over 2 existing tennis courts on a seasonal basis of 30 weeks per year between October and April. Approved 18/10/2002
- 3.6. **BH2001/02118/OA** Outline application for installation of lightweight covered structure and internal lighting over 2 existing tennis courts. Refused 13/12/2001
- 3.7. **BH2001/00244/FP** Proposed erection of new clubhouse. Approved 27/06/2001
- 3.8. **BH1998/02626/FP** Amendments to consent (reference 3/96/0334(F)) for change of use from private school playing fields to use by tennis club with extension to existing courts to provide 4 extra courts including protected floodlighting to southern courts comprising alteration to buffer zone to allow retention of existing buildings for use as a clubhouse and alterations to landscaping (revised). Approved 22/09/1999
- 3.9. **3/96/0334(F)** Change of use with extension of existing courts to provide four extra courts including protecting floodlighting for existing courts. Approved 13/02/2008

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the installation of 12no. floodlights to courts 6, 7 and 8, and 6no. floodlights to court 1. The columns would be 6.7m in height and the operational times proposed are:
- Monday to Friday: 08:00 to 21:00

- Saturday: 08:00 to 20:00
 - Sunday: 1 October to 31 March: 16:00 to 18:00; 1 April to 30 September: floodlights not in use.
- 4.2. By comparison, the permitted hours of use for existing floodlights on courts 2-5 are between 08:00 and 22:00 on a daily basis, as limited by condition 8 of planning permission BH2014/01594.
- 4.3. As noted above, the present application follows the refusal of an application to install floodlights to courts 6, 7 and 8 (ref. BH2015/02509).
- 4.4. This application differs to the earlier application in that a greater number of floodlights are now proposed, including six to court 1, and the floodlights now proposed would not be as tall (6.7m vs 8.0m previously) There would also be greater restrictions on operating times for the floodlights under the current application as previously submitted the floodlights were to be operational between 08:00 and 22:00 hours on a daily basis.

5. REPRESENTATIONS

- 5.1. **One hundred and eighty (180)** letters have been received supporting the proposed development for the following reasons:
- New lights would be LEDs which are energy efficient
 - The new lights would be much lower in height than older models
 - Very little light would spill beyond the court perimeter
 - The development would expand the use of the club which is currently at capacity
 - The additional hours for the club would bring health benefits for the local community
 - Traffic and parking would not be significantly affected, as there are no issued during daytime use
 - There is a shortage of courts with lighting
 - The proposals would provide more time for people to play tennis who cannot play during the day (workers and school children)
- 5.2. **Twelve (12)** letters have been received objecting to the proposed development. The main reasons for objection are as follows:
- Noise
 - Light pollution in addition to existing floodlights
 - Visually intrusive
 - Night-time use should be restricted to 21:00
 - The existing courts are not fully used, so there is not a need for the development
 - The applicant has not engaged with neighbours on the proposals
 - Impact on bats
 - The club does not operate existing lighting as agreed under previous planning applications

- 5.3. **Councillors Brown and Bagaean** have submitted representations objecting to the proposal. The email is attached to this report in full as an appendix.

6. CONSULTATIONS

6.1. **Environmental Health:** No objection

- Information has been submitted to demonstrate that the impact of the proposed floodlighting would not have a negative impact on the neighbouring amenity by reason of light pollution.
- The hours of use of the floodlights should be secured by condition.

6.2. **Sustainable Transport:** No objection

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
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP16	Open space
CP17	Sports provision
CP18	Healthy city

Brighton & Hove City Plan Part Two):

DM20	Protection of Amenity
DM21	Extensions and Alterations
DM40	Protection of the Environment and Health- Pollution and Nuisance

Supplementary Planning Documents:

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 visual impact, the effect on neighbouring residential amenity (specifically in relation to light and noise pollution), nature conservation, transport implications and the benefit of the facilities both to the club and the community.

Principle of Development:

- 9.2. CP17 of the City Plan Part One (CPP1) states that new sports services, facilities and spaces (including extensions to existing provision) will be encouraged especially those that meet identified needs. All new provision should meet quality standards, optimise their accessibility and affordability to all users, including the local community and visitors.
- 9.3. In this instance the proposal would enhance sports and recreation facilities for the benefit of members of the tennis club and the wider community.
- 9.4. The floodlighting is proposed on courts which have been re-surfaced with artificial clay which is an all-weather surface. The existing floodlit courts 2-5 have an artificial grass surface which becomes very slippery and dangerous to play on after rainfall. Consequently the existing floodlit courts are not used as often as they could be. The proposal would enhance the existing facilities and enable tennis to be played in the evening by people who may not be able to play during the day, such as daytime workers and school children.
- 9.5. The proposal meets the requirements of policy CP17 in that it provides improved sporting facilities close to the community and has good pedestrian and cycle links. The scheme has addressed the potential impact of the proposal on the amenity of adjacent residential properties and the impact on the natural environment (as outlined below).

Design and Appearance:

- 9.6. The floodlights would be painted green and of a slim design, with a height of 6.7 metres. They would not be visible from any public vantage points, and when viewed, would be in the context of the tennis facility, alongside existing lights and utilitarian structures.
- 9.7. The design and appearance of the floodlights is therefore considered acceptable, and are not considered to be visually intrusive or detrimental to the character of the area.

Impact on Amenity:

- 9.8. Policy DM20 (protection of amenity) of the Brighton and Hove City Plan Part Two states that planning permission for development 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 not liable to be detrimental to human health.
- 9.9. The dwellings in closest proximity to the development are on Dyke Road to the east and Onslow Road to the north. The nearest properties to courts 6-8 are at least 30 metres away with good-sized rear gardens separating them from the application site. Court 1 is approximately 12-13m from no. 5 The Droveaway, although the proposed floodlights to this court would be set further away from the boundary to provide a 20m separation.
- 9.10. Concerns have been raised that the proposed development could affect residential amenity with regard to light being emitted from the proposed floodlights and noise from the additional hours of operation. The applicant has proposed to limit the hours of use of the floodlights to the following periods only:
- Monday to Friday: 08:00 to 21:00
 - Saturday: 08:00 to 20:00
 - Sunday: October 01 to March 31: 16:00 to 18:00
 - April 01 to September 30: Floodlights not in use.

Light spill

- 9.11. As noted above, the site of this application is in close proximity to residential properties and some rooms have a direct line of sight to the tennis courts that are proposed to be floodlit. Therefore, the proposed installation of 18 floodlights could have some impact upon residents of nearby properties.
- 9.12. It is noted that the proposed floodlights would be 1.3m lower than those refused under application ref. BH2015/02509, and the hours of use more limited, proposing use until 21:00 during the week, whereas the previous proposal was for use until 22:00.
- 9.13. Information has been submitted in the form of a Lighting Design Statement to demonstrate that the proposed floodlighting would not have a negative impact on neighbouring amenity by reason of light pollution. Lighting would be directional onto the tennis courts and the lamps would be fitted with baffles to mitigate against light spill into surrounding properties. The baffles would also assist in reducing impact of glare (visibility of the light source) from neighbouring properties. A condition is recommended to secure the particular design being proposed and to ensure that the lighting elements and any reflectors are not visible from neighbouring property.
- 9.14. The submitted lighting report compares the proposals against the relevant guidance, which is the 'Institute of Lighting Professionals, Guidance Notes on the reduction of Obtrusive Light' and British Standard BS12193:2018. The light and report recommendations have been assessed against the site having a "rural" location for the purposes of the assessment. It is noted that a "rural location" is defined as "sparsely inhabited rural areas, village or relatively dark outer suburban locations". It is also noted that the Tennis Club is sited within a

"suburban" location so a more stringent assessment has been used for the report which is welcomed.

- 9.15. Light spill from the development would be limited to 0.2 lux on the closest façade of the surrounding properties, against a maximum recommended target of 5 lux for a rural location.
- 9.16. For reference, the applicant indicates that 0.2 lux is around the same as natural moonlight. It is noted that BH2014/01594 permits lighting to other courts subject to those floodlights not exceeding a level of 2 lux illuminance on habitable room windows of adjacent buildings, so the proposed lighting would have a lesser impact than lighting approved elsewhere within the site.
- 9.17. Subject to compliance with the details submitted within the lighting specification, including the installation of baffles, the development would not give rise to significant harm to occupiers of surrounding residential properties in terms of light pollution. The Council's Environmental Health Officer has assessed the submitted information and has no objections to the application subject to restriction of the hours of usage to those proposed by the applicant by condition.
- 9.18. On this basis, the impact of the new floodlights in terms of light spill to neighbouring residents is considered to be acceptable, subject to conditions restricting the hours of use and compliance with the submitted details.

Noise

- 9.19. There may be some additional noise and disturbance resulting from people using the affected courts over longer hours than is currently the case, however given the numbers and hours involved this is not considered to be unacceptable or to warrant refusal of the application. Hours of use of the new floodlights would be secured by condition which is considered adequate safeguard for local residents against late-night noise.
- 9.20. An informative is recommended to ensure that the applicant is aware that whilst the requisite planning permission may be granted, this does not preclude the Council's Environmental Health team from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received. Both light and noise disturbance can be considered as a statutory nuisance under the Environmental Protection Act 1990.

Ecology:

- 9.21. The County Ecologist has previously advised that there are records of bats from the surrounding area and there is suitable foraging and/or commuting habitat to the east and west of the development site. There is therefore the potential that the boundaries of the site could be used for commuting and/or foraging by bats. Whilst no specific surveys are required, baffles have been proposed which would minimise light spill onto trees and vegetation that border the site. This would be secured by a condition requiring implementation of the scheme in accordance with the approved lighting design document.

Sustainable Transport

- 9.22. Extending playing time at the tennis club by means of additional floodlighting is likely to lead to a small uplift in trip generation, however the Council's Highways team raises no objection in terms of impact on highway capacity or road safety.

10. EQUALITIES

No issues identified



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

**Cllr. Samer Bagaeen
BH2023/00643 – 19 The Droveway**

Date of first comment:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Poor design
- Residential Amenity
- Too close to the boundary

Comment: It is unfortunate that the club in putting this application, last withdrawn in 2017, has failed to engage with its immediate neighbours. I have visited one of the homes on Onslow adjoining the said courts and believe that light, noise and height of light columns (which would be visible over the tree line in the area) will have a detrimental impact on the residential amenity of a number of residents on Onslow.

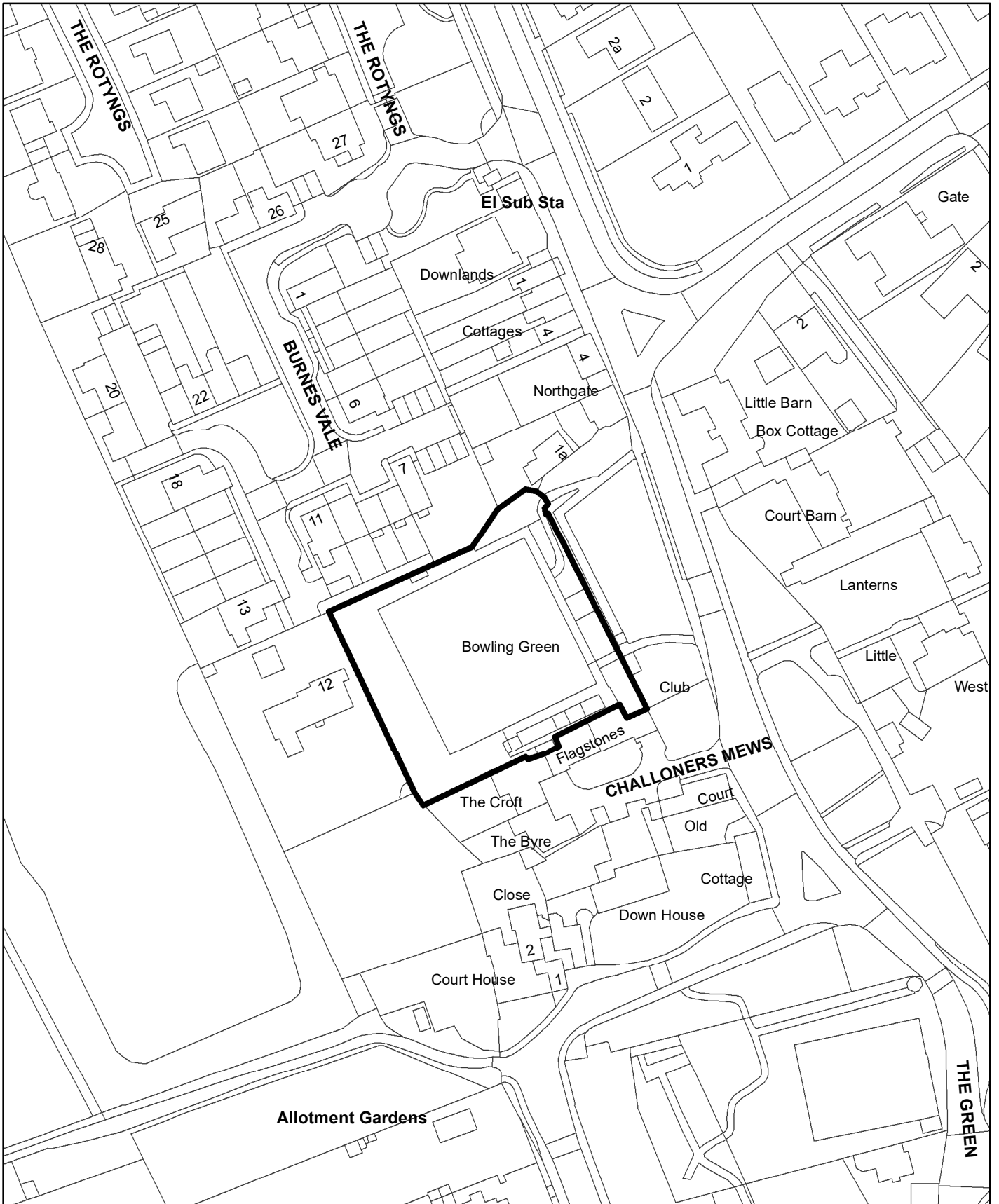
Councillor Brown and myself would like this called to committee if the officer is minded to grant.

ITEM C

**Rottingdean Bowls Clubhouse
BH2023/01992
Removal or Variation of Condition**

DATE OF COMMITTEE: 6th September 2023

BH2023 01992 - Rottingdean Bowls Clubhouse 3



N



Scale: 1:1,250

<u>No:</u>	BH2023/01992	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Rottingdean Bowls Clubhouse 3 Falmer Road Rottingdean Brighton		
<u>Proposal:</u>	Application to vary conditions 1 (approved drawings) and 4 (operating hours) and remove conditions 3 (sound proofing), 5 (cycle parking), 6 (tree protection measures) and 8 (window details) of planning permission BH2023/00157.		
<u>Officer:</u>	Alice Johnson, tel: 296568	<u>Valid Date:</u>	13.07.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	07.09.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Kim Strasman Associates The Studio 1 Northgate Cottages The Green Rottingdean BN2 7DT		
<u>Applicant:</u>	Rottingdean Bowling Club Rottingdean Bowls Clubhouse 3 Falmer Road Rottingdean Brighton BN2 7DY		

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 make a **SPLIT DECISION:**

GRANT planning permission for a variation to conditions 1 and 4, and

REFUSE a variation to/removal of conditions 3, 5, 6 and 8. subject to the Conditions, Reasons and Informatives set out below.

Reason for Refusal

1.2. The removal of condition 3 is refused because the amenity of neighbouring residents would not thereafter be protected from noise impact; the removal of condition 5 is refused because doing so would not ensure that satisfactory facilities are provided for the parking of cycles; the removal of condition 6 is refused because doing so would not ensure that existing trees are retained and protected; and the removal of condition 8 is refused because it would not ensure a satisfactory appearance to the development; contrary to policies CP12, CP13 and CP15 of Brighton and Hove City Plan Part One and DM20, DM26, DM33, DM40 of Brighton and Hove City Plan Part 2.

Conditions

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	P02	G	27 April 2023
Proposed Drawing	P04	C	17 January 2023

Proposed Drawing	P05	D	13 February 2023
Proposed Drawing	P07	B	17 January 2023
Proposed Drawing	P08	B	13 February 2023
Proposed Drawing	P09		17 January 2023
Proposed Drawing	P10	B	17 January 2023
Proposed Drawing	P11	B	13 February 2023
Report/Statement	Materials and Colours		4 April 2023
Location Plan	P01	B	13 July 2023
Proposed Drawing	P06	C	18 August 2023

2. The development hereby permitted shall commence before 10/07/2026
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not be first occupied until a scheme for the sound proofing of the southern elevation adjoining Challoners Mews has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved and shall thereafter be retained as such.
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.

4. No activities outside of the clubhouse other than the spectating, playing of bowls or entering/leaving the site shall take place between the hours of 20:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays. No activities outside of the clubhouse other than entering/leaving the site shall take place between the hours of 22:00 and 07:00 on Mondays to Sundays, including Bank or Public Holidays
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and

approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

7. The external finishes of the development hereby permitted shall match those confirmed in the approved materials and colours document submitted on the 04/04/2023.

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 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

8. No development above ground floor slab shall take place until full details of the proposed window to the west side window to the clubhouse/cart house and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall painted timber double. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

9. 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. This site lies within the Rottingdean conservation area and within 'The Farms' character area, as set out in the Rottingdean Conservation Area Character

Statement. This is the northernmost character area in Rottingdean and is closely related to Rottingdean's agricultural past. The majority of the buildings in the area are farm buildings, farm houses and farm workers cottages. However, the decline of farming in the village, particularly from the 1920s onwards, has led to a substantial shift in character. The area is now predominantly residential. Nearly all the farm buildings have been converted to residential use.

- 2.2. The area retains a mixture of large houses and smaller buildings and displays a wide variety of forms and arrangements derived from the original uses as farm buildings. The area has a spacious rural quality with a relatively loose urban grain. Falmer Road forms the main road into Rottingdean from the north. It is lined by grass verges which promote a rural character.
- 2.3. The main bowls clubhouse pavilion is a Locally Listed heritage asset together with the adjoining cart house (now shelter). The buildings were originally farm buildings and appear to date from pre-1839. The lodge is now used as a public shelter. Both retain flint walls and clay tiled roofs. The lodge is timber framed, although the original padstones have been replaced with concrete. The buildings appear largely unaltered from the road. The bowling club dates to 1934 when it was first established on what had been farmland and a caravan site. The ancillary buildings comprising the changing rooms were built in the 1970s and have no heritage value.
- 2.4. Challoners Mews to the immediate south of the site are also locally listed buildings; an L-shaped range of former agricultural buildings, forming a yard. They are long and low barn-like structures, with flint walls and prominent gabled and half-hipped tiled roofs. The buildings have been converted to residential use, involving the insertion of numerous windows and dormer windows. The barn (clubhouse) and cart lodge were historically closely associated with the mews.

3. APPLICATION DESCRIPTION

- 3.1. This application seeks to vary Conditions 1 (approved drawings) and 4 (operating hours) and remove Conditions 3 (sound proofing), 5 (cycle parking), 6 (tree protection measures) and 8 (window details) of approved planning permission BH2023/00157.
- 3.2. Since submission of the application, an amendment to the Site Plan (ref. P06C) has been provided removing reference to informal parking, as this element was removed from BH2023/00157 due to concerns raised about its management.

4. RELEVANT HISTORY

- 4.1. **BH2023/00157** Refurbishment of existing clubhouse and associated works including replacement of existing changing rooms and sanitary facilities with single storey block to South elevation and erection of single storey storage building to North-West corner. Approved

- 4.2. **BH2022/02786** Refurbishment of existing clubhouse and associated works including replacement of existing changing rooms and sanitary facilities with single storey block to South elevation and erection of single storey storage building to North-West corner. Refused 11 November 2022 for one reason:
"The proposed works to the changing room and its roof would, by reason of excessive height and very close proximity to neighbouring residential properties in Challoners Mews, be overbearing and result in loss of outlook for occupiers of those properties, and would represent unneighbourly development. For these reasons the proposal is considered to be in conflict with policies DM20 and DM21 of City Plan Part Two".
- 4.3. This earlier refusal is now subject of a pending appeal.

5. CONSULTATIONS

- 5.1. **Heritage 31/07/2023 Initial Response: Seek Amendment**
The material for windows is confirmed to be timber, however proposed section BB in the original application (drawing P08B) shows no external reveals or red brick dressing as required in the original comment. The current application does not include a revised detail therefore the original heritage requirement does not appear to have been met; please seek revision or clarification accordingly.
- Following the provision of additional information
- 5.2. The drawings still don't show external reveals or red brick dressing.
- 5.3. **Sustainable Transport 26/078/2023 Comment**
Informal parking is not suitably secure. The cycle parking is required by DM33 and SPD14.
- 5.4. **Arboriculture 26/07/2023 Comment**
Suitable clarity as to why the condition should be removed has not been provided. The trees are in close proximity to access for the site and it is integral to ensure the trees are not damaged in the build stage.
- 31/07/2023 Comment on option to discharge
- 5.5. The information provided would form an acceptable method statement. As exclusion areas are not proposed a plan technically is not required.

6. REPRESENTATIONS

- 6.1. **Five (5)** representations have been received, objecting to the proposal on the following grounds:
- Unclear what is to be varied on the plans;
 - Traffic and Highways;
 - Issues with the building and covenants;
 - Sound proofing is required to prevent impacts on neighbouring amenity;
 - The club cause noise from mowing to shouting during games this has a detrimental impact on neighbouring amenity;

- No objection to the time extension to 22:00 from April to September if facility not open from October to March;
- Plant room and air source heat pump information now submitted;
- Concerns about the noise created by the bowls club and related activities.

6.2. **Eleven (11)** representations have been received, supporting the proposal on the following grounds:

- Competitions take place after 20:00 the club will need to be allowed outdoor activities after 20:00 to take part in these important competitions;
- The site is used throughout the year for meet ups, social events and to keep the garden areas neat and tidy;
- Bowls is a quite sport;
- Good design;
- In keeping with listed building;
- Reduce sound emission;
- Residential Amenity;
- Proposal designed to not affect the existing trees;
- Other clubs do not have their uses restricted;

6.3. **Two (2)** representation comment has been received commenting on the proposal on the following grounds:

- Closure at 20:00 would prevent games and competitions which start at 18:00.

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. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Rottingdean Neighbourhood Plan

The policies in Rottingdean Neighbourhood Plan carry limited weight at present but will gain weight as the Plan proceeds through its stages.

The draft Neighbourhood Plan (NP) was submitted to the Council in early 2023. The draft NP reflects previous local community and stakeholder engagement undertaken across the Neighbourhood Area by the Parish Council including a period of public consultation under Regulation 14 of the NP Regulations in 2021. The Council published the draft Plan for pre-submission (Regulation 16) consultation in February 2023. The next steps for the plan are for it to be submitted for examination by an independent examiner. The NP examination is likely to commence in the summer/autumn of 2023.

The policies relevant to the present application are:

- H2 Design;
- H3 Design Principles in the Conservation Areas and their Settings;

Brighton & Hove City Plan Part One:

- SS1 Presumption in Favour of Sustainable Development
- CP10 Biodiversity
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage
- CP17 Sports provision
- CP18 Healthy City

Brighton & Hove City Plan Part Two:

- DM9 Community Facilities
- DM18 High quality design and places
- DM20 Protection of Amenity
- DM21 Extensions and alterations
- DM22 Landscape Design and Trees
- DM26 Conservation Areas
- DM27 Listed Buildings
- DM28 Locally Listed Heritage Assets
- DM29 The Setting of Heritage Assets
- DM31 Archaeological Interest
- DM33 Safe, Sustainable and Active Travel
- DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Document:

- SPD11 Nature Conservation & Development
- SPD12 Design Guide for Extensions and Alterations

Character Statement

Rottingdean Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

Background

- 9.1. The principle of the development has been established by the grant of planning permission ref. BH2023/00157 in July 2023 which allowed the refurbishment of

the existing clubhouse and the associated works including the replacement of the existing changing rooms and sanitary facilities with a single storey block to the South elevation and the erection of a single storey storage building to North-West corner.

- 9.2. Since this was approved at Planning Committee in July 2023, the policy context and other material considerations are not considered to have changed. The sole considerations in the determination of this application therefore relate to the acceptability of the variation of Condition 1 and 4; and the removal of Condition 3, 5, 6 and 8 of application BH2023/00157.
- 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.
- 9.4. 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".

Conditions 1 and 3

- 9.5. The application seeks to vary Condition 1 to include annotations on the plans relating to the level access of the site and soundproofing and.
- 9.6. Condition 1 states:
"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."*
- 9.7. A revised Site Plan has been provided including details of the proposed methods to provide level access around the buildings and bowls green. These changes are considered acceptable and would not have a detrimental impact on neighbouring amenity. A new existing location plan has been provided, but no alterations appear to have been made to it.
- 9.8. Permission is also sought to replace the approved Site Plan with one that includes annotation stating that sound proofing would be provided along the party wall between the toilet block and residential neighbours exceeding Building Regulation Part E requirements, that no hand driers are to be installed.
- 9.9. This is an attempt to overcome the requirement set out in condition 3 for the submission and approval of a soundproofing scheme, which the applicant is seeking to delete:
"The development hereby permitted shall not be first occupied until a scheme for the sound proofing of the southern elevation adjoining Challoners Mews has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.

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.*

9.10. However, it is considered that insufficient information has been provided to show how the scheme for sound proofing would take place or to require that it does. The annotation would not be sufficient for the local planning authority to ensure that the sound proofing proposed is sufficient to protect local residents, and its enforcement would be reliant on Building Regulations.

9.11. Condition 3 is not therefore recommended to be removed, varied or discharged and the earlier condition is retained.

9.12. However, a variation of Condition 1 is recommended to include the revised plan showing level access.

Condition 4

9.13. The application seeks to vary Condition 4 to extend the hours of use outside of the clubhouse.

9.14. This condition states:

“No activities outside of the clubhouse other than entering/leaving the site shall take place except between the hours of 07:00 and 20:00 on Mondays to Sundays, including Bank or Public Holidays.

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

9.15. Condition 4 was secured due to the Local Planning Authority’s concerns about potential for the site to be used for social gatherings in the wintertime with the associated potential noise impacts for neighbours. Noise concerns have been raised by objectors in relation to both the original application and the present scheme.

9.16. However, the wording used in the condition restricts activities on site outside of the clubhouse to entering/leaving the site. Regardless of the application, the condition therefore needs amendment to secure the required noise mitigation which is focused on minimising noise before 07:00 and after 20:00.

9.17. The submitted details state that requiring matches to finish by 20:00 would restrict the use of the bowls green. An officer has carried out an online survey and fixtures at bowls clubs in Sussex and found that matches do sometimes start at 18:00, so finishing by 20:00 is likely to restrict use of the Club. The Local Planning Authority does not wish to restrict the time bowls are played, particularly given this has taken place at the site for many years.

9.18. The continued use of the site for the playing and spectating of bowls to the closing time of 22:00 is not anticipated to have additional amenity issues above and beyond the existing situation. A variation of the condition is therefore recommended which would ensure that the playing and spectating of bowls could take place up to 22:00 but other activities would be excluded.

9.19. The recommended variation to condition 4 would read:
No activities outside the clubhouse other than the spectating, playing of bowls or entering/leaving the site shall take place between the hours of 20:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays. No activities outside of the clubhouse other than entering/leaving the site shall take place between the hours of 22:00 and 07:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: *To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.*

9.20. A variation to condition 4 is therefore recommended and has been applied to the proposed list of conditions.

Condition 5

9.21. The application seeks to remove condition 5.

9.22. This condition states:
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*

9.23. Policy DM33 requires new development to: "provide for sufficient levels of cycle parking facilities in line with the Parking Standards for New Development (Appendix 2) which must, wherever possible, be universally accessible, under cover, secure, convenient to use, well-lit and as close to the main entrance(s) of the premises as is possible."

9.24. Condition 5 was secured to ensure that the development accorded with DM33 and SPD14, providing a specific number and high standard of cycle parking for club members and visitors. Following the approval of BH2023/00157 no additional information has been provided to show that, as existing, the club provides cycle parking facilities which comply with DM33. While the information provided states visitor numbers will not increase over what is existing, this does not mitigate the need for the new development to provide high quality cycle parking compliant with Policy DM33 and SPD 14.

9.25. Condition 5 is not therefore recommended for removal because doing so would not ensure that satisfactory facilities are provided for the parking of cycles and as such the above worded condition is reapplied to the amended permission.

Condition 6

9.26. The application seeks to remove condition 6.

- 9.27. This condition states:
“Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: *As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies 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.”*
- 9.28. Whilst the applicant has given their intention to protect the existing trees and provided photos showing where various activities would take place, no enforceable formal report nor plans have been provided through which the Local Planning Authority could secure this requirement. While the Arboriculture Officer is not objecting, in planning terms, insufficient information has not been provided to ensure the trees are protected during the construction process.
- 9.29. The option to provide further information was given to the agent. No additional information for the protection of the trees was provided.
- 9.30. Condition 6 is not therefore recommended to be removed as doing so would not ensure that existing trees are retained and protected. It is therefore recommended that the earlier condition is reapplied.
- Condition 8
- 9.31. The application seeks to remove condition 8.
- 9.32. This condition states:
“No development above ground floor slab shall take place until full details of the proposed window to the west side window to the clubhouse/cart house and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall painted timber double. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: *To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.”*
- 9.33. While some general manufacturer elevational drawing options and sections have been provided as part of this application, these do not show the external reveals or red brick dressing as required by the Heritage Officer in their comments relating to application BH2023/00157. The Local Planning Authority have not been provided with sufficient information to be satisfied that the appearance of the window will be acceptable.

- 9.34. The agent sought the option to vary the condition to one which would secure the materials. This was not considered acceptable to secure the required details of the proposed window such as that of the reveal depth.
- 9.35. Condition 8 is not therefore recommended to be removed because doing so would not secure a satisfactory appearance to the development, so it is recommended that the earlier condition is reapplied.

Other Matters

- 9.36. For the avoidance of doubt, and following concerns raised in the objections this proposal does not grant permission for a plant room nor an air source heat pump.
- 9.37. Concerns have been raised about the alleyway and covenant covering the site. As noted in relation to the previous application, these are not a material planning matter but are civil matters dealt with outside of the planning system.

Conclusion

- 9.38. Overall, a split decision is recommended:
- The variation of **condition 1** (proposed drawings) is recommended to be **approved**.
 - The removal of **condition 3** (sound proofing) is recommended to be **refused**.
 - The variation of **condition 4** (operating hours) is recommended to be **approved**.
 - The removal of **condition 5** (cycle parking) is recommended to be **refused**.
 - The removal of **condition 6** (tree protection methods) is recommended to be **refused**.
 - The removal of **condition 8** (window details) is recommended to be **refused**.

10. CLIMATE CHANGE & BIODIVERSITY

- 10.1. A bee brick was secured under BH2023/00157 and the condition to secure this biodiversity element is reattached to this S73 application.

11. COMMUNITY INFRASTRUCTURE LEVY

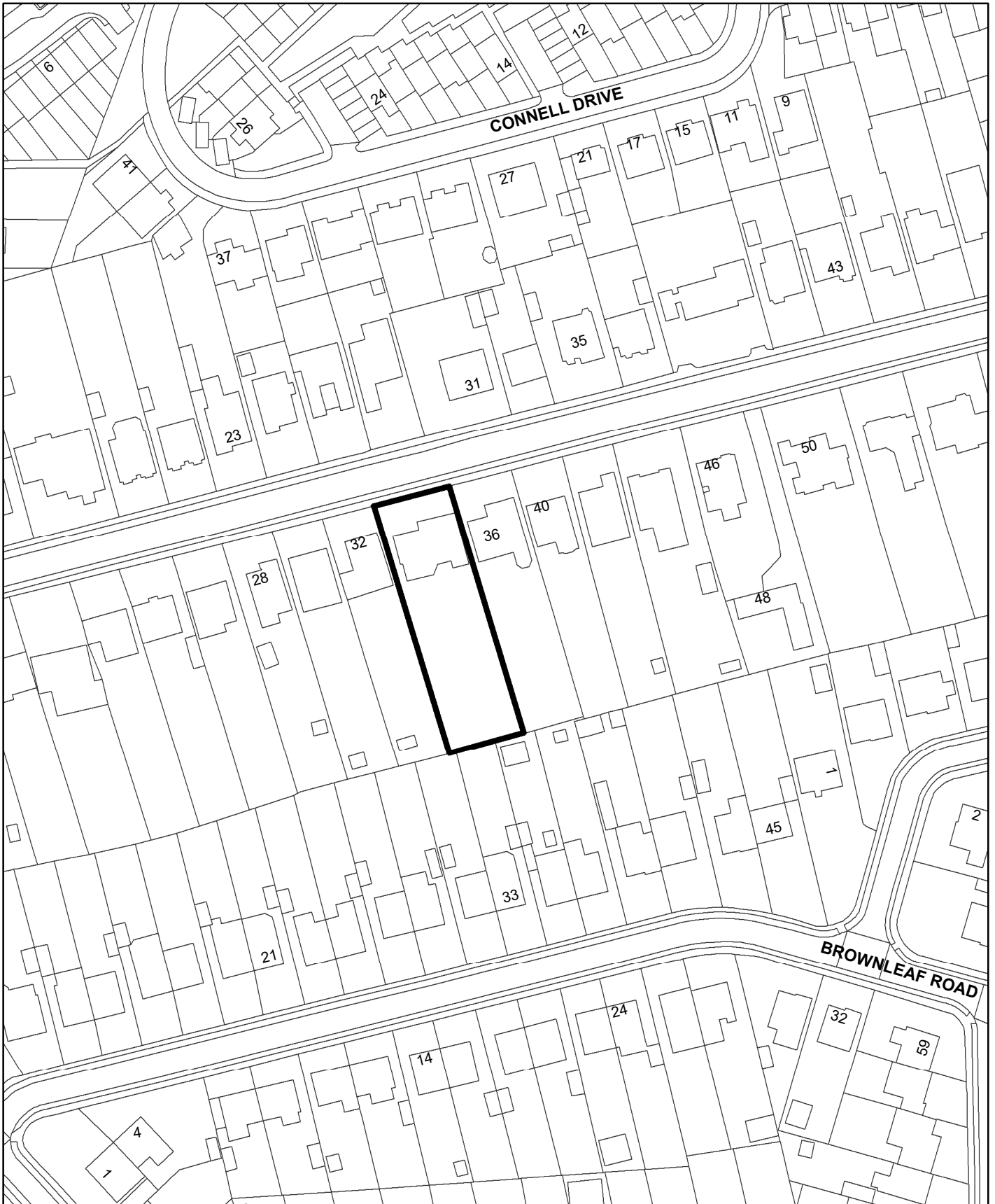
- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount of money owed, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

ITEM D

**34 Crescent Drive South
BH2023/00999
Full Planning**

DATE OF COMMITTEE: 6th September 2023

BH2023 00999 - 34 Crescent Drive South



N



Scale: 1:1,250

<u>No:</u>	BH2023/00999	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	34 Crescent Drive South Brighton BN2 6RB		
<u>Proposal:</u>	Conversion of part ground floor and basement to create a self-contained two-bedroom residential unit.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	03.04.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	29.05.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.09.2023
<u>Agent:</u>	Shear Architectural Design Unit Echo 3 Maritime House Basin Road North Portslade BN41 1WR		
<u>Applicant:</u>	Mrs Sangita Bharadwa 34 Crescent Drive South Brighton BN2 6RB		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	PL1	C	10 August 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 development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use.

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.

4. The development hereby approved shall not be occupied as a self-contained unit 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.

5. The development hereby permitted shall not be occupied as a self-contained unit until secure covered cycle parking facilities have been installed within the site and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
6. Notwithstanding the details on the drawings hereby approved, the self-contained unit hereby approved shall not be first brought into use until solid opaque privacy screens of 1.7 metres in height on the existing eastern boundary of the upper terrace have been installed. The screens shall thereafter be retained.
Reason: To protect the amenity of future occupiers and to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.
7. The eastern annexe area at ground floor level shown on the approved plans shall only be used as accommodation ancillary to and in connection with the use of the main property (34 Crescent Drive South) as a single dwellinghouse and shall at no time be occupied as a separate or self-contained unit of accommodation.
Reason: In order to protect residential amenity as the annexe is unacceptable as a new dwelling and in accordance with Policies CP12 of the Brighton & Hove City Plan Part One and DM1 and DM20 of the Brighton & Hove City Plan Part Two.
8. The development hereby permitted shall not be used/occupied as a self-contained dwelling until the extended crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.
9. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplan (PL1 Rev C) received on 10 August 2023. The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.
10. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - 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.

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. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

2. SITE LOCATION

- 2.1. The application relates to a detached residential property on the southern side of Crescent Drive South in Woodingdean. The property has been substantially extended over the years. The surrounding area is predominantly residential in character. It is not within a conservation area or otherwise protected or designated.

3. APPLICATION DESCRIPTION

- 3.1. The application seeks permission to convert part of the ground floor and basement to create a self-contained two-bedroom residential unit. The area to

be converted is to the western wing of the dwelling. A patio and grassed garden area would be provided to the rear for the new unit.

- 3.2. A large seven-bedroom dwelling would be retained over the remainder of the ground floor and incorporating the whole of the first. There are bedrooms and facilities on the eastern side of the property at ground floor level which are used as accommodation for extended family but this 'annexe' area is accessed via the utility area for the main dwelling and is not self-contained.
- 3.3. Amended plans have been submitted during the course of the application to clarify the existing and proposed layouts.
- 3.4. There is an open planning enforcement investigation into the use of part of the dwelling as an unauthorised single dwelling. The Council Tax department has the space listed as a separate unit. However, it is understood that the applicant is no longer advertising the space as such, until planning permission is secured.

4. RELEVANT HISTORY

- 4.1. **BH2022/01907** Change of use of part ground floor and basement from residential to create mixed use annexe with part time holiday let ancillary to host dwelling. Withdrawn 25.08.2022.
- 4.2. **BH2020/02376** Non-material amendment to application BH2019/00636 to permit alterations to window size and materials and to alter size of extensions. Approved 23.09.2020.
- 4.3. **BH2019/00636** Erection of side and rear extensions with associated alterations, landscaping and levelling garden. Approved 29/04/20
- 4.4. **BH2018/01180** Erection of side and rear extensions with associated alterations, landscaping and levelling garden. Refused 14/06/19. Appeal dismissed 26/11/18.
- 4.5. **BN80/1825** Single storey extension to lounge at rear also the formation of a garden room. Approved 06/11/80
- 4.6. **BN70/1260** Proposed single-storey extension to form guest bedroom, bathroom and utility room. Approved 06/08/70
- 4.7. **54/389** Erection of garage and garden store. Approved 27/4/54.
- 4.8. **51/200** Detached House. Approved 1/5/51.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters have been received objecting to the proposed development for the following reasons:

- Densification of site,
- Development not characteristic of area,
- Overdevelopment,
- Parking issues,
- Highway safety,
- Loss of privacy,
- Noise nuisance,
- More refuse/ recycling,
- Rooms rented without planning permission.

5.2. Objections relating to financial gain are noted; however this is not a material planning consideration.

6. CONSULTATIONS

Internal:

6.1. **Private Sector Housing:** No objection

6.2. **Sustainable Transport:** No objection subject to cycle parking and vehicle crossover conditions.

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. 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
CP8	Sustainable buildings
CP9	Sustainable transport

CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM3	Residential conversions and the retention of smaller dwellings
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
DM36	Parking and servicing
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD14	Parking Standards
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, and impact on the character of the area and neighbouring amenity. The standard of accommodation to be provided, sustainable transport and sustainability / ecology matters are also material considerations.

Principle of the 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.
- 9.3. 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. 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. Policy DM3 of the City Plan Part Two permits the conversion of dwellings into smaller units of self-contained accommodation provided that the following criteria are met:
- The original floor area is greater than 120sqm or the dwelling has 4 or more bedrooms as originally built;
 - At least one unit of the accommodation provided is suitable for family occupation and has a minimum of two bedrooms; and
 - The proposal provides a high standard of accommodation that complies with requirements set out in Policy DM1 Housing Quality, Choice and Mix.
- 9.6. The aim of this policy is to manage the subdivision of single residential units into smaller self-contained units in order to ensure that conversions provide a high standard of accommodation and promote and retain housing choice in the city. Conversions of larger properties into smaller residential units plays an important role in increasing housing supply, contributes toward the provision of a wider range of housing and helps to meet the needs of a growing number of smaller households. It is also consistent with the objective of making the best use of the land available within the city.
- 9.7. The original property was modest in size and has been substantially extended over the years. The floor area as it stands would comfortably exceed the 120m² GIA required above for a separate dwelling.
- 9.8. However, with regard to policy DM3, the original floor area as measured should exclude later additions such as extensions, garages (including converted garages) and loft conversions since the dwelling was built. In this case the original floor area of the property (measured using historic plans and taking account of the planning history) is approximately 97m² and therefore below the 120m² required by the criterion above.
- 9.9. Notwithstanding this, the planning history and previous floor plans indicate that the upper floor did include four bedrooms prior to further development being carried out. There is nothing in the planning history to contradict this and it is accepted that the house was originally built with four bedrooms.
- 9.10. Furthermore, a family sized unit would be created (80m² with two double bedrooms) and a large family sized unit would be retained within the rest of the building. Therefore, the development would comply with the first two criteria of the policy above. The standard of accommodation is assessed in the relevant section below.
- 9.11. It is also recognised that the creation of an additional residential unit would make a positive contribution towards the city's housing target as set out in City Plan Part One Policy CP1.
- 9.12. Policy CP19 of the City Plan requires that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually, a mix of unit sizes would be sought which reflects the housing needs of the city. The mix of unit sizes would consist of a two-

bedroom flat and a retained seven-bedroom unit which is considered to be appropriate and accords with policy.

- 9.13. On balance, therefore, the proposal to convert part of the living space to provide a separate dwelling is considered to be acceptable in principle, subject to the detailed considerations set out below.

Design and Appearance:

- 9.14. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction. Policies encourage the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 9.15. No external changes are proposed. The conversion of part of the ground floor and basement of the dwelling to a self-contained residential unit, in itself, is not considered to impact detrimentally on the character of the area in design terms.
- 9.16. The rear garden would be retained for the main dwelling with the new residential unit only having access to the sunken terrace. The proposal would not alter the wider pattern of built form within the locality and would not result in a cramped form of development and is considered acceptable in this regard.

Standard of Accommodation:

- 9.17. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings.

New dwelling:

- 9.18. The new self-contained unit would be accessed through an entrance door to the rear, reached via the side gate and path. The plans show that the internal doors currently linking the space with the main house would be blocked up. It would have two double bedrooms and measure 80m² which complies with the NDSS (79m²) for a two-bedroom four person unit over two storeys. The overall design and layout would provide acceptable levels of head height, circulation space, light, outlook and ventilation.
- 9.19. In terms of private outside space, a 10m² lower patio/ garden area would be provided for the sole use of the proposed unit. The patio area is currently overlooked by the upper patio; however, this would be rectified by appropriate screening which could be secured by condition. Boundary treatment would also be sought via condition.

Retained dwelling:

- 9.20. The retained dwelling would remain a large family home measuring 274m² with 7 no. bedrooms (6 doubles and 1 single). The communal areas would measure approximately 70m². For comparison purposes, the NDSS requirement for 6 bedrooms (8 persons) over three storeys is 138m² so it substantially exceeds this, and would benefit from an upper patio area and a large garden.
- 9.21. The size of the family annexe area within the retained dwelling (43m²) would be insufficient to function as a separate, self-contained two-bed dwelling and therefore a condition would be imposed to ensure that the area is only used as accommodation ancillary to and in connection with the retained dwelling.
- 9.22. Refuse and recycling provision is proposed to the front of the site which is acceptable and can be secured by condition.
- 9.23. On this basis the proposal is considered acceptable in terms of the standard of accommodation provided.

Impact on Amenity:

- 9.24. Policy DM20 of the City Plan Part Two 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.
- 9.25. An additional unit of residential accommodation is unlikely to lead to such a significant increase in noise or activity to warrant refusal of the application. There would be some increased activity on the side access path, however given the small size of the unit and potential number of occupants, this is not considered to cause significant harm to neighbouring amenity. The lower patio area is already in use, and therefore the use of this area would be unchanged.
- 9.26. The impact on neighbouring amenity is therefore considered acceptable.

Sustainable Transport:

- 9.27. No cycle parking is indicated for the proposal. SPD14 requires a minimum of 3 cycle parking spaces for the development. There is space on the site for the required provision and a condition securing this is recommended.
- 9.28. Two vehicle parking spaces are proposed for the site overall on the shared driveway. This is acceptable however an extended vehicle crossover would be required which can be secured by condition.
- 9.29. The proposed changes are likely to increase the number of trips to the site however, any uplift in trips would not be so significant as to negatively impact on the road network or on neighbouring amenity and thus warrant refusal of the application.

Sustainability:

- 9.30. CPP2 Policy DM44 requires conversions and change of use of existing buildings to new residential dwellings to achieve at least a 31% improvement on the carbon emission targets set by Part L Building Regulations. An Informative is

recommended in this respect. The policy also requires conversions and changes of use of existing buildings to residential to achieve A minimum energy Performance Certificate EPC rating 'C'. This can be secured by condition.

10. EQUALITIES

- 10.1. It is noted that the new dwelling would have stepped access to its private entrance to the rear. However, there is the potential for level access through a shared main front door, should that be necessary in the future.

11. CLIMATE CHANGE/BIODIVERSITY

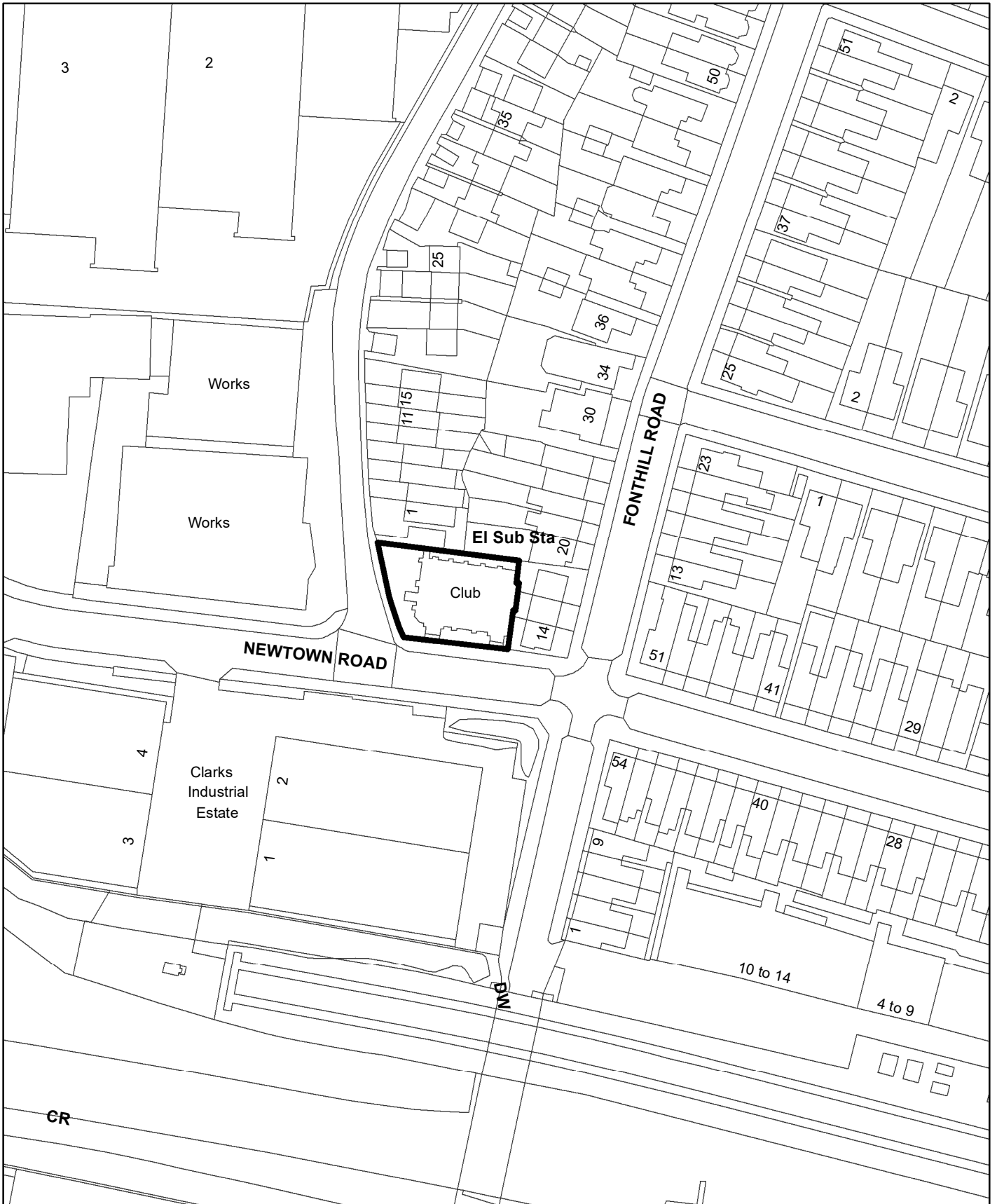
- 11.1. The application site is within a sustainable location with good access to public transport links and local facilities. The proposal would make better use of the land, reducing reliance on other sites. There is space on site for cycles to be stored, potentially reducing reliance on cars. The proposed fenestration would allow sufficient daylight and sunlight, reducing the reliance on artificial means of heating and light.

ITEM E

**St Agnes Church, Newtown Road
BH2022/02809
Full Planning**

DATE OF COMMITTEE: 6th September 2023

BH2022 02809 - St Agnes Church, Newtown Road



N



Scale: 1:1,250

<u>No:</u>	BH2022/02809	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Agnes Church Newtown Road Hove BN3 7BA		
<u>Proposal:</u>	Installation of translucent glazed privacy screens to south elevation at second floor.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	21.09.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	16.11.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.06.2023
<u>Agent:</u>	ABIR Architects Ltd Unit 1, Beta House St Johns Road Hove BN3 2FX		
<u>Applicant:</u>	Natural Fit Gym St Agnes Church Newtown Road Hove BN3 7BA		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	0578.PL.1002	A	13 January 2023
Report/Statement	Noise Management Plan (NMP)- External Seating Area	1	4 August 2023

2. Prior to first use of the terrace hereby approved, the obscure screening hereby permitted shall be installed in accordance with the approved drawings, and shall thereafter be retained at all times, being repaired and maintained at all times in the event of damage, unless otherwise agreed in writing by the Local Planning Authority.

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

3. Use of the terrace hereby permitted shall be in accordance with the measures detailed within the Noise Management Plan prepared by Acoustic South East, received by the Local Planning Authority on 4th August 2023.

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

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.

2. SITE LOCATION

- 2.1. The application site is an early 20th century church building on a corner plot, on the north side of Newtown Road and east side of Goldstone Lane. The main body of the building features a steep pitched roof with gable ends on the east and west elevations. The Newtown Road frontage is single-storey and features a flat roofed element. A contemporary glazed single-storey extension adorns the west end of the building, fronting Goldstone Lane, and this features the main entrance.
- 2.2. It is currently in lawful use as a gymnasium (planning use class E), but some unauthorised development has taken place in the form of the following:
 - (i) a doorway accessing the first floor flat roof on the south side of building,
 - (ii) handrails around the edge of said flat roof area, and
 - (iii) external lighting on the south elevation.
- 2.3. Items (i) and (ii) have been installed to facilitate the use of the flat roof area as a terrace associated with the gymnasium use.

3. RELEVANT HISTORY

- 3.1. **BH2022/02810** Retrospective application for the installation of high level ventilation grilles to gable ends, handrail to parapet wall of roof and external up/down lighting to south elevation at second floor. Under Consideration
- 3.2. **BH2022/02808** Retrospective application for the installation of ventilation ducts to north elevation at first floor. Approved
- 3.3. **BH2021/03453** Retrospective application for the insertion of high level ventilation grilles to gable ends, creation of new door opening and installation of screens, handrail and external lighting to second floor south elevation, to facilitate the permitted use of the terrace area as part of the gym planning unit. Withdrawn
- 3.4. **BH2019/02794** Part-retrospective application for the extension and alterations to existing structure adjacent to North boundary at lower ground floor level with alterations including new fire escape door. Approved

- 3.5. **BH2017/02960** Alterations incorporating creation of first and second floors, glazed entrance to side, new roof to South, fire escape and sun tunnels to North, solar panels to roof and associated works. Approved
- 3.6. **BH2011/03836** Application to extend the time limit for implementation of previous approval BH2008/01824 for the conversion of existing roof void to form 5 maisonettes with associated alterations. Continued use of ground and lower ground floors as gymnasium. Approved
- 3.7. **BH2008/01824** Conversion of existing roof void to form 5 maisonettes with associated alterations. Continued use of ground and lower ground floors as gymnasium. Approved
- 3.8. **BH2000/01750/FP** Erection of 3no dwellinghouses. Approved
- 3.9. **3/78/0255** Change of use from church to gymnasium. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the installation of obscure screening along the east and west ends of the terrace on the south side of the building, fronting Newtown Road. The screening would be composed of glazed panels that reach to a height of 2.0m above the floor level of the terrace before stepping down to 1.8m.
- 4.2. The doorway that has been created to facilitate access to the balcony, and use of the balcony itself as an external amenity space, is also under consideration as part of this application. The applicant and the Local Planning Authority disagree on the lawful status of the doorway; this is explained in more details later in this report.
- 4.3. This application is one of three that were submitted at the same time by the applicant for an assortment of works to the church building. They were advised by the Local Planning Authority that it would be preferred for all the works to be assessed under a single application in the interests of simplicity and good planning but have decided to continue with the development split across three applications. However, the cumulative impact of the three aspects must be considered in deciding each of the applications.
- 4.4. One of the three applications, BH2022/02808 (the installation of venting ducts), was approved at the May 2023 Planning Committee. The remaining two applications (including the current proposal) were deferred subject to the submission of a Noise Management Plan that the Committee wished to assess prior to making a decision.

5. REPRESENTATIONS

- 5.1. Three (3) representations have been received, objecting to the proposal on the following grounds:
- The screening will be upon a terrace that is unauthorised.
 - Use of the terrace will cause loss of privacy and noise nuisance.
 - Creation of terraces on the building have historically been refused.
 - Detrimental impact on property value
- 5.2. A representation has also been received from **Ward Councillor O'Quinn**, objecting to the proposed development. A full copy of the email is attached to this report.
- 5.3. A representation has also been received from former **Ward Councillor Alcock**, objecting to the proposed development. A full copy of the email is attached to this report.

6. CONSULTATIONS

6.1. Environmental Health

No objection subject to suitable conditions as set out below. Having reviewed the Noise Impact Assessment there is no reason to question the methodology or conclusions.

- 6.2. From the assessment, regarding the usage of the balcony area for visiting patrons at the gym, there are several concerns. The music and associated gym activity has been found to be barely audible at 14 Fonthill Road (not audible at all from two receptors). However, the balcony usage demonstrated a +6.6 dB at worst in respect of the effect at 14 Fonthill Road. This would suggest a possible adverse impact on the residents at 14 Fonthill Road.
- 6.3. As a consequence of these findings, I would suggest the following (total or in part) conditions be considered if permission is granted for the balcony to be utilised by patrons of the establishment.
- The balcony area only to be open during certain times of the day, i.e. 0800 to 1800 (Monday to Friday). 0900 to 1700 (Saturday), Closure Sunday.
 - Music level within the gym should always be monitored. If it is raised to a level that causes the patrons to raise their voice to communicate, then it is likely that a re-assessment is required. No microphones should be used.
 - No music should be played on the balcony.
 - Balcony area monitored with staff trained to intervene if patron noise levels exceed normal speaking levels.
 - Signage placed on the balcony to remind patrons that this is residential area and to keep noise to a minimum when outside or leaving the premises.
 - A complaints procedure provided to local residents.
 - All complaints to be investigated, the cause identified and necessary alteration to working practices made.
 - Periodic review of noise management plan.
 - Acoustic screening to be considered, in order to minimise impact on 14 Fonthill Road.

6.4. Throughout the assessment, it makes reference to the applicable British standard (BS4142), noise polices and international noise guidelines. The noise survey itself, and the results gathered have been interpreted and applied to the proposal correctly.

Further Comments upon receipt of Noise Management Plan

6.5. Problems are not anticipated with use of the balcony based on the Noise Management Plan provided by the applicant which includes confirmation that the balcony will not be used for exercise classes, acoustic screens will be installed to manage noise levels, the capacity of the balcony is adequate for the intended number of patrons, hours of use will be restricted, and alcohol will not be served in this space.

6.6. However, 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.

6.7. UK Power Network

No Objection.

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
CP2	Sustainable Economic Development
CP12	Urban Design

Brighton & Hove City Plan Part Two (CPP2)

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM40	Protection of the Environment and Health - Pollution and Nuisance

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 potential impacts on the amenities of local residents. A site visit was undertaken most recently in May 2023.
- 9.2. The applicant and Local Planning Authority (LPA) disagree on the lawful status of a doorway that has recently been created to facilitate access to the terrace fronting Newtown Road. The LPA's view is that the creation of the doorway constitutes development for which express planning permission is required. The applicant's view has not been fully clarified but they assert that the works required to install the doorway do not require express planning permission. The LPA has invited the applicant to apply for a Lawful Development Certificate to test the validity of their assertion, but they have not chosen to pursue this.
- 9.3. This is relevant since it means that access to the terrace can be managed through the planning system. It is common ground that the building is in lawful use as a (E) gymnasium, and this use would extend to the terrace; therefore, the LPA would be unjustified in limiting - for instance - opening hours of the business as a whole since the use is permitted. But given the terrace can only be made accessible through development that itself requires express planning permission - the doorway - the LPA is justified in taking measures to manage the potential impacts from the terrace.
- 9.4. Therefore, although the doorway is not included in the application description it is included in the assessment of this application as it facilitates access to the terrace upon which the screening would be sited.

Principle of Development

- 9.5. The development has facilitated improvements to the sports/leisure offer at the site and this is of some public benefit, albeit limited and would be in accordance with the aims of policy CP2 of the CPP2, which encourages improvements to existing businesses.

Design and Appearance

- 9.6. The proposed screening would be comprised of panels of obscured glazing. This is considered to be a relatively lightweight choice of material and should not appear significantly intrusive visually.
- 9.7. The doorway has been neatly cut out of the original building façade and has not interrupted any of the decorative architectural features; it is not highly visible from the public highway and is considered to be acceptable in terms of appearance.

Impact on Amenities

- 9.8. The doorway and screening in terms of physical development are not considered to cause any harm in terms of lost privacy, or noise nuisance, or overshadowing.
- 9.9. However, the related use of the terrace by the gymnasium business does raise significant concerns. The eastern end of the terrace is proximate to the rear facades of nos.14-18 Fonthill Road (dwellings granted permission under BH2000/01750/FP) and indiscriminate use of the terrace could cause harm in terms of lost privacy and noise nuisance.
- 9.10. The Environmental Health Officer advised that a Noise Management Plan should be secured which would restrict the use of the terrace in the interest of safeguarding the amenities of local residents. The following measures were requested:
- Restriction on the hours of use of the terrace
 - Restriction on the playing of music on the terrace
 - Music levels within the gymnasium to be monitored.
 - Staff to monitor use of the terrace and be trained to intervene if noise levels exceed normal speaking levels.
 - Signage to be displayed reminding patrons that the site is within a residential area and to keep noise to a minimum.
 - A complaints procedure to be provided to local residents, with all complaints being investigated.
 - Periodic reviews of noise management plan.
 - Acoustic screening to be installed to minimise the impact on no.14 Fonthill Road.
- 9.11. A Noise Management Plan has been submitted and has been found acceptable by the Environmental Health Officer. A condition is proposed requiring operation of the business in compliance with this Noise Management Plan, thus safeguarding the amenities of local residents. The council will also retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 9.12. The use of the terrace would result in a loss of privacy for neighbouring residents as there would be unobstructed views into the rear windows of no.14 Fonthill Road and (at a greater distance) windows on the block of flats directly west of the application site. The proposed obscure-glazed screening would reduce this impact by blocking lines of sight to the flats west of the site, and the first floor window of no.14 Fonthill Road. The second floor rear window of no.14 Fonthill Road would overlook the terrace and there would be some return views into that room, since the screening would not be high enough to fully block views; this is a concern but on balance it is not considered that the harm would be significant enough to warrant refusal of the permission. The views across the terrace are unlikely to be significantly harmful as it relates to a business use rather than private dwelling.
- 9.13. Limiting the hours of use of the balcony would also partly help to reduce this harm and remove any views during unsocial hours.

- 9.14. On this basis, the scheme is considered acceptable in terms of its impact on the amenity of neighbouring residents.

Other Considerations

- 9.15. Concerns have been raised that the proposed screening would be sited upon an unauthorised terrace, with the implication that it should be refused for this reason. As aforementioned, use of the terrace itself is under consideration as part of this assessment, and the fact that the application is part-retrospective has not been weighed against the developer in this instance.
- 9.16. The planning system does not exist to protect private interests such as the value of land or property, and as such the affect the proposed development could have upon property values does not hold weight in the determination of this planning application.
- 9.17. In the representations received it has been asserted that use of the terrace as an accessible space has historically been resisted. It should be noted, however, that permission BH2008/01824 was granted for conversion of the topmost floors of the building into five residential units that each had part of the terrace as a patio area; therefore, it is considered that use of the terrace as an accessible area has precedent, albeit for a different use.

Conclusion

- 9.18. 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. Compliance with the measures detailed in the Noise Management Plan would be secured by condition, in the interests of safeguarding the amenities of the closest neighbouring residents, as would the installation of the screening prior to first use of the terrace. For the foregoing reasons the proposal is considered to be in accordance with policies CP2 and CP12 of the Brighton and Hove City Plan Part One, and DM20, DM21 and DM40 of the City Plan Part Two.

10. EQUALITIES

- 10.1. The terrace has stepped access so is not equally accessible for all persons.

11. CLIMATE CHANGE/BIODIVERSITY

None identified.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Jacqueline O'Quinn
BH2022/02809 – St Agnes Church, Newtown Road

25th October 2022:

Installation of translucent glazed privacy screens to south elevation at second floor.

I object to this application as it will just create even more 'furniture' at the front of what is a lovely old Church. Do the clients who wish to use this area as a refreshment area wish to be private or is to hide what is going on from people on the street? The club looks out on an industrial area and major building site so I am not sure who this privacy screen is for but it will certainly take away from the charm of the Church frontage.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. John Allcock
BH2022/02809 – St Agnes Church, Newtown Road

25th October 2022:

Installation of translucent glazed privacy screens to south elevation at second floor.

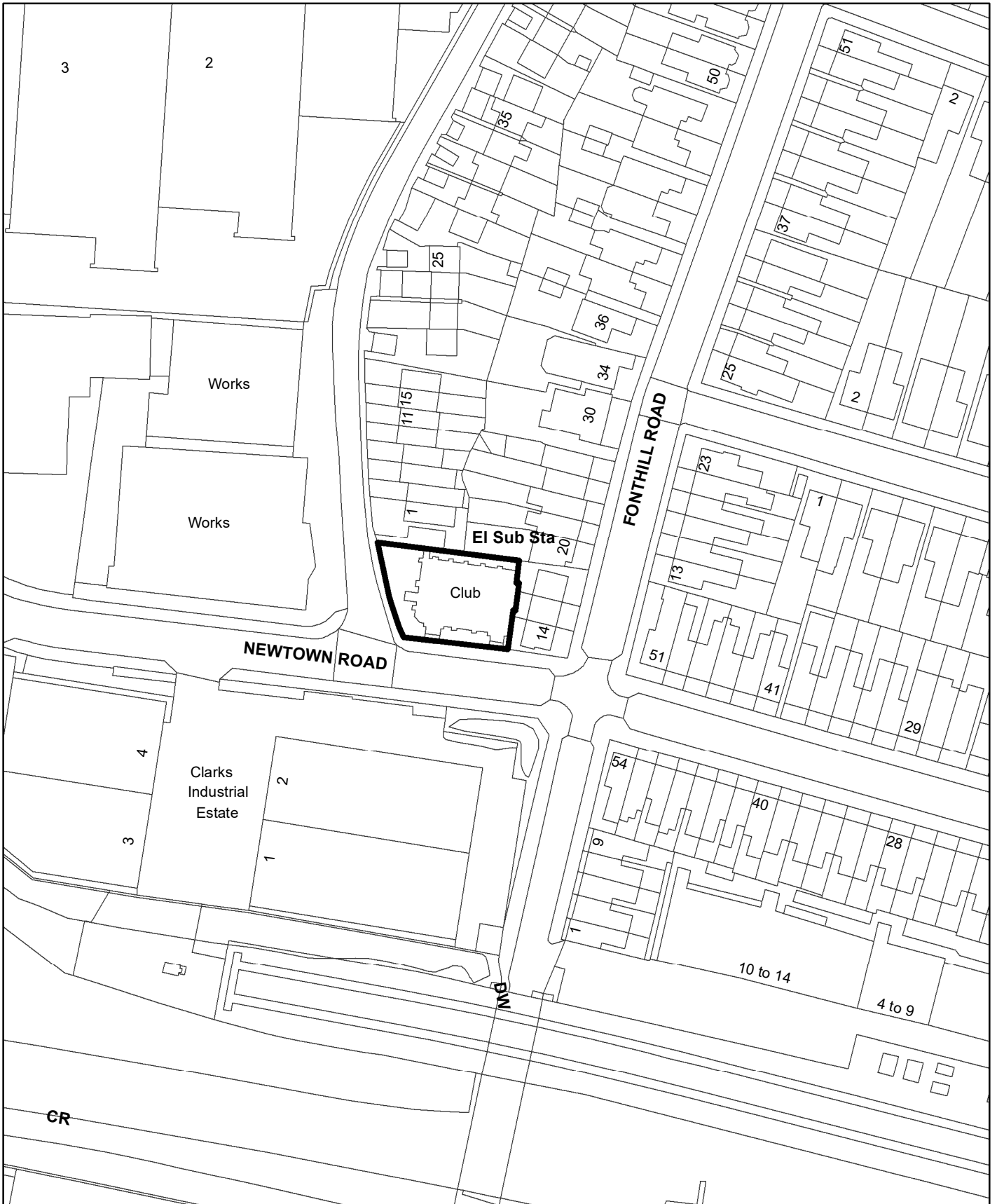
This application will create more 'furniture' at the front of an old Church detracting from the architecture of the church frontage. The purpose of the screens is unclear, as the private members club overlooks an industrial area.

ITEM F

**St Agnes Church, Newtown Road
BH2022/02810
Full Planning**

DATE OF COMMITTEE: 6th September 2023

BH2022 02810 - St Agnes Church, Newtown Road



N



Scale: 1:1,250

<u>No:</u>	BH2022/02810	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Agnes Church Newtown Road Hove BN3 7BA		
<u>Proposal:</u>	Retrospective application for the installation of high level ventilation grilles to gable ends, handrail to parapet wall of roof and external up/down lighting to south elevation at second floor.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	21.09.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	16.11.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.06.2023
Agent:	ABIR Architects Ltd Unit 1, Beta House St Johns Road Hove BN3 2FX		
Applicant:	Natural Fit Gym St Agnes Church Newtown Road Hove BN3 7BA		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Existing Drawing	0578.PL.1001	A	13 January 2023
Report/Statement	Noise Management Plan (NMP)- External Seating Area	1	4 August 2023

2. Prior to first use of the terrace hereby approved, details of obscure screening to be positioned along the east and west edges of said terrace shall be submitted to and approved in writing by the Local Planning Authority. The obscure screening shall be implemented in accordance with the approved details prior to first use of the terrace, and shall thereafter be retained at all times, being repaired and maintained at all times in the event of damage, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the privacy of the occupiers of nearby properties and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
3. Use of the terrace hereby permitted shall be in accordance with the measures detailed within the Noise Management Plan prepared by Acoustic South East, received by the Local Planning Authority on 4th August 2023.

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

4. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 + A1:2019. 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 the Brighton & Hove City Plan Part Two.

5. No externally audible machinery and/or plant shall be used at the premises except between the hours of 07:00 and 21:15.

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

6. The external lighting hereby approved shall not be illuminated except between the hours of 07:00 and 09:00, and 16:00 and 21:15.

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

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.

2. SITE LOCATION

- 2.1. The application site is an early 20th century church building on a corner plot, on the north side of Newtown Road and east side of Goldstone Lane. The main body of the building features a steep pitched roof with gable ends on the east and west elevations. The Newtown Road frontage is single-storey and features a flat roofed element. A contemporary glazed single-storey extension adorns the west end of the building, fronting Goldstone Lane, and this features the main entrance.

- 2.2. It is currently in lawful use as a gymnasium (planning use class E), but some unauthorised development has taken place in the form of the following:
- (i) a doorway accessing the first floor flat roof on the south side of building,
 - (ii) handrails around the edge of said flat roof area, and
 - (iii) external lighting on the south elevation.
- 2.3. Items (i) and (ii) have been installed to facilitate the use of the flat roof area as a terrace associated with the gymnasium use.

3. RELEVANT HISTORY

- 3.1. **BH2022/02809** Installation of translucent glazed privacy screens to south elevation at second floor. Under Consideration
- 3.2. **BH2022/02808** Retrospective application for the installation of ventilation ducts to north elevation at first floor. Approved
- 3.3. **BH2021/03453** Retrospective application for the insertion of high level ventilation grilles to gable ends, creation of new door opening and installation of screens, handrail and external lighting to second floor south elevation, to facilitate the permitted use of the terrace area as part of the gym planning unit. Withdrawn
- 3.4. **BH2019/02794** Part-retrospective application for the extension and alterations to existing structure adjacent to North boundary at lower ground floor level with alterations including new fire escape door. Approved
- 3.5. **BH2017/02960** Alterations incorporating creation of first and second floors, glazed entrance to side, new roof to South, fire escape and sun tunnels to North, solar panels to roof and associated works. Approved
- 3.6. **BH2011/03836** Application to extend the time limit for implementation of previous approval BH2008/01824 for the conversion of existing roof void to form 5 maisonettes with associated alterations. Continued use of ground and lower ground floors as gymnasium. Approved
- 3.7. **BH2008/01824** Conversion of existing roof void to form 5 maisonettes with associated alterations. Continued use of ground and lower ground floors as gymnasium. Approved
- 3.8. **BH2000/01750/FP** Erection of 3no dwellinghouses. Approved
- 3.9. **3/78/0255** Change of use from church to gymnasium. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought retrospectively under Section 73a of the Town and Country Planning Act 1990 for the installation of high level ventilation grilles

on the east and west gable ends, galvanised steel handrails around the edge of the terrace, and the external lighting attached to the south façade at second floor level.

- 4.2. The doorway that has been created to facilitate access to the balcony, and use of the balcony itself as an external amenity space, is also under consideration as part of this application. The applicant and the Local Planning Authority disagree on the lawful status of the doorway; this is explained in more details later in this report.
- 4.3. This application is one of three that were submitted at the same time by the applicant for an assortment of works to the church building. They were advised by the Local Planning Authority that it would be preferred for all the works to be assessed under a single application in the interests of simplicity and good planning but have decided to continue with the development split across three applications. However, the cumulative impact of the three aspects must be considered in deciding each of the applications.
- 4.4. One of the three applications, BH2022/02808 (the installation of venting ducts), was approved at the May Planning Committee. The remaining two applications (including the current proposal) were deferred subject to the submission of a Noise Management Plan, that the Committee wished to assess prior to making a decision.

5. REPRESENTATIONS

- 5.1. Three (3) representations have been received, objecting to the proposal on the following grounds:
 - Light pollution
 - Noise nuisance
 - Creation of terraces on the building have historically been refused.
 - Detrimental impact on property value
 - Loss of privacy
- 5.2. A representation has also been received from **Ward Councillor O'Quinn**, objecting to the proposed development. A full copy of the email is attached to this report.
- 5.3. A representation has also been received from former **Ward Councillor Alcock**, objecting to the proposed development. A full copy of the email is attached to this report.

6. CONSULTATIONS

6.1. Environmental Health

No objection subject to suitable conditions as set out below. Having reviewed the Noise Impact Assessment there is no reason to question the methodology or conclusions.

- 6.2. From the assessment, regarding the usage of the balcony area for visiting patrons at the gym, there are several concerns. The music and associated gym activity has been found to be barely audible at 14 Fonthill Road (not audible at all from two receptors). However, the balcony usage demonstrated a +6.6 dB at worst in respect of the effect at 14 Fonthill Road. This would suggest a possible adverse impact on the residents at 14 Fonthill Road.
- 6.3. As a consequence of these findings, I would suggest the following (total or in part) conditions be considered if permission is granted for the balcony to be utilised by patrons of the establishment.
- The balcony area only to be open during certain times of the day, i.e. 0800 to 1800 (Monday to Friday). 0900 to 1700 (Saturday), Closure Sunday.
 - Music level within the gym should always be monitored. If it is raised to a level that causes the patrons to raise their voice to communicate, then it is likely that a re-assessment is required. No microphones should be used.
 - No music should be played on the balcony.
 - Balcony area monitored with staff trained to intervene if patron noise levels exceed normal speaking levels.
 - Signage placed on the balcony to remind patrons that this is residential area and to keep noise to a minimum when outside or leaving the premises.
 - A complaints procedure provided to local residents.
 - All complaints to be investigated, the cause identified and necessary alteration to working practices made.
 - Periodic review of noise management plan.
 - Acoustic screening to be considered, in order to minimise impact on 14 Fonthill Road.
- 6.4. Throughout the assessment, it makes reference to the applicable British standard (BS4142), noise polices and international noise guidelines. The noise survey itself, and the results gathered have been interpreted and applied to the proposal correctly.
- Further Comments upon receipt of Noise Management Plan
- 6.5. Problems are not anticipated with use of the balcony based on the Noise Management Plan provided by the applicant which includes confirmation that the balcony will not be used for exercise classes, acoustic screens will be installed to manage noise levels, the capacity of the balcony is adequate for the intended number of patrons, hours of use will be restricted, and alcohol will not be served in this space.
- 6.6. However, 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.
- 6.7. UK Power Network**
No Objection.

MATERIAL CONSIDERATIONS

- 6.8. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 6.9. 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.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable Economic Development
CP12	Urban Design

Brighton & Hove City Plan Part Two (CPP2)

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM40	Protection of the Environment and Health - Pollution and Nuisance

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development and the potential impacts on the amenities of local residents. A site visit was undertaken most recently in May 2023.
- 8.2. The applicant and Local Planning Authority (LPA) disagree on the lawful status of a doorway that has recently been created to facilitate access to the terrace fronting Newtown Road. The LPA's view is that the creation of the doorway constitutes development for which express planning permission is required. The applicant's view has not been fully clarified but they assert that the works required to install the doorway do not require express planning permission. The LPA has invited the applicant to apply for a Lawful Development Certificate to test the validity of their assertion, but they have not chosen to pursue this.

- 8.3. This is relevant since it means that access to the terrace can be managed through the planning system. It is common ground that the building is in lawful use as a (E) gymnasium, and this use would extend to the terrace; therefore, the LPA would be unjustified in limiting - for instance - opening hours of the business as a whole since the use is permitted. But given the terrace can only be made accessible through development that itself requires express planning permission - the doorway - the LPA is justified in taking measures to manage the potential impacts from the terrace.
- 8.4. Therefore, although the doorway is not included in the application description it shall be included in the assessment of this application as it facilitates access to the terrace upon which the screening would be sited.

Principle of Development

- 8.5. The development has facilitated improvements to the sports/leisure offer at the site and this is of minor public benefit and in accordance with the aims of policy CP2 of the CPP2, which encourages improvements to existing businesses.

Design and Appearance

- 8.6. The two ventilation grilles on the gable ends have not been well designed in terms of materiality or siting and are considered to cause some harm to the visual appearance of the church. The vent on the west elevation is particularly prominent, an unattractive intrusion into the architecture of the building, cutting directly through some stone banding. However, it is not considered to be so harmful to the building as to warrant a refusal of planning permission in this instance. The vent on the east elevation is less prominent as it is mostly concealed behind properties fronting Fonthill Road.
- 8.7. The handrail is made from metal and has a simple design; it is visible from the public highway but is fairly unobtrusive and it is not considered that it causes any significant visual harm. The anthracite colour also reduces its visual impact.
- 8.8. The doorway has been neatly cut out of the original building façade and has not interrupted any of the decorative architectural features; it is not highly visible from the public highway and is considered to be acceptable in terms of appearance.

Impact on Amenities

- 8.9. The doorway, vents and handrails in terms of physical development are not considered to cause any harm in terms of lost privacy or overshadowing; however, the related use of the terrace by the gymnasium business does raise significant concerns. The eastern end of the terrace is proximate to the rear facades of nos.14-18 Fonthill Road (dwellings granted permission under BH2000/01750/FP) and indiscriminate use of the terrace could cause harm in terms of lost privacy and noise nuisance.
- 8.10. The Environmental Health Officer advised that a Noise Management Plan should be secured which would restrict the use of the terrace in the interest of safeguarding the amenities of local residents. The following measures were requested:

- Restriction on the hours of use of the terrace
 - Restriction on the playing of music on the terrace
 - Music levels within the gymnasium to be monitored.
 - Staff to monitor use of the terrace and be trained to intervene if noise levels exceed normal speaking levels.
 - Signage to be displayed reminding patrons that the site is within a residential area and to keep noise to a minimum.
 - A complaints procedure to be provided to local residents, with all complaints being investigated.
 - Periodic reviews of noise management plan.
 - Acoustic screening to be installed to minimise the impact on no.14 Fonthill Road.
- 8.11. A Noise Management Plan has been submitted and has been found acceptable by the Environmental Health Officer. A condition is proposed requiring operation of the business in compliance with this Noise Management Plan, thus safeguarding the amenities of local residents. The council will also retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 8.12. The noise output of the ventilation ducts was observed on the site visit and no significant noise output was detected. The acoustic assessment submitted in support of the application has demonstrated that the development does not generate enough noise to constitute a statutory noise nuisance. It is considered that any potential harm can be successfully mitigated with planning conditions managing the noise output and the hours of use of the equipment. As abovementioned, the council has the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 8.13. The use of the terrace would create privacy issues for neighbouring residents as there would be unobstructed views into the rear windows of no.14 Fonthill Road and (at a greater distance) windows on the block of flats directly west of the application site. It is considered that privacy screening along the east and west edges of the terrace would be essential to safeguard the privacy of local residents. Although screening has been proposed under application BH2022/02809, there is no mechanism in place to ensure that this development (if granted planning permission) would be implemented; therefore, it is considered essential for a condition to be attached to any permission granted requiring further details of screening to be submitted to and approved in writing by the LPA, then implemented prior to first use of the terrace. The screening would be required to block lines of sight to the flats west of the site, and the first floor window of no.14 Fonthill Road. The second floor rear window of no.14 Fonthill Road would overlook the terrace and there would be some return views into that room, since the screening would be unlikely to be high enough to fully block views without appearing visually harmful; this is a concern but on balance it is not considered that the harm would be significant enough to warrant refusal of the permission.
- 8.14. The external lighting has the potential to cause light nuisance to residents of no.14 Fonthill Road if illuminated at unsocial hours. It is considered necessary

for the lighting to be subject to a condition limiting the hours of illumination to 07:00 and 09:00, and 16:00 and 21:15; such a condition will also be of benefit in terms of visual amenity and sustainability.

Other Considerations

- 8.15. The planning system does not exist to protect private interests such as the value of land or property, and as such the affect the proposed development could have upon property values does not hold weight in the determination of this planning application.
- 8.16. To seek planning permission retrospectively is a valid course of action in the development process and has not been weighed against the developer in the assessment of the propriety of this proposal.

Conclusion

- 8.17. The high-level ventilation grilles on the gable ends are poorly designed and have caused some degree of harm to the appearance of the church; however, in this instance it is not considered that this harm is significant enough to warrant refusal of planning permission. The other aspects of the development, the handrails and external lighting, are considered to be acceptable in terms of appearance, and the scheme as a whole is considered acceptable in terms of the impacts it is anticipated to have on the amenities of local residents subject to the aforementioned conditions. Compliance with the measures detailed in the Noise Management Plan, installation of the screening prior to first use of the terrace, and restrictions on the hours of use of the lighting and plant machinery shall be secured by condition in the interest of safeguarding the amenities of the closest neighbouring residents. For the foregoing reasons the proposal is considered to be in accordance with policies CP2 and CP12 of the Brighton and Hove City Plan Part One, and DM20, DM21 and DM40 of the City Plan Part Two.

9. EQUALITIES

- 9.1. The terrace has stepped access so is not equally accessible for all persons.

10. CLIMATE CHANGE/BIODIVERSITY

None identified.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Jacqueline O'Quinn

BH2022/02810 – St Agnes Church, Newtown Road

25th October 2022:

Installation of high level ventilation grilles to gable ends, handrail to parapet wall of roof and external up/down lighting to south elevation at second floor. (Retrospective)

I am objecting to this application. As I live locally, I was able to watch builders employed by the Natural Fit Club put into place a balcony area on the 1st floor which fronted onto Newtown Road. At first the door opening was put in place and then a type of artificial hedging was put up on the parapet edge. Light fittings and wires then went up and then they laid the floor for the balcony. None of these additions were given permission in the original planning permission but they had obviously been planned for by Natural Fit Club at that time – they just knew they wouldn't get the application passed if they included a balcony but banked on getting retrospective permission. Metal bars were eventually placed around the balcony area as it was quite dangerous before with only the artificial hedging there. The whole balcony construction, lights, hedging, bars etc. is not particularly pleasing aesthetically and not in keeping with the character of the building, which is a shame as St Agnes is a beautiful old church. At least the hedging has since been removed as it was a real eyesore and different bars have been put in place.

There is considerable dismay from nearby residents at the air vent that has been knocked through and which is so close to their properties and precludes them from being able to enjoy their gardens – so a definite loss of private amenity. I understand that the noise has been toned down a bit but is still major nuisance to residents whose gardens are at the back of St Agnes Church and the noise goes on from 7am-9om. There has been an attempt to improve the lighting but it is still very intrusive and noticeable for both the residents and the area as a whole.

The balcony area itself is quite large and could accommodate a number of people. I understand that a Licensing officer has visited the property and been told that the Club intend to have tables and chairs on the balcony and will serve people drinks and foods.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. John Allcock

BH2022/02810 – St Agnes Church, Newtown Road

25th October 2022:

Installation of high level ventilation grilles to gable ends, handrail to parapet wall of roof and external up/down lighting to south elevation at second floor. (Retrospective)

The first-floor balcony fronts onto Newtown Road and consists of a door opening, artificial hedging on the parapet edge, light fittings and flooring. Metal bars were subsequently added to the balcony area as the artificial hedging was clearly hazardous.

None of these additions were given permission in the original planning application. They may have been commissioned by the applicant but not included in the original planning application for the conversion of the church to a private members club as it this was unlikely to have been permitted.

The whole balcony construction, lights, hedging, bars etc. is not aesthetically in keeping with the architectural character of St Agnes as an attractive old church.

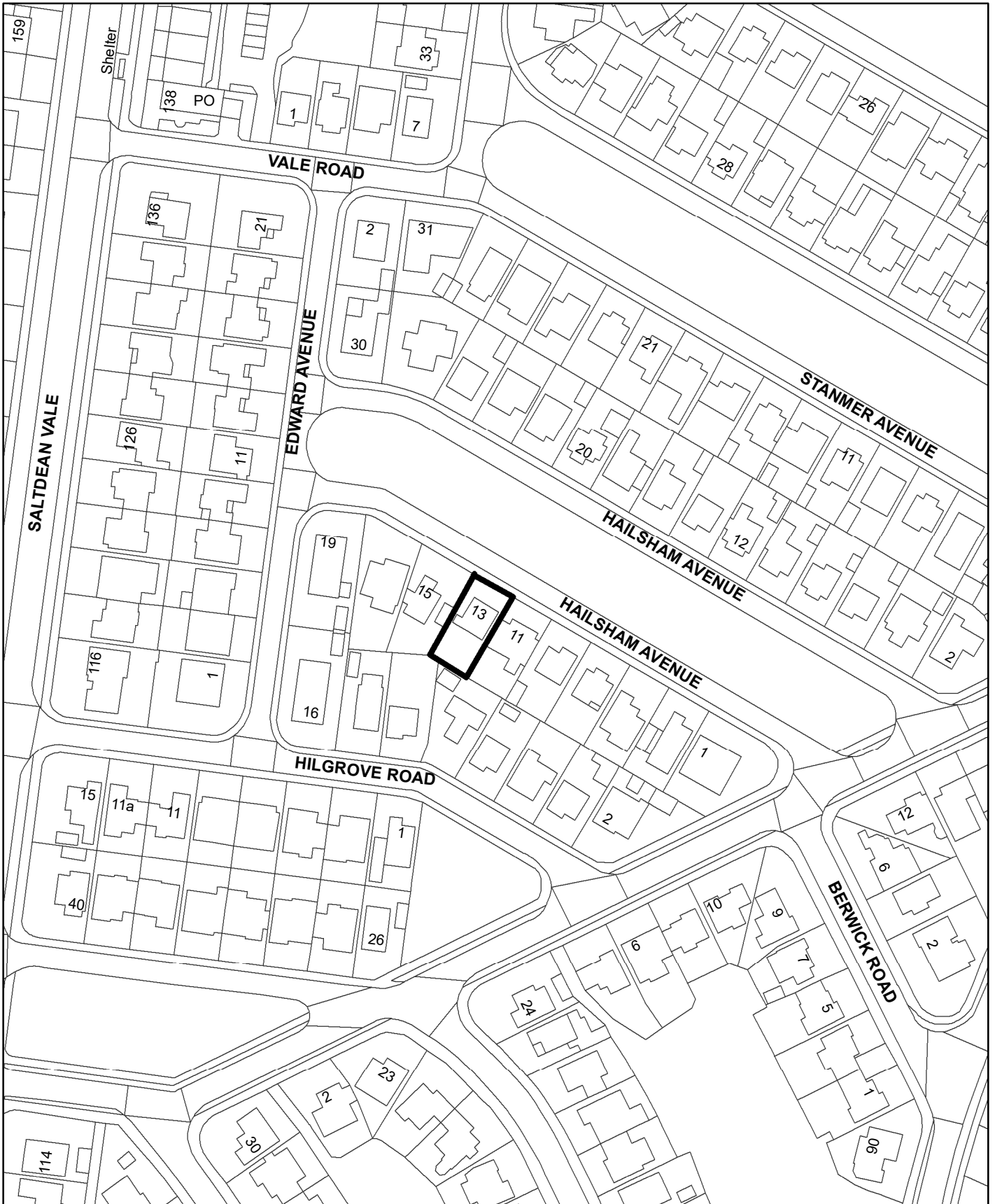
The balcony area itself is quite large and could accommodate a number of people. I understand that a Licensing officer has visited the property and been told that the Club intend to have tables and chairs on the balcony and will serve people drinks and foods. This will inevitably increase noise and be impact negatively on the amenity of residents

ITEM G

**13 Hailsham Avenue
BH2023/01135
Householder Planning Consent**

DATE OF COMMITTEE: 6th September 2023

BH2023 01135 - 13 Hailsham Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2023/01135	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	13 Hailsham Avenue Saltdean Brighton BN2 8QH		
<u>Proposal:</u>	Erection of single storey side extension.		
<u>Officer:</u>	Nathaniel Rainier, tel:	<u>Valid Date:</u>	05.05.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30.06.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Plans Prepared 8 Greenbank Avenue Saltdean BN2 8QS		
Applicant:	Mr Charlie Sharp 13 Hailsham Avenue Saltdean Brighton BN2 8QH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			17 April 2023
Block Plan			17 April 2023
Proposed Drawing	HA-004		27 May 2023
Proposed Drawing	HA-005		13 May 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 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 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. 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 relates to a detached bungalow located on the southern side of Hailsham Avenue in Saltdean. The property has a hipped roof and front gable, with a modest flat roofed front extension creating an extended porch. It has an existing 'loft room' created through the insertion of rooflights to the side and rear. Off street parking is provided with a concrete front driveway. It is finished in a light grey/off white render and white uPVC fenestration.
- 2.2. The road, Hailsham Avenue, is characterised by a general uniformity of dwelling type being predominantly hipped roof and gable fronted residential bungalows. A number have had alterations and extensions that are visible in the public realm including side extensions, similar to the proposal, and/or attached side garages.
- 2.3. The application site features a shed and summer house in the rear garden close to the boundary wall with number 15. These outbuildings have been substantially completed but remain to be finished.
- 2.4. Hailsham Avenue is set on a hill rising from west to east with a reflective stepping up in the ground floor slabs and roof heights of the residential dwellings in the road. A wide grassed common open area runs between the parallel roads that form Hailsham Avenue, giving a very open aspect to the street.
- 2.5. The site is currently undergoing building works for a rear dormer and double hip-to-gable extensions approved under planning permission BH2022/02324.
- 2.6. The site is not located in a conservation area or subject to any article 4 directions regarding extensions or alterations.

3. RELEVANT HISTORY

- 3.1. BH2022/02324 - Roof alterations incorporating double hip to gable extension, front rooflights and rear dormers with Juliet balconies and new roof tiles. Alterations to fenestration and associated alterations. Approved 3 November 2022
- 3.2. BH2009/01571 - Single storey side/rear extension and additional single storey rear extension with infill raised decking. Refused 11 September 2009 for the following reasons:
- “1: *The proposed side extension, by reason of its size, height, siting and design is considered to be unduly visually prominent and detrimental to the appearance and character of the host building and wider streetscene. In particular, the roof over the extension would extend beyond the eaves line creating an awkward junction with the roof of the existing dwelling and adding to its prominence, and the false pitch to the front of this flat-roofed element would be readily visible within the street scene. The proposal is thereby contrary to policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan.*
- 2: *The size, height and siting of the proposal would, by reason of an overbearing and overly dominant impact, adversely affect the residential amenities currently enjoyed by the occupiers of No.15 Hailsham Avenue, which would be exacerbated by the fact that No.15 is set at a lower ground level than the applicant property. The proposal is thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.*”

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the erection of a single storey side extension which would feature a new false pitched roof and two new rooflights. The proposed extension would be located on the western side of the dwelling and would measure approximately 2.3 metres in width, 8.1 metres in length, and 3.8 metres in height. The extension would run the full depth of the dwelling and be constructed in materials to match those approved under planning application BH2022/02324.

5. CONSULTATIONS

None Received

6. REPRESENTATIONS

- 6.1. 1 comment received from a neighbour objecting to the application on the grounds of
- Overdevelopment
 - Poor Design
 - Residential Amenity

- 6.2. One comment received from **Councillor Fishleigh** raising concerns over overdevelopment and the accuracy of the plans and drawings. A copy of the representation from Councillor Bridget Fishleigh 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 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
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 Document:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD09	Architectural Features

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and the impact upon residential amenity.

Impact on Character and Appearance:

- 9.2. The Brighton and Hove Supplementary planning document SPD12 Design Guide for Extensions and Alterations states the following in regards to side extensions.
"The extension should normally be no wider than half the frontage width of the host building and set back from the front of the building by a minimum 0.5m in order to ensure a subordinate appearance that retains the integrity of the original building. A minimum 0.5m set back also helps avoid difficulties in matching and aligning old and new materials. Extensions that sit flush with the front elevation will only rarely be considered appropriate in instances where it can be clearly demonstrated that the extension integrates well with the design of the host building."
- 9.3. The proposed extension is narrower than half of the frontage width of the host building, therefore complying with SPD12 guidance. The proposed side extension would not be set back from the existing dwelling as the front elevation would sit flush with the front elevation; however, it would be a small feature relative to the scale of the host dwelling, and would otherwise integrate well with the design of the host building with the mock pitched roof assisting in this assimilation. The proposed 'false' pitched roof would not cause harm to the appearance of the area due to its low height and the proposed extensions setback from the road.
- 9.4. The proposed street elevation window would match the existing windows on the dwelling in terms of design. The proposed materials would match the existing permission (granted for grey tiles to replace the existing brown concrete tiles and a white painted render) ensuring that the new extension complements the refurbishment of the existing dwelling currently underway.
- 9.5. The proposed extension is appropriately positioned, scaled, and materially finished sympathetically to the design of the existing dwelling in accordance with SPD12 Design guidance. The side extension's design is considered to be subservient to the host property and would not adversely impact the character of the area.
- 9.6. The proposal would create a new bathroom, study and additional living space that would overall improve the internal standard of accommodation in accordance with policy DM1 of the Brighton and Hove City Plan Part Two, notwithstanding that the proposed layout would reduce the number of bedrooms in the dwelling from three to two.
- 9.7. The extensions and alterations are on balance considered to be suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with policy DM21 of the Brighton and Hove City Plan Part 2 and SPD12 guidance.

Impact on Residential Amenity:

- 9.8. The proposed extension is proposed on the boundary of the property, with the existing summerhouse and shed behind resulting in an almost uninterrupted built form along the boundary with the neighbouring dwelling to the west at number

15. The proposed side extension would mostly abut the garage and driveway of the neighbouring dwelling, with sufficient separation retained with the neighbouring property. The proposed extension would, therefore, have a limited impact on neighbouring amenities despite its comparatively higher elevation to neighbouring number 15. It is also noted that an outbuilding exists on the driveway of number 13 providing further separation from the application site.

9.9. The proposal is not considered to cause any additional overlooking of adjacent properties over and above the existing situation and it would not have an overbearing impact or cause adjacent properties to be excessively overshadowed or enclosed.

9.10. A site visit has been undertaken and the impact of the proposed development on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook, and privacy. Following a site visit, photos provided by the applicant and aerial photography of the site no significant harm has been identified in accordance with policy DM20 of the Brighton and Hove City Plan Part Two.

10. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS

10.1. 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.

11. EQUALITIES

None identified

12. CLIMATE CHANGE/BIODIVERSITY

12.1. The proposed works would modernise and increase the flexibility of an existing property and its energy efficiency. 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 an appropriate number of bee bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as SPD11. Given the nature of the application it is not considered appropriate to secure biodiversity improvement in this instance.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

**Cllr. Bridget Fishleigh
BH2023/01135 – 13 Hailsham Avenue**

31st May 2023:

If officers recommend that this application is approved, please can it come to committee for a decision.

My concerns are around overdevelopment - and that the plans submitted do not mention an existing extension.

ITEM H

**Hove Central Library
182-186 Church Road
BH2023/01467
Listed Building Consent**

DATE OF COMMITTEE: 6th September 2023

BH2023 01467 - Hove Central Library, 182-186 Church Road



N



Scale: 1:1,250

<u>No:</u>	BH2023/01467	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Hove Central Library 182 - 186 Church Road Hove BN3 2EG		
<u>Proposal:</u>	Replacement of existing door with a new steel security door.		
<u>Officer:</u>	Nathaniel Rainier, tel:	<u>Valid Date:</u>	06.06.2023
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	01.08.2023
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	Brighton And Hove City Council Hove Town Hall Neville Road Brighton BN43 5NJ United Kingdom		
<u>Applicant:</u>	Mr Ben King 182 - 186 Church Road Hove BN3 2EG		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			22 May 2023
Proposed Drawing	HL002		22 May 2023
Proposed Drawing	HL003		22 May 2023
Proposed Drawing	HL004		22 May 2023
Detail		Door Details	22 May 2023

2. 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.

Informatives:

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

2. SITE LOCATION

- 2.1. Hove Library is a Grade II listed building in the Old Hove Conservation Area, located on the southern side of Church Road.
- 2.2. It was built in 1907 by architects Percy Robinson and W Alban Jones in a 'Wrenaissance style'. Of two storeys, its main decorative façade faces north on to Church Road. A cupola was removed in 1967. The rear elevation is in strong contrast to the classical flat fronted stone main façade, with a curved platform and terraced profile in redbrick. Although it is of notable interest, the rear has been affected by incremental addition of services and alterations. This building principally continues to be used for its original purpose as a public library however the lower level is now in separate use as a day nursery with separate access at the rear through the side gate.

3. RELEVANT HISTORY

- 3.1. **BH2023/01981** Hove Central Library 182 - 186 Church Road Hove BN3 2EG- Listed Building Consent removal of existing north elevation parapet gutter lining and replacement with like for like. Replacement of roof tiles like for like. Water proofing works to east elevation half landing roof including raising/adapting the down pipe to ensure that it does not make contact with the roof covering, removal of existing lead flashings and replacement with like for like, replacement of render flashing with lead flashing, removal of all promenade tiles and solar reflective paint, application of dura-coat restoration waterproofing system uniform coloured finish to all areas of the roof with grit added to where promenade tiles were situated. Like for like replacement of west first floor roof skylight detailing. Under consideration (also at this Committee).
- 3.2. **BH2019/02771** Hove Central Library 182 - 186 Church Road Hove BN3 2EG LBC Listed Building Consent Installation of lock to existing gates and associated works. Approved
- 3.3. **BH2018/03896** Hove Central Library 182 - 186 Church Road Hove BN3 2EG LBC Listed Building Consent Alterations to entrance lobby to install access control system including exit button and associated works. Approved

4. APPLICATION DESCRIPTION

- 4.1. Listed Building Consent is sought for the replacement of an existing timber door with a new steel security door.
- 4.2. All applications for Listed Building Consent relating to Hove Library are required to be determined by the Planning Committee rather than by officers under delegated authority.

5. CONSULTATIONS

5.1. **Heritage:** No objection

6. REPRESENTATIONS

No representations have been received.

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. RELEVANT POLICIES & GUIDANCE

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

Supplementary Planning Document:

SPD09 Architectural Features

Old Hove Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to impact of the works on the historic character and significance of the Grade II listed building and the wider Old Hove 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. 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". These aims are reflected in CPP1 policy CP15 and policies DM26 and DM27 of CPP2.
- 9.3. The Heritage Team have raised no objection to the development. This application is for the replacement of the entrance door to the nursery at the lower level which is at the rear of the property within a narrow access route along the east side of the building. The existing door is a utilitarian flat timber door and is not considered to be a characterful or positive element of the building, and it is proposed to be replaced with a plain metal door to improve security. The frame is also proposed to be replaced like for like. It is considered that this proposal would have a neutral impact on the significance of the building and there is no objection on heritage grounds.
- 9.4. Overall, the work would cause no harm to the historic significance of the listed building or the character of the Conservation Area in accordance with national policy objectives and policies CP15 of CPP1 and DM26, DM27 and DM29 of CPP2.

10. CLIMATE CHANGE/BIODIVERSITY

- 10.1. The works are considered to have a neutral impact on climate change and biodiversity objectives.

11. EQUALITIES

- 11.1. The replacement door and opening width is confirmed by the applicant as being DDA compliant, however due to the threshold wheelchair users would likely continue to rely upon the internal lift to facilitate access to the basement level of the library.

ITEM I

**Hove Central Library
182-186 Church Road
BH2023/01981
Listed Building Consent**

DATE OF COMMITTEE: 6th September 2023

BH2023 01981 - Hove Central Library, 182-186 Church Road



Scale: 1:1,250

<u>No:</u>	BH2023/01981	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Hove Central Library 182 - 186 Church Road Hove BN3 2EG		
<u>Proposal:</u>	Removal of existing north elevation parapet gutter lining and replacement with like for like. Replacement of roof tiles like for like. Water proofing works to east elevation half landing roof including raising/adapting the down pipe to ensure that it does not make contact with the roof covering, removal of existing lead flashings and replacement with like for like, replacement of render flashing with lead flashing, removal of all promenade tiles and solar reflective paint, application of dura-coat restoration waterproofing system uniform coloured finish to all areas of the roof with grit added to where promenade tiles were situated. Like for like replacement of west first floor roof skylight detailing.		
<u>Officer:</u>	Nathaniel Rainier, tel:	<u>Valid Date:</u>	12.07.2023
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	06.09.2023
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	Brighton And Hove City Council Hove Town Hall Neville Road Hove BN3 5NJ		
<u>Applicant:</u>	Brighton And Hove City Council Hove Central Library 182-186 Church Road Hove BN3 2EG		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			12 July 2023
Detail	Box/Parapet Gutter Detailing		12 July 2023
Detail	Flashings details		12 July 2023
Proposed Drawing	Proposal Specification		12 July 2023
Detail	Overview of Works		12 July 2023

2. 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.

Informatives:

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

2. SITE LOCATION

- 2.1. This site is a grade II listed building in the Old Hove Conservation Area. Hove Library was built in 1907 by architects Percy Robinson and W Alban Jones in a 'Wrenaissance style'. Of two storeys, its main decorative façade faces north on to Church Road. A cupola was removed in 1967. The rear elevation is in strong contrast to the classical flat fronted stone main façade, with a curved platform and terraced profile in redbrick. Although it is of notable interest, the rear has been affected by incremental addition of services and alterations. This building principally continues to be used for its original purpose as a public library however the lower level is now in separate use as a day nursery with separate access at the rear through the side gate.

3. RELEVANT HISTORY

- 3.1. **BH2023/01467** Listed Building Consent Hove Central Library 182 - 186 Church Road Hove BN3 2EG Replacement of existing door with a new steel security door. Pending Consideration
- 3.2. **BH2019/02771** Hove Central Library 182 - 186 Church Road Hove BN3 2EG LBC Listed Building Consent Installation of lock to existing gates and associated works. Approved
- 3.3. **BH2018/03896** Hove Central Library 182 - 186 Church Road Hove BN3 2EG LBC Listed Building Consent Alterations to entrance lobby to install access control system including exit button and associated works. Approved

4. APPLICATION DESCRIPTION

- 4.1. Listed Building Consent is sought for a number of alterations and repairs, many of which are like for like. The works include:
 - Removal of existing north elevation parapet gutter lining (facing onto Church Road) and its replacement with like for like detailing and materials.
 - Replacement of roof tiles like for like.

- Water proofing works to east elevation half landing roof including raising/adapting the down pipe to ensure that it does not make contact with the roof covering.
 - Removal of existing lead flashings and replacement with like for like.
 - Replacement of render flashing with lead flashing
 - Removal of all promenade tiles and solar reflective paint
 - Application of dura-coat restoration waterproofing system uniform coloured finish to all areas of the roof with grit added to where promenade tiles were situated.
 - Like for like replacement of west first floor roof skylight detailing.
- 4.2. All applications for Listed Building Consent relating to Hove Library are required to be determined by the Planning Committee rather than by officers under delegated authority.

5. REPRESENTATIONS

No representations have been received.

6. CONSULTATIONS

- 6.1. **Heritage:** No objection on heritage grounds. The proposal will enable better protection of the building from deterioration without causing further harm to its significance and therefore can be supported.

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. RELEVANT POLICIES & GUIDANCE

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

Supplementary Planning Document:

SPD09 Architectural Features

Old Hove Conservation Area Character Statement.

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to impact of the works on the historic character and significance of the Grade II listed building and the wider Old Hove 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. These aims are reflected in CPP1 policy CP15 and policies DM26 and DM27 of CPP2.
- 9.5. The application explains that water is penetrating the listed building. The east elevation half landing roof is currently covered with bitumen with poor detailing to the up-stand and further issues are caused where the down pipe makes direct contact with the roof covering. Further problems are also caused by the fall of the roof and the only outlet is obscured by existing promenade tiles.
- 9.6. The following remedies are proposed to restore and maintain the Listed Building:
 - The existing down pipe will be raised and adapted ensuring that it does not make contact with the roof covering.
 - All existing lead flashing's will be removed and replaced like for like and the render flashing is also proposed to be replaced in lead.
 - A proposal to fully remove the thick bitumen roof coating is considered to be intrusive and would potentially impact the building structure therefore it is proposed to remove just the promenade tiles and solar reflective paint and

apply Garlands Dura-Coat Restoration Waterproofing System to all areas of the roof, adding grit to the areas which form part of the means of escape.

- 9.7. All the above works are considered to be acceptable in heritage terms given that the proposal includes the removal of some unsympathetic detailing and materials with more appropriate replacements. Where non-traditional remedies and materials are proposed it is considered that they would enable better protection of the building from deterioration without causing further harm to its significance and can therefore be supported.
- 9.8. Overall, the work would cause no harm to the historic significance of the listed building or the character of the Conservation Area in accordance with national policy objectives and policies CP15 of CPP1 and DM26, DM27 and DM29 of CPP2.

10. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS

- 10.1. 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.

11. EQUALITIES

None Identified

PLANNING COMMITTEE

Agenda Item 38

Brighton & Hove City Council

NEW APPEALS RECEIVED 06/07/2023 - 02/08/2023.

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER AND ELM GROVE

BH2022/02434

31 Gladstone Place Brighton BN2 3QE

Conversion of existing single dwelling to form 2no one bedroom flats and 1no two bedroom flat (C3) including revised fenestration to side and rear (part retrospective).

APPEAL IN PROGRESS

14/07/2023

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PATCHAM

109 Rotherfield Crescent Brighton BN1 8FH

Appeal against

APPEAL IN PROGRESS

17/07/2023

Not Assigned

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

BH2022/02552

Pavement Outside 56 Western Road Brighton BN1 2HA

Display of internally illuminated digital advertising panel forming integral part of communication hub.

APPEAL IN PROGRESS

21/07/2023

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

14 Montpelier Crescent Brighton BN1 3JF

Appeal against

APPEAL IN PROGRESS

06/07/2023

Not Assigned

WARD

APPEALAPPNUMBER

ADDRESS

ROTTINGDEAN COASTAL

BH2023/00874

49 Falmer Road Rottingdean Brighton BN2 7DA

<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey garage and carport to front and the erection of fencing above existing brick wall to front elevation.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/07/2023
<u>APPLICATION DECISION LEVEL</u>	Delegated
<hr/>	
<u>WARD</u>	ROTTINGDEAN & WEST SALTDEAN
<u>APPEALAPPNUMBER</u>	BH2022/02786
<u>ADDRESS</u>	Rottingdean Bowls Clubhouse The Green Rottingdean Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Refurbishment of existing clubhouse and associated works including replacement of existing changing rooms and sanitary facilities with single storey block to South elevation and erection of single storey storage building to North-West corner.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/07/2023
<u>APPLICATION DECISION LEVEL</u>	Delegated
<hr/>	
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2022/03726
<u>ADDRESS</u>	44 Trafalgar Street Brighton BN1 4ED
<u>DEVELOPMENT DESCRIPTION</u>	Display of internally illuminated digital hoarding sign to replace existing hoarding sign.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	19/07/2023
<u>APPLICATION DECISION LEVEL</u>	Delegated
<hr/>	
<u>WARD</u>	WESTDENE & HOVE PARK
<u>APPEALAPPNUMBER</u>	BH2022/02886
<u>ADDRESS</u>	7 Meadow Close Hove BN3 6QQ
<u>DEVELOPMENT DESCRIPTION</u>	Formation of front and side boundary walls. (Part-retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	26/07/2023
<u>APPLICATION DECISION LEVEL</u>	Delegated
<hr/>	
<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2022/03525
<u>ADDRESS</u>	Grass Verge Opposite 46 Copse Hill Brighton BN1 5GA

DEVELOPMENT DESCRIPTION

Installation of 15m high telecommunications monopole supporting 6no antennas, with wraparound equipment cabinet at base, 2no equipment cabinets, 1no electric meter cabinet and ancillary development thereto.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

21/07/2023

APPLICATION DECISION LEVEL

Delegated



INFORMATION ON HEARINGS / PUBLIC INQUIRIES

This is a note of the current position regarding Planning Inquiries and Hearings

Planning Application No	<i>ENF2022/00193</i>
Site Address	<i>14 Montpelier Crescent Brighton BN1 3JF</i>
Description	<i>Appeal against</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Public Inquiry</i>
Date Appeal To Be Held:	<i>N/A</i>
Venue of Appeal	<i>N/A</i>
Planning Officer	<i>Raphael Pinheiro</i>

PLANNING COMMITTEE

Agenda Item 40

Brighton & Hove City Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 19/07/2023 AND 22/08/2023

<u>WARD</u>	EAST BRIGHTON
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00018
<u>ADDRESS</u>	34 Chesham Road Brighton BN2 1NB
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing ground floor commercial unit (E) and lower ground floor residential unit to form a three bedroom residential maisonette (C3) with associated alterations.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/02499
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00025
<u>ADDRESS</u>	9 Greenleas Hove BN3 8AD
<u>DEVELOPMENT DESCRIPTION</u>	Erection of detached single garage to front of property.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/02792
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00076
<u>ADDRESS</u>	91 Southover Street Brighton BN2 9UD
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	REGENCY
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00013
<u>ADDRESS</u>	27 Duke Street Brighton BN1 1AG
<u>DEVELOPMENT DESCRIPTION</u>	Installation of external roller grilles to front elevation.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2022/01869
APPLICATION DECISION LEVEL Delegated

WARD

ROTTINGDEAN & WEST SALTDEAN

APPEAL APPLICATION NUMBER APL2023/00049
ADDRESS 132 Saltdean Vale Saltdean Brighton BN2 8HF
DEVELOPMENT DESCRIPTION Remodelling of existing bungalow incorporating front, side extension, new roof with front and rear windows, side dormer, side rooflights, lowering of raised garden to rear and associated works.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2023/00251
APPLICATION DECISION LEVEL Delegated

WARD

WISH

APPEAL APPLICATION NUMBER APL2023/00016
ADDRESS Rayford House School Road Hove BN3 5HX
DEVELOPMENT DESCRIPTION Application to vary Condition 1 and remove Condition 13 of planning permission BH2020/00955, which required provision of two points of pedestrian access to the eastern boundary and retention thereafter with no means of preventing access installed.

APPEAL TYPE Full Planning-against conditions
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2023/00009
APPLICATION DECISION LEVEL Delegated
