

# Planning Committee

Date: **10 January 2024**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

Contact: **Penny Jennings**  
Democratic Services Officer  
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# AGENDA

## 68 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.*

## 69 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 6 December 2023 to be circulated separately.

## 70 CHAIR'S COMMUNICATIONS

## 71 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 4 January 2024.

## 72 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

## 73 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 Planning 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**). To register to speak please email Democratic Services at: [democratic.services@brighton-hove.gov.uk](mailto: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 3 minutes will need to be shared, or one can be elected by communal consent to speak for all).

### MAJOR APPLICATIONS

A BH2022/03189 - 26 Abinger Road, Portslade - Outline Application **1 - 28**

### MINOR APPLICATIONS

B BH2023/02158 - 2 - 4 West Street, Rottingdean, Brighton - Full Planning **29 - 54**

C BH2023/02101 - 123 - 129 Portland Road, Hove - Full Planning **55 - 68**

D BH2023/01369 - Flat 1, 108 Brentwood Road, Brighton - Full Planning **69 - 80**

### INFORMATION ITEMS

74 **LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **81 - 84**

(copy attached).

75 **INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **85 - 86**

(copy attached).

**76 APPEAL DECISIONS**

**87 - 92**

(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.

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

### **FURTHER INFORMATION**

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

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

Date of Publication - Tuesday, 2 January 2024



# **ITEM A**

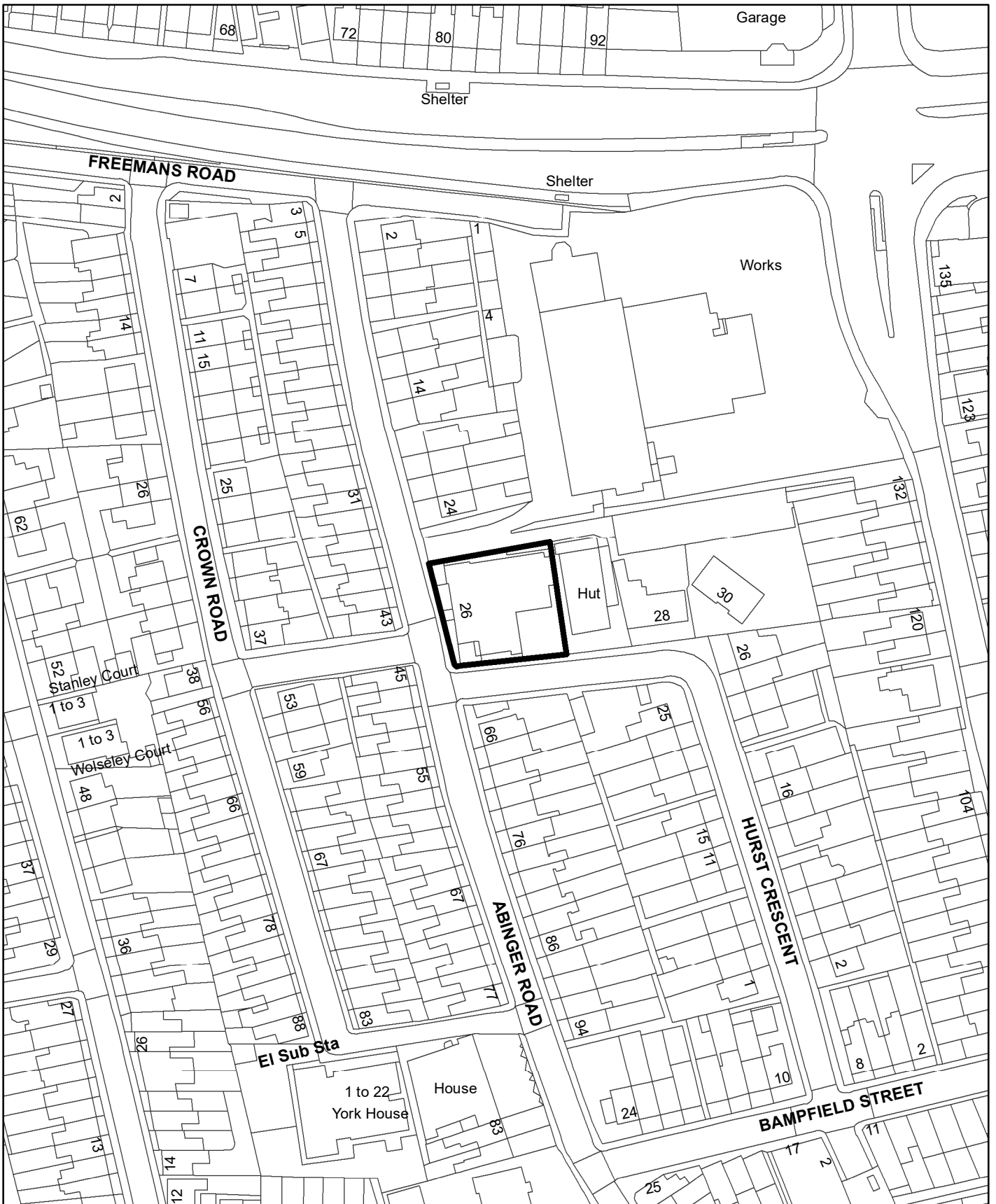
**26 Abinger Road  
BH2022/03189  
Outline Application**

**DATE OF COMMITTEE: 10<sup>th</sup> January 2023**





# BH2022 03189 - 26 Abinger Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/03189</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Outline Application</b>		
<b><u>Address:</u></b>	<b>26 Abinger Road Portslade BN41 1SB</b>		
<b><u>Proposal:</u></b>	<b>Outline application for the erection of a 2 storey building plus accommodation in the roof for residential use; with unreserved matters of Scale and Access only.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 01273 293311	tel: <b><u>Valid Date:</u></b>	12.10.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	11.01.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	17.01.2024
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Sigta Ltd Care Of Lewis & Co Planning 2 Port Hall Road 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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

### Section 106 Head of terms:

#### **Affordable Housing**

- If site provides between 10 and 14 (net) dwellings: on-site affordable housing provision to be provided equivalent to 30% (If any Registered Providers or the Council are not able to take on such units - a commuted financial sum for off-site provision in lieu of on-site shall be sought).
- If site provides between 5 and 9 (net) dwellings: a financial contribution towards off-site affordable housing by way of a commuted sum equivalent to 20%.
- Any sums above shall be in accordance with the most up to date version of the council's Developer Contributions Technical Guidance.
- A Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing.

#### **Employment Training**

- If site provides 10 or more (net) dwellings: financial contribution per unit towards the Local Employment Scheme based on the Council's most up to date version of the Developer Contributions Technical Guidance, together with an Employment and Training Strategy to secure 20% local labour.

#### **Management & Monitoring**

- If site provides 10 or more (net) dwellings: financial contribution towards ongoing monitoring of Biodiversity Net Gain requirements based on the Council's most up to date version of the Developer Contributions Technical Guidance
- A financial contribution towards management/monitoring of S106 obligations based on the Council's most up to date version of the Developer Contributions Technical Guidance.

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	WLD-014-22-01		16 November 2023
Proposed Drawing	WLD-14-22-09 (ACCESS ONLY)		12 October 2022

2. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3.
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) layout;
    - (ii) amount;
    - (iii) appearance; and
    - (iv) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

4. No development (excluding demolition) shall take place until a scheme detailing the design of on and off site external areas and highway works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following:
  - New and upgraded/extended vehicle crossovers including dropped kerbs and tactile paving either side of the access
  - Reinstatement of the redundant vehicle crossover on Hurst Crescent (adjacent to the priority junction with Abinger Road) back to a footway by raising the existing kerb and footway

- Geometry and layout, including dimensions, radii and visibility splays (pedestrian and vehicle)
- Vehicle Swept Path Analysis (VSPA) drawings for a standard design vehicle and the largest vehicle expected to access the site (i.e., fire tender, large ambulance, delivery vehicle and move in/move out vehicle)
- Associated changes to signing and lining (eg amending double yellow line restrictions on Hurst Crescent)
- Pavement widths, materials, constructions and surfacing, kerbs and edge restraints, levels and gradients, including to both sides of any interfaces with the adopted (public) highway
- Location for cycle parking (Long-stay and short-stay, SPD14 compliant) provisions
- Location and layout of on-site car and motorcycle parking including disabled parking
- Boundary treatments including gates, walls, fences, bollards, chains and doors

The approved scheme shall be implemented prior to first occupation of the development and any parking areas shall only be used by occupants and visitors to the development.

**Reason:** In the interest of highway safety, inclusivity, sustainability, quality design, and public amenity and to comply with policies CP9 and CP12 of the Brighton & Hove City Plan Part One, DM33 and DM36 of the Brighton and Hove City Plan Part Two and National Planning Policy Framework paragraphs 108-110.

5. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton and Hove City Plan Part Two.
6. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
7.
  1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
    - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;  
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A2:2017;  
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition 1c above that any remediation scheme required and approved under the provisions of condition 1c above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ is suitable for use.

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

8. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the

character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

10. Any hard surfaces proposed 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.

11. 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.

12.

- A) Should the site provide 10 or more residential units:

A minimum of 10% of any on-site affordable housing and 5% of private market housing hereby permitted shall be built as wheelchair accessible dwellings prior to first occupation and shall be retained as such thereafter. The wheelchair accessible / adaptable dwelling(s) hereby permitted shall be completed in accordance with the following;

- i) all private residential units and all affordable units not covered by part ii) below shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2a) (wheelchair user dwellings – ‘adaptable’) prior to first occupation and shall be retained as such thereafter.
- ii) all residential units where the Council is responsible for allocating or nominating the occupier shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings – ‘accessible’) prior to first occupation and shall be retained as such thereafter.

All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter.

- B) Should the site provide 9 residential units or less in total, the development shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter.

Evidence of compliance for parts A and B above 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 provide an overall mix of units, to comply with policy DM1 of Brighton & Hove City Plan Part 2 and CP19 of the Brighton and Hove City Plan Part 1.

13. All dwellings hereby permitted shall comply with Nationally Described Space Standards.

**Reason:** To ensure a satisfactory standard of accommodation for occupiers, to comply with policy DM1 of Brighton & Hove City Plan Part 2.

14. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

15. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site including provision of swift and bee bricks/boxes has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11. The scheme shall include measures and a plan to achieve a minimum 10% Biodiversity Net Gain measured using the DEFRA metric within a 30 year period (if the development comprises 10 or more residential units). The approved scheme shall be implemented in full accordance with the approved details and thereafter retained.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

16. No development (excluding demolition) shall take place until:

- a) a drainage strategy detailing the design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods; and
- b) details of the proposed means of foul water disposal and an implementation timetable, have been submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to occupation and implemented and maintained in accordance with the approved timetable.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and ensure adequate foul sewage drainage/treatment is



available, to comply with policies DM42 and DM43 of City Plan Part and 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. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729). A Traffic Regulation Order (TRO) may be required.
3. The applicant is advised that they must enter into a Section 278 Agreement with the Local Highway Authority prior to any works commencing on the adopted highway.
4. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).  
The applicant is advised that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to (that is, within 3.66m) and within the highway (including under and over) and gain any appropriate licences, prior to the commencement of any construction works. The applicant is further advised that they must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience.
5. The water efficiency standard required under Condition 7 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. 'Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>

7. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and sustainable drainage, and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

## **2. SITE LOCATION**

- 2.1. This application relates to a site located on the junction of Abinger Road and Hurst Crescent in Portslade. The application site is 0.18 acres and is currently occupied by a part two-storey and part single storey building. The existing building is occupied by SIGTA providing office and training space.
- 2.2. The site is located within a residential area. The surrounding area comprises predominantly residential buildings though a single storey scout hut is located to the east of the site. The surrounding residential properties are generally two-storey terraced properties with pitched roofs.
- 2.3. To the north of the site lies the A270 and the busy junction at the Southern Cross traffic lights. To the north east of the site, just south of the A270 are some larger commercial buildings in industrial use.
- 2.4. The site is not located within a conservation area and is not in close proximity to any listed buildings.

## **3. RELEVANT HISTORY**

None identified.

## **4. APPLICATION DESCRIPTION**

- 4.1. Outline planning permission is sought with all matters reserved, apart from 'access' and 'scale', for the erection of a two-storey building with additional accommodation in the roof to provide residential units. The existing building on site is to be demolished as part of the proposals.
- 4.2. Detailed matters relating to 'appearance', 'layout' and 'landscaping' are not for consideration at this stage and would be the subject of subsequent Reserved Matters applications.
- 4.3. It should be noted that whilst the application is in part-outline form, sufficiently detailed plans and visuals have been submitted to aid assessment at this stage. It has been agreed with the applicant that these are "for illustrative purposes only" and are therefore not formally part of the application.
- 4.4. The description of the development has been amended since first submitted from '3 storeys' to '2 storeys plus roof accommodation' due to concerns regarding the overall height/scale of the original proposal.

## 5. REPRESENTATIONS

- 5.1. **Sixteen (16)** letters of representation have been received objecting to the development on the following grounds:
- Additional traffic and parking impacts
  - Lack of parking for new and existing residents
  - Inappropriate height
  - Overdevelopment
  - Overshadowing
  - Poor design that is out of character
  - Noise impacts
  - Loss of biodiversity
  - Loss of light
  - Increased people coming and going
  - Increased overlooking
  - Area is already overcrowded
  - Lack of outside space for residents
  - Construction will be disruptive
- 5.2. **One (1)** letter of representation has been received in support of the development on the following grounds:
- Additional dwellings are needed
  - The development is an acceptable density
  - Modern design
- 5.3. **Councillor Hamilton and Councillor Robins** object to the application. A copy of these objections is attached to this report.

## 6. CONSULTATIONS

- 6.1. **Building Control** Comment After viewing the reports and photographs of the site, the recommendations set out to make the building structurally sound are agreed with.
- 6.2. **Economic Development** Initial comment January 2023 There is a lack of information provided with regards to the loss of floorspace and jobs provided by the existing use. The application does not show any relocation plans for SIGTA.
- Further comments following receipt of further information November 2023 No objection
- 6.3. Based on the level of floorspace lost there is no objection to the scheme. Confirmation is provided that the company plan to relocate subject to planning approval.
- 6.4. **Environmental Health** No objection subject to conditions

- 6.5. **Policy** Original comments December 2022  
The site is considered to form an F1 Use Class and policy DM9 applies. The applicant has not provided any evidence to demonstrate that any of the criteria in this policy would apply in this case.
- Further comments January 2023
- 6.6. Following the submission of a structural report it is considered that policy DM9.2C has been partially met. Further information is however required to demonstrate the extent and costs of remedial work required.
- Further comments July 2023
- 6.7. Following the submission of further information, it is evident that the building would require significant remedial/structural works. Policy DM9.2C is considered to have been met in this case and the principle of the loss is accepted.
- 6.8. **Sustainable transport** No objection subject to a s278 agreement and conditions
- 6.9. **Urban Design** Original comments November 2023 Objection  
The proposal for a new three storey building is disproportionate to the street scene and raises concerns over impact on neighbours regarding daylight, sunlight and overlooking. It is considered that the site could comfortably accommodate 2.5 storeys.
- Further comments December 2023
- 6.10. Subject to detailed design considerations, 2 storeys, plus accommodation in the roof could be considered acceptable on this site.
- 6.11. Additional comments were received referring to detailed design elements including layout, materiality and landscaping which are considered at the Reserved Matters stage.

## 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 (adopted October 2019).

## 8. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part 2

DM1 Housing Quality, Choice and Mix  
DM9 Community Facilities  
DM18 High quality design and places  
DM19 Maximising Development Potential  
DM20 Protection of Amenity  
DM21 Extensions and alterations  
DM22 Landscape Design and Trees  
DM33 Safe, Sustainable and Active Travel  
DM36 Parking and Servicing  
DM37 Green Infrastructure and Nature Conservation  
DM41 Polluted sites  
DM44 Energy Efficiency and Renewables

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP1 Housing Delivery  
CP2 Sustainable economic development  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP10 Biodiversity  
CP11 Flood Risk  
CP12 Urban design  
CP14 Housing Density  
CP16 Open Space  
CP19 Housing Mix

#### Supplementary Planning Documents:

SPD03 Construction and Demolition Waste  
SPD06 Trees and Development Sites  
SPD11 Nature Conservation and Development  
SPD14 Parking Standards  
SPD16 Sustainable Drainage  
SPD17 Urban design framework

## 9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development on the site, whether the proposed scale is appropriate and transport/access considerations.

### **Principle of development**

- 9.2. As an 'outline' scheme, the application seeks to determine whether the principle of the development is acceptable. The respective merits of the existing and proposed land use is a consideration.

### Housing Supply

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

### Loss of existing use:

- 9.7. The existing site is a training centre (F1 use class) currently occupied by a training provider SIGTA. They provide short training courses for industry, technical and business apprenticeships and NVQ's. The building contains both training rooms and offices used by the provider. Some training such as forklift training and fire extinguisher training appears to be delivered within the outside area of the site.
- 9.8. The existing building in total provides 366sqm of floor space and provides employment to 9 full time members of staff, 2 of whom are based at home.
- 9.9. From the information submitted with this application and information shown on the company website it is considered that the use of the building predominantly falls within the F1 use class. The building and wider site appear to predominantly be used for training, with any office space ancillary to this use. As a result, policy DM9 of the City Plan Part 2 would apply.
- 9.10. Policy DM9.2 seeks to restrict the loss of existing community facilities, unless at least one of the following circumstances apply:
- a) *Replacement facilities will be provided as part of new development proposals or in an alternative suitable location;*
  - b) *The facility is no longer needed and suitable alternative provision with sufficient capacity is available at an accessible location;*
  - c) *The building or land is no longer suitable to accommodate the current use or an alternative community use and cannot be reasonably adapted;*

d) *It has been demonstrated that there is no current or future need or demand for the space, either in its current use or any alternative community use and evidence of marketing has been provided.*

- 9.11. In support of the application, a structural report has been submitted dated May 2021 which provides evidence that the building is no longer suitable to accommodate the existing use, given the extent of remedial works required to ensure stability of the building.
- 9.12. A further structural inspection and report was undertaken in May 2023 to assess the extent and cost of remedial works to bring the building up to a reasonable standard.
- 9.13. It is evident that there is cracking and movement in various parts of the building. The report concludes that there is a clear outward lean to both the western and southern walls which is attributed to foundation movement and roof spread. In order to stabilise the building, the roof structure would require significant strengthening and owing to the extent of the movement in the vertical walls, large sections of the west and south external walls would need to be removed and rebuilt. The report advises that it should also be confirmed that the foundations that have previously suffered from subsidence are now stable.
- 9.14. The report concludes that consideration should be given to demolishing the original parts of the building and its replacement with a new structure.
- 9.15. The contents of these reports have been viewed by the Council's Building Control team who confirm their agreement with the assessment and recommendations set out within them. It is evident that the reports confirm the building is no longer suitable and would require significant remedial/structural works. With regard to DM9.2(c), retention/adaptation of the building would not be considered a reasonable or viable prospect for the existing or an alternative user. It is therefore considered that policy DM9.2 (C) is met in this case and that the principle of the loss of the community use is accepted. The Council's Planning Policy Team concur with this view.
- 9.16. SIGTA have confirmed that their long-term intentions are to sell the site with the benefit of planning permission and then look to buy or lease a new premises within the local area which meets their needs as the current building is not fit for purpose. They also state the intention to relocate to a larger premises enabling the employment of more staff.

#### **Scale of development**

- 9.17. The application seeks 'unreserved', ie detailed, permission for the scale of the development. In this case the 'scale' relates to the overall scale/height of the building proposed in relation to its surroundings only. Matters such as exact siting and layout of development, amount of residential units and their size, layout, mix etc would be dealt with at Reserved Matters Stage. Appearance, including architectural style, roof design and form, materials etc, would also be a reserved matter.

- 9.18. Given the principle of the proposed residential land use is accepted as outlined above, any redevelopment should seek to make effective and efficient use of the site, in accordance with national and local planning policy.
- 9.19. Policy CP14 of City Plan Part 1 states that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis. It states that development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal meets a set of criteria, including that proposals are of a high standard of design and help maintain a coherent townscape. The policy seeks to prevent the overdevelopment of sites that would result in 'town cramming'.
- 9.20. Abinger Road and Hurst Crescent largely comprise of two storey terraced housing as well as single storey Scout hut on Hurst Crescent. The existing building on the site is made up of several masses at between 1 and 2.5 storeys.
- 9.21. Whilst a residential scheme of greater scale and density than its surroundings is deemed to be acceptable in principle on this site, as originally submitted the proposals sought permission for a part two storey, part three storey building, which raised a concern. The 3 storey height was considered to be disproportionate to the prevailing lower rise street scene, resulting in a dominant addition. Such a height also raised concerns over amenity impact to neighbours.
- 9.22. Following requests for a reduction in height of the development, the proposals now provide for the erection of a 2-storey building plus additional accommodation in the roof.
- 9.23. The application site is situated on a corner plot at the junction of Abinger Road and Hurst Crescent and as a result, the site benefits from greater spacing to neighbouring properties and offers some degree of flexibility over the height that can be provided here. The site is visually separated from its neighbours to the south and east by the public highway and by an access road from properties to the north.
- 9.24. The area is characterised by long rows of terraced properties which provide a continuous street frontage. It is therefore considered that the proposals to include a building which extends the full width of the street frontage to Abinger Road is in keeping with the existing character. The character of Hurst Crescent immediately west of the site is slightly more varied with the Scout hut and two detached properties beyond, however, there is continuous built form with the inclusion of boundary treatments and outbuildings. The width of development on this street frontage is considered acceptable and is partially broken by the proposed access route.
- 9.25. Whilst generally the area is flat, immediately north east of the site are a group of commercial buildings that are positioned on a higher land level than the application site. These buildings are two storeys in height with a pitched roof but are visibly higher than the adjacent 2 storey buildings to the south. The commercial properties also form a continuous terrace of 5 and provide an



example of increased scale within close proximity of the site when compared to the more traditional terraced housing.

- 9.26. This application proposes additional accommodation at roof level. This is likely to be accommodated through the use of roof lights and/or dormers. Whilst typically surrounding properties are two storeys in height, there are examples of roof extensions within the vicinity of the site, typically comprising rear dormers, that introduce the presence of increased scale at second floor level. There are also front gable features present and the architectural styles in the area are varied. It is therefore considered that a limited number of subordinate roof additions on this site could, in principle, provide a scale (and appearance) that is comparable with nearby properties and would not sit out of context with the scale of the wider area. Whilst there are no front dormers in the street, on a stand-alone contemporary scheme they may be acceptable in principle. It is noted that the illustrative elevations submitted indicate a significant number of front dormers (11) which would appear somewhat cluttered and uncharacteristic, plus a rather bulky 3 storey stairwell is shown at the rear – these are not likely to be acceptable, however such details would be dealt with under ‘appearance’ at Reserved Matters stage.
- 9.27. The overall scale of built form and site coverage as shown would in principle allow for sufficient outdoor amenity space and parking to serve prospective occupiers. Amenity space may need to be increased at the expense of parking. Such ‘layout’ and ‘landscaping’ matters would be dealt with at Reserved Matters stage.
- 9.28. The scale of the proposal and distance to boundaries would ensure that there should be no significant adverse impacts to the amenity of occupiers of neighbouring properties in principle.
- 9.29. Given the surrounding context of this site it is considered that the overall scale and maximum height proposed could sit comfortably with neighbouring properties subject to further evolution of the design and detailed design considerations at Reserved Matters stage.

#### **Amount/layout**

- 9.30. The application description does not include the amount/number of residential units proposed and does not seek approval for wider site or individual flat layout. However, within the Planning Statement that accompanies this application it stated that indicatively 11 flat units could be provided. The applicant has also provided indicative floor plans to aid assessment.
- 9.31. Such matters, including whether each new unit proposed will meet the Nationally Described Space Standards, whether a mix of size of units are included, whether all units have good outlook and whether all units have access to private and/or communal outdoor amenity space, would be dealt with at Reserved Matters stage.
- 9.32. The principle of providing accommodation within the roof space is acceptable however, it would need to be ensured that the proposed units at this level have

sufficient head height and outlook, and that external design of any dormers or rooflights is acceptable. The layout and number of these second floor units will be considered at the reserved matters stage.

### **Affordable Housing**

- 9.33. City Plan Part One Policy CP20 states the following:  
*"The Council will require the provision of affordable housing on all sites of 5 or more dwellings (net) and will negotiate to achieve the following affordable housing targets:*
- a) *40% onsite affordable housing provision on sites of 15 or more (net) dwellings;*
  - b) *30% onsite affordable housing provision on sites of between 10 and 14 (net) dwellings or as an equivalent financial contribution;*
  - c) *20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 (net) dwellings."*
- 9.34. At this stage the number of residential units proposed has not been confirmed. The number of units will be confirmed at reserved matters stage but given the scale of the building it is likely that policy CP20 will be of relevance. Therefore, a s106 agreement is sought to cover the scenario of 5-9 and 10-14 units, to ensure that a commensurate level of affordable housing is secured in line with the wording of the above policy. It is considered that the scale of the scheme is such that provision of 15 or more units (criteria (a) of CP20) would not likely be possible if a satisfactory standard of accommodation and a suitable mix is to be secured.

### **Access and transport**

- 9.35. Detailed (not outline) permission is sought for access to the site at this stage. 'Access' effectively means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 9.36. National and Local policies seek to promote the use of sustainable modes of transport and safe and inclusive travel.
- 9.37. There is no objection in principle to development of the site for residential use, as it is sustainably located, and can take advantage of local bus routes and amenities.
- 9.38. The applicant proposes to remove the existing vehicular crossover which serves the existing small on-site hardstanding, accessed from Hurst Crescent, adjacent to the junction with Abinger Road. Once removed, the footway shall be reinstated on this corner.
- 9.39. The application proposes to formalise and upgrade the existing crossover further to the east on Hurst Crescent. This access could serve car parking spaces to the rear of the development and facilitate two-way vehicular access.
- 9.40. There is no objection in principle to the access proposals. The existing site has access and serves 2-3 car parking spaces at present. The detailed engineering

design of the access arrangement to include dropped kerbs, tactile paving and how the upgraded access adjoins the public highways is sought via condition.

- 9.41. Whilst the upgraded vehicle access does not appear wide enough to allow for 2 vehicles to pass, it is considered that there is adequate forward visibility to allow drivers to see one another and wait to allow the vehicle to pass. Given the low number of vehicle movements this is considered acceptable in principle. It is considered that a road safety audit may be required through the condition and associated s278 agreement.
- 9.42. Swept path analysis has been undertaken demonstrating access/egress for one of the parking bays. It is though considered that additional swept path analysis should be provided to include accessing/egressing turning manoeuvres to/from the local highway i.e., Hurst Crescent and should account for parked vehicles on the footway/in the carriageway of Hurst Crescent when undertaking the access/egress swept path. Additional swept path analysis drawings (demonstrating safe access/egress of the largest vehicle (i.e., move in/move out vehicle, delivery vehicle, ambulance, fire tender) should also be provided and these are sought by a street design condition.
- 9.43. Access into the proposed development for pedestrians including those with visual and mobility impairments is proposed from Abinger Road, which will be step-free and is therefore considered acceptable.
- 9.44. Access from Hurst Crescent is provided with a footway on either side of the vehicular access. The on-site pedestrian provision's footway width should be a minimum of 1.2m in width and this can be secured by a street design condition.
- 9.45. The new primary vehicular access will be secured through a condition and associated Section 278 agreement with the local highway authority. A stage 1/2 Road safety audit may be required as part of the s278 process. The detailed design of this access arrangement will also be secured through the s278 agreement.
- 9.46. The Highway Authority has no objection in principle subject the above agreement and to the inclusion of conditions.
- 9.47. The Local Highway Authority are satisfied with the overall scale of development proposed at the site in principle, and do not forecast vehicle trip movements that would be severe or that would overwhelm the existing highway network. They consider that the proposed change of use of the site is expected to result in an overall reduction in trips throughout a typical day. There may be an increase in the morning and evening peak hours but they consider this level would be modest.
- 9.48. SPD14 allows for limited on-site car parking in principle, and although outside the remit of this application, it is noted that the Local Highway Authority are satisfied with the indicative amount of parking spaces (6 originally, 8 in amended scheme), and that they would adequately meet the demand for travel created by the scheme. Dedicated areas for parking will need to be balanced against the need

for outdoor amenity space on site. An appropriate layout, which includes provision of disabled spaces as required, can be secured via condition. Appropriate cycle parking can also be secured via condition.

### **Ecology**

- 9.49. Policies CP10 and DM37 are relevant to the proposal in terms of biodiversity. Policy DM37 requires all major developments (of 10 residential units or more) to incorporate a minimum 10% Biodiversity Net Gain (BNG).
- 9.50. There is no objection to redevelopment of the site in principle - the site is built up with no soft landscaping and it is not designated for its nature conservation interest, although it lies within the wider Brighton and Lewes Downs UNESCO Biosphere Reserve. A preliminary Biodiversity Checklist was submitted as part of this application and did not identify any biodiversity issues.
- 9.51. It is considered any biodiversity impacts can be mitigated and necessary enhancements can be satisfactorily achieved in principle. These can be developed at detailed Reserved Matters stage. A BNG Metric has not been submitted (as the application pre-dated formal adoption of policy DM37), it is however considered that a suitably worded condition can ensure submission of a suitable ecological enhancement strategy. On-going monitoring of BNG would need to be secured via S106 if the proposal were to be a 'major' scheme of 10 or more units.

### **Other considerations**

- 9.52. Other relevant matters such as sustainability, drainage, land contamination, refuse storage and waste can be satisfactorily dealt with by via condition, to ensure compliance with policy.
- 9.53. Should 10 or more residential units be proposed, a financial contribution towards the Local Employment scheme and submission of a training strategy to include 20% local labour would be required – and this scenario is included within the S106 Head of Terms. This is required by policy and the Council's Developer Contributions Technical Guidance.

## **10. CONCLUSION**

- 10.1. The proposal is considered acceptable in principle.
- 10.2. The proposed development would provide a number of residential units in an appropriate and sustainable location within Portslade. Weight is given to housing delivery given the city's shortfall.
- 10.3. The loss of the existing building and use has been satisfactorily evidenced and justified.
- 10.4. The scale/height of the development is considered acceptable in the context of the streetscene and neighbouring buildings, and impact to nearby occupiers.

Sufficient space could be achieved on site for landscaping, amenity space and parking in principle to serve the development.

- 10.5. The transport impacts are acceptable. The proposed access is acceptable in principle, subject to condition.
- 10.6. Conditions and S106 obligations can ensure relevant policy requirements are satisfactorily met.
- 10.7. Other matters such as layout, amount of residential units, appearance and design of the building and landscaping are not for consideration as part of this application, and shall be dealt with at Reserved Matters stage.

## **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 will be confirmed at reserved matters stage.

## **12. EQUALITIES**

- 12.1. The provision of dropped kerbs and tactile paving would help make site access possible for the mobility and visually impaired as well as update and improve pedestrian access. Accessible dwellings are secured via condition.

## **13. LEGAL AGREEMENT / OBLIGATIONS**

- 13.1. In the event that the S106 agreement has not been signed by all parties by 11<sup>TH</sup> March 2024 the application shall be refused for the following reasons:
  - 1. The proposed development fails to provide a mechanism (via Section 106 legal agreement) to secure the necessary affordable housing provision/contribution for the scenario of a development of 5 or more residential units and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One and the council's Developer Contributions Technical Guidance 2020.
  - 2. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to secure: a) an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training at the construction phase of the proposed development, or b) a financial contribution towards the council's Local Employment Scheme, for the scenario of a development of 10 or more residential units. The proposal therefore fails to address the requirements of policies SS1, SA6, CP2 and CP7 of the Brighton & Hove City Plan Part One and the council's Developer Contributions Technical Guidance 2020.

3. The proposed development fails to provide a mechanism (via S106 legal agreement) to secure a financial contribution for management and monitoring of the S106, and for a scenario of 10 or more residential units this would include the necessary financial contribution to provide on-going assessment and monitoring of the Biodiversity Net Gain measures. The proposal therefore fails to address the requirements of Policies CP7 and CP10 of the Brighton and Hove City Plan Part One or DM37 of City Plan Part Two and the council's Developer Contributions Technical Guidance 2020.



## PLANNING COMMITTEE LIST

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**Cllr. Les Hamilton**

**BH2022/03189 – 26 Abinger Road**

### **8<sup>th</sup> November 2023:**

I write with regard to this application. This building was built in 1910 and was St Nicolas Church Hall, although the church is half a mile away! I attended youth club there. There are no three storey buildings in the road, and it should stay that way. Residents feel that existing building could easily be converted into flats thereby saving this historic building. Should this not be possible then it should be restricted to two storeys. I am objecting on the height of the building and the loss of a building of historic interest.







PLANNING COMMITTEE LIST

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**Cllr. Alan Robins**

**BH2022/03189 – 26 Abinger Road**

**9<sup>th</sup> November 2023:**

I would also like to object to removing this build, 26 Abinger Road, and building a new bigger building on both economic and environmental grounds.



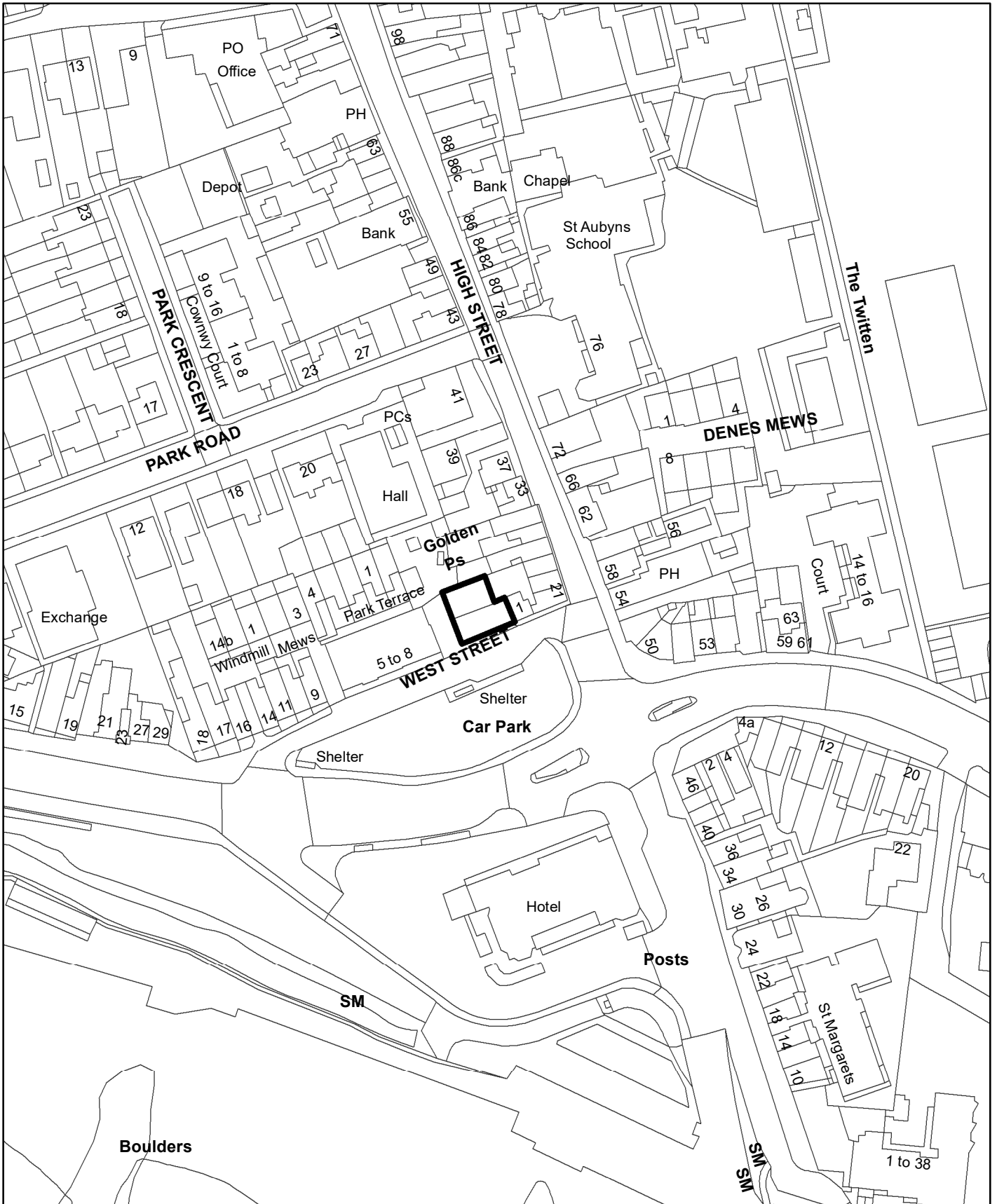
# **ITEM B**

**2 - 4 West Street  
BH2023/02158  
Full Planning**

**DATE OF COMMITTEE: 10<sup>th</sup> January 2023**



# BH2023 02158 - 2-4 West Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/02158</b>	<b><u>Ward:</u></b>	<b>Rottingdean &amp; West Saltdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>2 - 4 West Street Rottingdean Brighton BN2 7HP</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and construction of new two-storey mixed-use development comprising a new ground floor retail unit (Use Class E) and three self-contained dwellings (C3).</b>		
<b><u>Officer:</u></b>	Steven Dover, tel: 01273 291380	<b><u>Valid Date:</u></b>	31.07.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	25.09.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	27.10.2023
<b><u>Agent:</u></b>	Lewis And Co Planning Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Jason Baker C/o Lewis & Co Planning 2 Port Hall Road Brighton BN2 8LB		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	2299(10)002	A	31 July 2023
Proposed Drawing	2299(21)000	C	15 November 2023
Proposed Drawing	2299(21)001	D	20 November 2023
Proposed Drawing	2299(21)002	E	20 November 2023
Proposed Drawing	2299(21)003	D	20 November 2023
Proposed Drawing	2299(31)001	C	15 November 2023
Proposed Drawing	2299(31)002	A	31 July 2023
Report/Statement		Design & Access	31 July 2023
Block Plan	2299(11)001	A	15 November 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 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.
  
4. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
  
5. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, to include a biodiverse green roof, at least one bee brick and at least three swift bricks/boxes, has been submitted to and approved in writing by the local planning authority.  
 The EDS shall include the following:
  - a) purpose and conservation objectives for the proposed works;
  - b) 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.



6. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.  
Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP12 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the Brighton & Hove City Plan Part Two.
  
7. The first floor windows in the northern elevation of the development hereby permitted shall be obscure glazed and non-opening below 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
  
8. The second floor dormer windows in the northern elevation of the development hereby permitted shall be obscure glazed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
  
9. The ground floor retail unit as shown on the hereby approved plan (2299(21)000C) shall only be used for purposes defined within Schedule 2, Part A Use Class E (a) and (e) of the Town and Country Planning (Use Classes) Order 1987 and for no other use classes notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 and subsequent amendments thereto unless otherwise agreed in writing by the local planning authority.  
**Reason:** In order to retain as active frontage to the street and safeguard the character of the locality to comply with policy DM12 and DM18 of the City Plan Part Two.
  
10. Notwithstanding the plans hereby approved, the development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies CP8 of the Brighton & Hove City Plan Part One, DM21 of the Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
  
11. The residential unit developments hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'B'.

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

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

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

13. No part of the development hereby permitted shall be occupied until the redundant vehicle crossovers fronting onto West Street have been converted back to a footway by raising the existing kerb and footway. The finish of the reinstated footway shall be red block pavements to match those of the footway outside No.5-8 West Street.

**Reason:** In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, CP9 of the Brighton & Hove City Plan Part One.

14. 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.

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

- 15.

1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2017

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

- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

16. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

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

17. The residential units hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans & elevations. 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.

18. The 2 Bedroom, 3 Person residential units hereby approved shall only be occupied by a maximum of three (3) persons in each.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy DM1 and DM20 of the Brighton and Hove City Plan Part Two.

19. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of

compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that 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>
3. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 7 and 8.
4. The applicant is advised to contact the Council's Streetworks Team ([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
7. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
8. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos).

9. 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.
10. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
11. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.
12. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water.  
The applicant is also advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
13. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
14. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
15. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of

any wild bird while that nest is in use of being built. Planning consent for a development does not provide a defence against prosecution under this Act.

16. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.

## **2. SITE LOCATION**

- 2.1. The application site is a plot of land located on the northern side of West Street currently occupied by a relatively modern, gable ended, two storey building which is set back substantially from the public footway with articulated disabled access ramp and parking spaces infilling this set back. The building is currently occupied by a retail unit (Use Class E) on the ground floor and associated office on the first floor. The retail unit is currently operated as a chemist.
- 2.2. The site immediately adjoins the boundary of the Rottingdean conservation area to the north and east. To the north-east is the grade II listed building at 33 High Street; late 18th or early 19th century date. To the north is the locally listed Rottingdean village hall of 1935.
- 2.3. Rottingdean High Street forms the main road in the village and is its commercial heart, on a strong north-south linear axis. The area is densely packed and displays buildings of a variety of dates and styles, reflecting its incremental change over time. Buildings generally front directly on to the street, with narrow or non-existent footways.
- 2.4. A strong visual coherence is generated by the use of traditional materials in the surrounding area. Terraced buildings are a predominant built form along the High Street. Varied dates of construction - from the late 18th to early 20th century - are reflected though varied detailing, however, they are unified through use of traditional vernacular materials (field flint, flint pebble, soft Wealden brick and smooth lime render), pitched roofs and two storey height. Many now contain later shop fronts, which vary in quality and character.
- 2.5. The site is located within a local shopping centre and therefore policies CP4 of City Plan Part One, and DM12 of City Plan Part Two are relevant, which relate to Regional, Town, District and Local Shopping Centres and maintaining or enhancing the attractiveness of these areas through encouraging more people to visit and utilise facilities. The Article 4 Direction removing permitted development rights for change of use from Use Class E to Residential Dwellings applies to the site. The site also lies within an Archaeological Notification Area. The Rottingdean Neighbourhood Plan was submitted to the Council in early 2023, and the emerging policies also apply to this site as detailed below.

### 3. RELEVANT HISTORY

- 3.1. **PRE2022/00191** Pre-application advice was sought for the demolition of the existing building (2-4 West Street) and construction of new 2-storey building with ground floor retail unit and 3 self-contained flats.
- 3.2. A summary of the advice given in March 2023, was that the existing building detracts from the setting of the conservation area, and redevelopment with the opportunity to enhance the streetscene would be welcomed. The general footprint and reinstated building line were supported. However the proposed elevations and materials were not considered appropriate, and the rear elevations caused potential amenity harm. In addition any scheme would have to identify how it meets DM12, due to the partial loss of a G/F active frontage.
- 3.3. **BH2008/02320** Installation of a Disabled Access ramp and air conditioning unit to front elevation (part retrospective). Approved
- 3.4. **BH2007/00623** Ground and first floor extensions incorporating two gable roof extensions, new side entrance, ramp and side window. Installation of two rooflights on rear roof slope (Re-submission of withdrawn application BH2006/02873). Refused
  1. The proposal is considered poorly designed by reason of poor detailing and arrangement of materials and would harm the character, appearance and setting of the conservation area and the visual amenity of the area. This is contrary to policies QD1, QD14 and HE6 of the Brighton and Hove Local Plan.
  2. The proposal fails to demonstrate a satisfactory construction waste minimisation strategy, confirming how demolition and construction waste will be recovered and reused on site or at other sites, therefore reducing the need to dispose of waste at landfill. This is contrary to policies SU13 of the Brighton and Hove Local Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and Supplementary Planning Guidance Note 03 (Construction and Demolition Waste).

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing building and the construction of a new two-storey mixed-use development with accommodation in the roof, comprising a new ground floor retail unit (Use Class E) and three self-contained residential dwellings (C3) at ground, first floor and within the roof space.
- 4.2. The scheme has been amended during its lifetime in response to concerns raised by the Local Planning Authority's Heritage Officer and the Case Officer.

### 5. REPRESENTATIONS

- 5.1. **Fourteen** (14) representations have been received, objecting to the proposal on the following grounds:
- The development is overdevelopment
  - The development is a poor design
  - The development adversely impacts the conservation area
  - The development is too high
  - The development roof has been increased from that in the pre application
  - The development would cause a loss of privacy, and overshadow
  - The development would result in loss of view
  - The development may damage the flint walls
  - The development may cause dust and dirt
  - The development would restrict access to the side of No.1 West Street
  - Would scaffolding be erected in the Golden Square
  - Would access to the Golden Square be restricted
  - No party wall or attachment notices served
  - Potential loss of fire escape to No.1 West Street
  - The development would result in a loss of off-street parking
  - The development could cause damage to No.1 West Street
  - The development would result in disruption during the delivery and construction phases.
  - The development would result in additional traffic and issues during delivery to commercial unit.
  - The development would result in the loss of a village pharmacy
  - The development will only benefit the developer.
  - Detrimental impact on property value
  - Site notice not displayed
- 5.2. **One** (1) representation has been received, commenting on the proposal on the following grounds:
- Rottingdean Heritage - In conservation terms the building would be an improvement. Regret loss of chemist but point out that as Use Class E it could be used for any other retail/commercial use without need to obtain planning permission.

## 6. **CONSULTATIONS**

- 6.1. **Conservation Advisory Group** C.A.G. Approve  
The Group recommended APPROVAL - 5th September 2023.
- 6.2. **Heritage** No objection  
Final comment - No objection 16/11/2023
- 6.3. **Policy** No Comment  
Policy comments not required.
- 6.4. **Rottingdean Parish Council** Objection  
No provision for residents parking is a serious concern for new dwellings in the Village. Considered not to meet policy DM36 Parking and Servicing with no



parking provided. Consider the flint finish to not be in keeping with other residential properties in West Street. If proposal is approved than request any signage is in keeping with area and meets SPD 07 and is not illuminated. Noted measures made to protect amenity of residents at rear.

- 6.5. **Environmental Health Comment**  
Risk of ground contamination so pre commencement condition for a discovery strategy required. Informative in respect of Radon and Asbestos suggested.
- 6.6. **Archaeology No objection subject to condition**  
The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged.
- 6.7. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of pre commencement planning conditions related to the submission and approval of an archaeological programme of works to the LPA and then implemented in accordance with.
- 6.8. **Ecology No objection subject to conditions**  
The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of a pre commencement planning condition requiring an Ecological Design Strategy to be submitted and approved by the LPA and then implemented in accordance with.
- 6.9. **Private Sector Housing Comment**  
The means of escape route in the case of fire from the second floor bedrooms in Unit 2 and Unit 3 is through an open plan lounge/kitchen at first floor level. Ideally, the applicant should consider rearranging the layout of the flat as the lounge/kitchen is considered to be a 'high risk' room in case of fire.
- 6.10. **Brighton and Hove Archaeological Society Comment**  
The archaeology of Rottingdean and the surrounding area is relatively unknown, and as such any intervention may produce important records of past landscapes and ancient activity.
- 6.11. **Southern Water No Objection, subject to conditions**
- The attached plan shows that the proposed development will lie over an existing public foul sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
  - The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
  - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
  - All existing infrastructure should be protected during the course of construction works.
- 6.12. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 6.13. If the application should be approved they request a condition is attached that the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.
- 6.14. **Transport No Objection, subject to conditions** regarding cycle parking scheme and the reinstatement of the redundant vehicle crossover.

## 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
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP4	Retail Provision
CP8	Sustainable Buildings
CP9	Sustainable Transport

CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP15	Heritage
CP19	Housing Mix

Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM42	Protecting the Water Environment
DM44	Energy Efficiency and Renewables

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

WMP3	Implementing the Waste Hierarchy
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Supplementary Planning Documents

SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

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 commenced in July 2023.

The policies relevant to the present application are:

H2	Design
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Other relevant documents

Rottingdean Conservation Area Character Statement

**9. CONSIDERATIONS & ASSESSMENT**

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

9.2. A site visit with a Heritage Officer was undertaken during the course of the pre-application advice in February 2023 and a further site visit in December 2023.

Principle of Development

**Creation of Housing**

9.3. The proposed development would result in the provision of 3 new residential units.

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

9.5. 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).

9.6. 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). As such, the provision of three residential dwellings would make a relatively small, but important contribution to the city's housing supply.

**Other uses in Local Shopping Centres and loss of employment floorspace**

9.7. The proposed change of use would result in the loss of an existing building which provides ground floor retail with associated office space at first floor (Use Class E), which is located within a local shopping centre. The proposed development would provide a mix of uses with one retail and one residential unit at ground floor and two further residential units at first and second floor.

- 9.8. There is a general policy presumption against loss of employment floorspace in principle, and policy CP3 would apply to the loss of the office space at first floor. Whilst the office space is understood to be in use in connection with the pharmacy the space is capable of being occupied and operated independently and therefore CP3 is considered relevant and appropriate to consider. The proposal retains a commercial use within the ground floor; however it would result in the net loss of employment (Use Class E) space due to the existing office not being replaced once demolished (circa 61sqm). Such a loss would normally need to be justified by demonstrating that the existing use is not viable and that there is no market interest. The applicant has not supplied any marketing information that demonstrates that no reduced demand exists. Therefore, the requirements of policy CP3.5 of the Brighton and Hove City Plan Part One have not been fully met.
- 9.9. In addition to the above, DM12 states that other uses in respect of development in local shopping centres are permitted where it can be demonstrated that the scheme meets the following criteria:
- “a) The proposal will maintain and enhance the vitality, viability and the character of the shopping area;*
  - b) The proposal will retain active ground floor uses and frontage and provide a direct service or sales to visiting members of the public;*
  - c) The proposed development or uses will not have a harmful impact on the amenity of local residents due to noise, odour, disturbance or light pollution (see DM20, DM40); and*
  - d) Shop front design should be in accordance with the council's shop front policy (see DM23)”.*
- And:
- “3. Residential use may be appropriate above or to the rear of units in shopping centres provided the active frontage is not compromised and that satisfactory residential amenity can be achieved”.*
- 9.10. In relation to part a) above, it is considered that the proposed scheme would contribute improvements to the overall appearance of the Local Shopping centre, with visual improvements to the public realm through the removal of parking spaces, disabled ramp and removal of a building which has little architectural merit. A retail provision would still be provided at ground floor, albeit not for all of the ground floor as current. On balance it is considered the development would overall enhance and maintain the vitality, viability and retail character of the area.
- 9.11. In relation to criterion b), the proposed development would provide a Class E unit with an active frontage which would front directly onto the existing public footway in line with the current building lines to the west and east. This is considered a significant improvement over the existing building frontage and activity associated with it. The current building is set back significantly from the existing footway, behind parking spaces and an articulated disabled ramp, with a relatively blank façade due the amount of plastic stencil that has been applied to the windows. It is considered on balance that the proposed development would retain the active frontage and ground floor use.

- 9.12. In relation to part c), due to the proposed design and subject to the recommended conditions the development would not have a significant harmful impact on the amenity of local residents. This is discussed in further detail later in this report.
- 9.13. In relation to d), the shopfront proposed is considered appropriate for the proposed development in this location and meets the criteria of policy DM23, particularly in relation to size, scale and fascia being proportionate to the host property and surrounding buildings.
- 9.14. In relation to part 3 of policy DM12, the active frontage is considered acceptable for the proposed development and the amenity impacts of the residential units are considered acceptable, as discussed later in this report.
- 9.15. As mentioned above the loss of some of the retail floorspace at ground floor level, and employment floorspace at first floor would not normally be supported by CP3 and DM12 due to the lack of marketing information and partial loss of the retail unit, however in this particular case the applicant is proposing a development which brings significant improvements to the visual offering of the local shopping centre, with removal of a building which is considered to detract from the character of the area. This, in conjunction with the otherwise acceptable form of development (as discussed below), improvements to the public realm/streetscene and the contribution the proposed dwellings would make to meeting housing need in the City the lack of full conformity to CP3, and DM12 is considered acceptable in this specific case.
- 9.16. Comments have been received objecting or commenting on the loss of the existing chemist if this development was to be permitted. The current building is considered to fall under Use Class E and therefore could be changed into another form of commercial use at any time and would not require planning permission to do so. On this basis it would be unreasonable to refuse planning permission due to the potential loss of the existing chemist.

#### Design and Appearance

- 9.17. The proposed development is considered to be acceptable in terms of design and appearance. The scale and massing would be appropriate in the context of the site, with a stepping up in ridge heights from No.1 West Street following the existing contours in the street which rise in a westerly direction. The design has been significantly amended from the pre-application, with the verticality and detailing to the front elevation now reflective of a group of terraced dwellings, which are considered to fit well within the existing streetscene and the materials have been amended to better reflect the wider street scene and adjacent conservation area. The amount of ground floor active frontage, which is encompassed by the retail unit, has increased and now has the appearance of approximately two thirds of the ground floor. The reinstatement of a building line which fronts directly onto the footway, with removal of the existing parking spaces, dropped kerb, disabled ramp and existing building, all bring significant visual improvements to the public realm and use of the existing shopping centre.

- 9.18. In terms of external materials, these take cues from existing surrounding development and the adjacent conservation area, and the elevations would be finished in flint with areas of brick detailing to the corners and surrounds, reinforcing the terraced appearance and adding significant additional visual interest. The large western elevation has windows which now break up what could have been a large blank façade and have enhanced the appearance in the public realm. To ensure the final appearance is as anticipated, further details will be required by condition prior to the erection of the development.
- 9.19. The design and appearance of the application has been the subject of pre-application advice from the LPA with significant input from Heritage Officers and overall the design now proposed is considered acceptable.

#### Impact on Heritage Assets

- 9.20. The proposed development is located adjacent to the Rottingdean conservation area. The scheme has been designed with input from Heritage Officers, at pre-application stage, with further amendments once the application was submitted. The existing building to be demolished is considered of no architectural or historic merit and has been previously identified as a negative feature of the High Street area in the Rottingdean Conservation Area Character Statement. Heritage Officers have confirmed that the proposed developed is acceptable. No negative impacts are considered to the conservation area and the development would remove an identified negative building in the area character statement, with further improvements to the public realm being, as noted above, the reinstatement of the historic pre-existing building line, removal of a large wheelchair ramp, removal of off street parking and a new footway to replace the existing dropped kerb which would match finish of the footway to the north.

#### Impact on Amenities

- 9.21. The proposal would result in the demolition of the existing two storey gable ended building, which is set back significantly from the existing building line of West Street. The footprint that the existing building currently occupies, would be replaced with the two-storey rear flat roofed element and becomes a gable ended design with accommodation at the front of the building that is in line with the form of the existing buildings at No.1 West Street.
- 9.22. The proposed building form is not considered to bring any significant increase in overshadowing or overbearing effects to the neighbouring properties over and above the current situation, with replacement of the existing two storey gable ended building on the rear boundary, with a new flat roofed structure that reduces the bulk and massing to this northern boundary. No significant harmful loss of outlook or direct loss of light is anticipated, with potential improvements for some surrounding residents.
- 9.23. The south/front-facing windows and dormers would provide views across the public highway and the public car park, which would not cause any amenity harm through overlooking to surrounding residents. The western side-facing windows at first floor level would overlook the side elevations of the adjacent Tesco store and the access road into Golden Square, no harmful overlooking would therefore occur.

- 9.24. The rear windows at first floor and the dormers in the rear roof would enable direct overlooking into the rear gardens of the properties adjacent, nos, 25, 27, 29 and 31 High Street. To overcome this, the plans are detailed to confirm that the glazing in the rear at first floor level would be obscured and non-opening below 1.7metres and obscured glazing would be provided in the rear dormer windows also. The rear windows are serving bedrooms, and the obscuring and respective non-opening would be secured and retained by condition so that any amenity harm from overlooking to the surrounding residents to the rear would not occur.
- 9.25. During demolition and building works some level of disruption and noise is very likely to surrounding properties, but this would be in the short-term only and is not a reason to withhold planning permission. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

#### Impact on the Public Highway

- 9.26. The proposed development represents a gain of three residential dwellings with a loss of existing Class E floorspace, and it is considered that there would be no additional impact on the highway with a likely reduction in trips to and from the site; this view is shared by the Local Highway Authority (LHA).
- 9.27. The development would result in the loss of off-street parking spaces to the front of the building; and the LHA has not objected to the this as, in view of the reduction of Class E floorspace and the availability of public parking at the adjacent car park, objection on highways grounds is not considered sustainable. The proposed residential dwellings have no car parking associated with them and this is considered acceptable due to the location in close proximity to local facilities and public transport. The LHA confirm this accords with SDP14: Parking Standards which specifies a maximum of one (1) car parking space per dwelling and one (1) visitors car parking space per two (2) dwellings.
- 9.28. The proposed development includes four cycle parking spaces for the three residential dwellings; this is in accordance with SPD14: Parking Standards. A condition is recommended requiring the installation of the secure cycle store which is located at the rear of the development at ground floor level in the interest of encouraging travel by sustainable means.
- 9.29. The proposed development does not propose any cycle parking for the retail unit. SPD14: Parking Standards requires the provision of two cycle parking spaces. It is assessed that the development could not reasonably accommodate these spaces and cycle parking provision is available in the car park opposite the site.
- 9.30. The removal of the existing parking spaces would necessitate reinstatement of the public footway and kerb, which would be secured by condition. Red block pavements which match those on the footway to the west would be conditioned.

#### Standard of Accommodation



- 9.31. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These space standards have now been formally adopted into the Brighton and Hove City Plan, within Policy DM1 of City Plan Part Two.
- 9.32. The NDSS and DM1 identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>. The minimum floor space requires a head height of above 1.5m with 75% of the floorspace being 2.3m or higher. Rooms are also assessed for their ability to provide suitable room to circulate within them by future occupants.
- 9.33. The minimum gross internal area for a one storey, one (1) bedroom, two (2) person dwelling is described as 50 square metres under policy DM1 and the NDSS. The ground floor residential unit (unit 1 one (1) bedroom, two (2) person) exceeds this requirement at approximately 54m<sup>2</sup>.
- 9.34. Unit 2 and 3 have been amended during the course of the application with the plans indicative layout now showing one double bed and one single bed and the agent has confirmed they would be two bedroom, three person dwellings. The minimum gross internal area for a two storey, two (2) bedroom, three (3) person dwelling over two floors is described as 70 square metres under policy DM1 and the NDSS. In this regard the proposed units 2 and unit 3 would meet the required standard of floorspace at approximately 73m<sup>2</sup> and 74m<sup>2</sup> respectively.
- 9.35. The floor space would be functional with sufficient levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. The bedrooms proposed meet the minimum space standards of DM1 and would have good or reasonable levels of natural light and outlook, excepting the first floor rear bedroom of Unit 3, which would only have horizontal views from the rear windows above 1.7m due to the obscure glazing. This bedroom would retain sufficient light however only skyward views would be enabled from the rooflight in Unit 3, whilst limited outlook is noted from this bedroom all other rooms within Unit 3 would have sufficient outlook and ventilation and the standard of accommodation of this unit is, on balance, acceptable. It is also noted that the ground floor bedroom window of Unit 1 would face directly onto the footway, which may limit outlook due to a desire for future residents to maintain privacy, however this is not an unusual relationship in a historic environment with a tight urban grain.
- 9.36. A small rear patio area (5m<sup>2</sup>) is provided as amenity space for Unit 1 and it is acknowledged that the proposed 2 bed units would not have any outdoor amenity space. While outdoor space is beneficial to all homes, given the location of the property it is not considered that lack of outside space would be harmful to the future occupiers of the proposed residential dwellings sufficient to warrant refusal on this occasion. In reaching this assessment, it is noted that the development would be in close proximity to the extensive outdoor recreation area provided by the open beach to the south and the south downs to the west and north west of the site.

- 9.37. The new dwellings shall be subject to a condition requiring that they be built in accordance with the Building Regulations Requirement M4(2) in the interest of equal accessibility. A further condition shall be included requiring compliance with the approved floor plans; the LPA would wish to manage the layouts of these buildings to ensure that neither building becomes over-occupied to the detriment to the standard of accommodation.

#### Biodiversity

- 9.38. 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 pair of conditions will be attached to secure an appropriate number of bee bricks and swift 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 Supplementary Planning Document 11: Nature Conservation.
- 9.39. Furthermore, a scheme in relation to the proposed sustainable flat ("green") roof shall be secured by condition in order to ensure that a suitable scheme is supplied that can contribute to the biodiversity of the area.

#### Sustainable Drainage

- 9.40. Details of sustainable drainage measures to be implemented shall be provided within the sustainable flat roof condition.

#### Sustainability

- 9.41. Policy DM44 requires new build residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B'. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. This can be secured by condition.
- 9.42. Refuse and recycling storage facilities shall be secured by condition in the interest of waste management.

#### Other matters

- 9.43. Party wall matters have been raised in representations made on the application and how they would be managed and the impacts of the development. These are not material matters in the consideration of the planning application and would have to be dealt with appropriately by Party Wall surveyors and any award that may be made in relation to any party wall agreement.
- 9.44. Private rights of way and access to the side of the existing adjoining building at No.1 West Street have been raised in representations made on the application, including how they would be managed and the impacts of the development upon them. These are not material matters in the consideration of the planning application. They are a private civil/legal matter for the respective landowners to resolve appropriately.

- 9.45. The agent has been made aware of the party wall and access matters concerns raised.
- 9.46. Access to the Golden Square and footpath to the north by the village hall would remain unaltered. Concerns have also been raised that the proposed development would have a detrimental impact on property value; that the development is just for the benefit of the developer; and that the development would result in the loss of a view, but these are not material planning considerations.
- 9.47. In addition the LPA was made aware that the site notice disappeared/was removed early on in the consultation process. The site notice was reposted onsite, and the consultation period extended to allow for this.

#### Conclusion

- 9.48. The proposed development would replace a commercial unit (Use Class E) with a new mixed-use development, comprising a ground floor commercial unit and three new residential properties (Use Class C3), which can be given significant weight as a material planning consideration given the Council's lack of a five year housing land supply. The commercial unit, albeit smaller than the existing premises provided, would enhance the active frontage over the existing situation and the dwellings are considered to be of good quality. The overall development would bring improvements to the existing streetscene and public realm, while anticipated to have an acceptable impact on the amenities of local residents and highway safety. Sufficient weight has been attributed to the provision of the additional residential units within this scheme in the planning balance in accordance with the NPPF and on balance and in full consideration of all the above the recommendation is that the application is approved.
- 9.49. Planning conditions shall be included in the interest of residential and visual amenity, accessibility, biodiversity, environmental impacts, sustainability, and highway safety. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP1, CP4, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP15 and CP19 of the Brighton and Hove City Plan Part One, and DM1, DM12, DM18, DM19, DM20, DM21, DM22, DM29, DM33, DM35, DM36, DM37, DM40, DM41, DM42, DM43 and DM44 of the City Plan Part Two. It is also considered to present no conflict with the emerging Rottingdean Neighbourhood Plan.

## **10. EQUALITIES**

- 10.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.

- 10.2. The existing wheelchair ramp would be removed as part of the demolition; however, the proposed retail unit would have direct level access from the street, retaining appropriate access to the proposed building.
- 10.3. The new dwellings shall be subject to a condition requiring that they be built in accordance with the Building Regulations Requirement M4(2) in the interest of equal accessibility.

## **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 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £24,100.70. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.

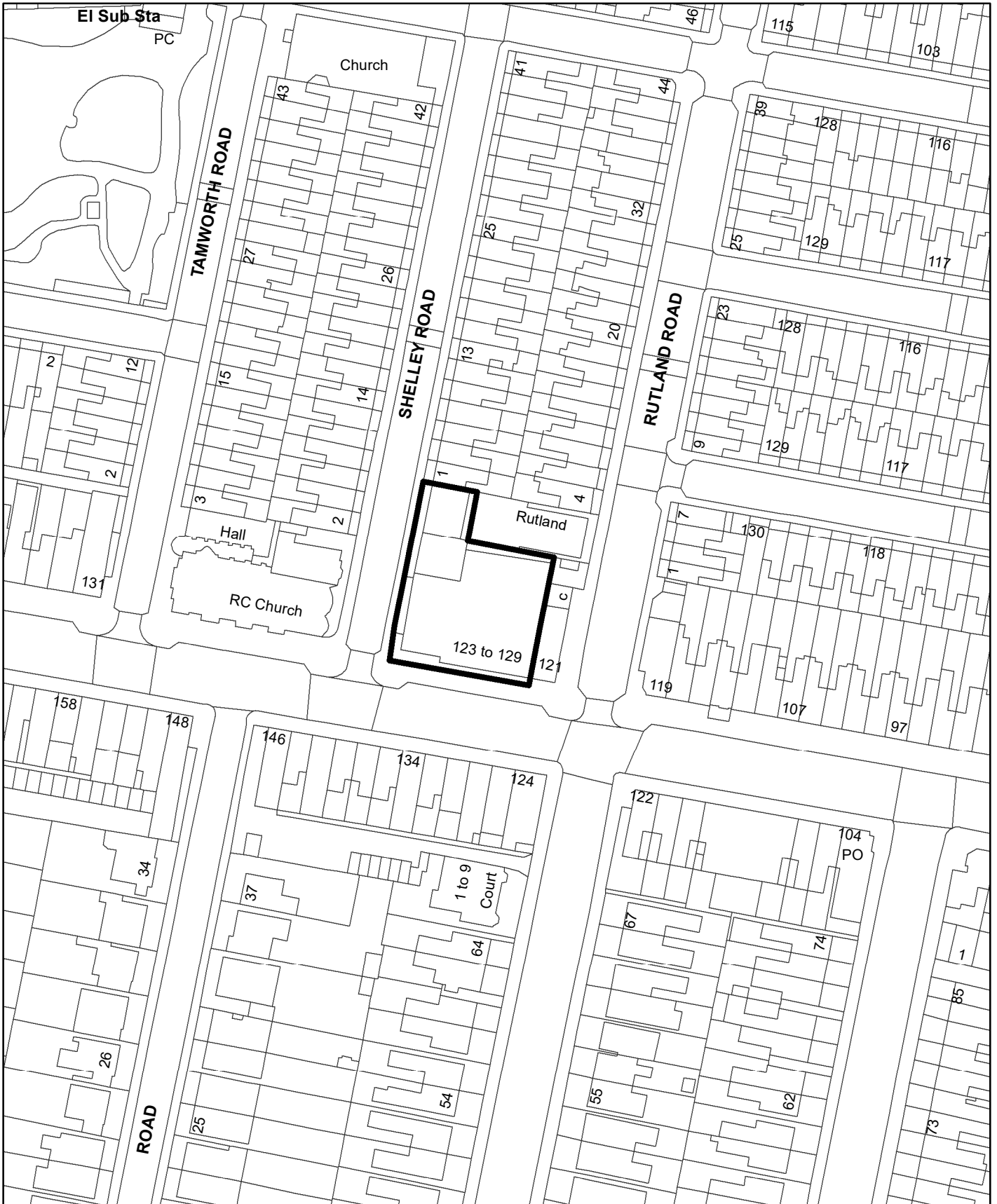
# **ITEM C**

**123 - 129 Portland Road  
BH2023/02101  
Full Planning**

**DATE OF COMMITTEE: 10<sup>th</sup> January 2023**



# BH2023/02101 - 123-129 Portland Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2023/02101</b>	<b><u>Ward:</u></b>	<b>Westbourne &amp; Poets' Corner Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>123 - 129 Portland Road Hove BN3 5QY</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey side extension to retail unit B and single storey rear extension to retail unit A, merger of retail units A and C into one retail unit and rearrangement of bin and cycle stores.</b>		
<b><u>Officer:</u></b>	Mark Thomas, tel: 01273 292336	<b><u>Valid Date:</u></b>	25.08.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	20.10.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	ECE Architecture Limited 64-68 Brighton Road Worthing BN11 2EN		
<b><u>Applicant:</u></b>	FPC Convenience No1 Limited C/o ECE Architecture Limited 64-68 Brighton Road Worthing BN11 2EN		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	6282_PL01	P01	25 July 2023
Block Plan	6282_PL03	P02	23 August 2023
Proposed Drawing	6282_PL07	P01	25 July 2023
Proposed Drawing	6282_PL06	P03	6 December 2023
Proposed Drawing	6282_PL08	P01	23 August 2023
Proposed Drawing	6282_PL11	P01	23 August 2023
Proposed Drawing	6282_PL05	P03	6 December 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 external finishes of the extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
4. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
5. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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 relates to a three-storey building situated on the corner of Portland Road and Shelley Road with flats on the first and second floors and 3 retail units on the ground floor. The application property adjoins no. 121 Portland Road which represents the eastern end building of this parade of shops on the corner of Portland Road and Rutland Road. 121 Portland Road currently has retail unit on the ground floor and has been enlarged with a single storey side extension. The application site currently houses three units currently comprising a Costa Coffee, a Charity Shop and a Sainsbury's Local and is the western part of the terrace. At pavement level adjacent to the building on the western side adjacent to Shelley Street is an area enclosed by an existing boundary wall of approximately 2m height. This area accommodates bin storage associated with the retail uses as well as the entrance way to the upper floor flats. To the north of this space is an undercroft which accommodates the refuse and bicycle stores for the flats within the building. The second floor of the building was permitted

by BH2016/06391 and provides 4 flats. Prior approval for the conversion of the first floor from offices to 12 flats was permitted by BH2017/00516.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/01380** Application for Approval of Details reserved by conditions 4 (refuse and recycling storage) and 5 (secure cycle parking) of application BH2016/06391 (Allowed on Appeal). Approved 10/07/2020
- 3.2. **BH2018/02860** Creation of additional floor to provide 4no self-contained residential flats (C3) with private terraces and associated alterations. Refused 10/01/2019
- 3.3. **BH2017/02682** (No. 121 Portland Road) Replacement of existing shopfront and erection of single storey extension to east elevation Approved 27/10/2017
- 3.4. **BH2017/00857** Alterations to shopfront incorporating new doorway, new glazing and fascia board. Approved 21/07/2017
- 3.5. **BH2017/00566** Installation of new shop front. Approved 26/05/2017
- 3.6. **BH2017/00516** Prior approval for change of use from offices (B1) to residential (C3) to form 12 apartments. Approved 10/04/2017
- 3.7. **BH2016/06391** Creation of additional floor to provide 1no one bedroom flat and 3no two bedroom flats (C3) with associated alterations. Refused 27/07/2018- Appeal Allowed
- 3.8. **BH2016/00692** Change of use from retail (A1) to coffee shop (A1/A3) with external seating. Approved 12/05/2016
- 3.9. **BH2016/00110** Prior approval for change of use from offices (B1) to 11no one and two bedroom flats. (C3) Approved 09/03/2016

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the amalgamation of 2 retail units and construction of two extensions as follows:
  - Amalgamation of unit A (currently Sainsburys) and unit B (currently St Vincents – Charity Shop) to form a single larger retail unit.
  - To infill the existing undercroft area and extend towards the pedestrian footway on Shelley Street to provide additional floorspace for the new enlarged retail unit, as well as new refuse and bicycle stores for the residential flats on the upper floors.
  - Partially infill the enclosed area between unit C (currently Costa) and the pedestrian footway to the west with an extension providing additional floorspace for unit C. The commercial bin store would be relocated to the area immediately north of the new extension fronting Shelley Street.

- 4.2. During the course of the application the scheme has been amended to revise the door detail for the refuse and bicycle stores so that they would not open onto the public footway (revised to sliding doors).

## 5. REPRESENTATIONS

- 5.1. Six (6) letters of representation have been received objecting to the proposed development for the following reasons:
- Existing issues with the building, including problems with drainage and a leaking roof.
  - Additional bins are required due to increased occupancy of the upper floors.
  - Letter boxes for flats would need relocating.
  - Disruption during construction.

## 6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection (verbal comment)
- Vertical cycle stands are not the preference, but there is no objection to these in principle. The store would achieve minimum requirements for width, length and height.
  - The doors for the cycle and bin stores should be revised so that they do not open across the pedestrian footway (details could be secured by condition if necessary).
  - The narrowing of the footway on Shelley Street is not ideal, but this is the existing arrangement, so no objection on these grounds.
- 6.2. **Sussex Police Comment**
- Sussex Police have no objection to the proposed application as submitted from a crime prevention perspective subject to the observation/recommendations within their written response.

## 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. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.3. 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

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SA6	Sustainable neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable Economic Development
CP4	Retail Provision
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design

#### Brighton & Hove City Plan Part 2:

DM1	Housing Quality, Choice and Mix
DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM19	Maximising development potential
DM20	Protection of Amenity
DM21	Extensions and Alterations
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Documents

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

#### Other Documents

PAN 05	Design Guidance for the Storage and Collection of Recyclable Materials
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## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposal, the acceptability of the revised bicycle and refuse storage arrangements, the impact on neighbouring amenity and on highways.

### **Principle of development**

- 9.2. Policy CP4 of the Brighton & Hove City Plan Part One (CPP1) seeks to maintain and enhance Brighton & Hove's hierarchy of shopping centres, of which Portland Road is identified as a Local Centre. Whilst the proposed development would result in a reduction of retail stores within the building from 3 to 2, this is as a result of the amalgamation of 2 existing units and the overall retail floorspace provision would increase as a result of the side extension. The proposed development is considered to be in accordance with CP4.
- 9.3. Policy DM12 of CPP2 supports policy CP4 and states that commercial, business and service uses (use class E), learning and non-residential institutions (use class F1) and local community uses (use class F2) will be supported within the city's defined Regional, Town, District and Local Centres. Whilst the amalgamation of retail units within the Lanes and North Laine areas of the City is restricted to avoid an overly dominant retail unit, the application site is not within these areas, and there is no such restriction on the Portland Road Local Centre. The proposed development would not discourage people from the using the Local Centre and is considered to be in accordance with policy DM12.

**Design and appearance:**

- 9.4. The application proposes two single storey extensions. The first would occupy the space between the western elevation of unit C (Costa Coffee) and the pedestrian footway on Shelley Street to provide an enlarged floorspace for customers. The extension would occupy an area already partially enclosed by a 2m high brick wall. The western elevation of the extension would sit on the building line of the existing brick wall, albeit it would extend further southwards and would be taller at 3.5m. A similar extension has previously been permitted and constructed to the eastern elevation of the building at the opposite end of the parade (no. 121 Portland Road) under BH2017/02682, and the proposed extension would rebalance this group of buildings between Shelley Road and Rutland Road. The proposed extension would appropriately replicate the detailing of the existing building featuring a shopfront of similar design and proportions, with shop windows and a decorative fascia matching those details for the existing ground floor retail units. Matching materials to the main building shall be secured by condition. Overall, the extension is considered a subordinate and sympathetic addition to the building and would not cause harm to the character and appearance of the streetscene or wider area.
- 9.5. A second single storey extension is proposed on the Shelley Street frontage and would involve the infilling of the existing undercroft and would extend further to the west to abut the pedestrian footway. This would present onto the street as a brick-built extension with a flat roof of 2.7m with it's west facing elevation on the existing boundary line. There are currently metal gates and brick walls along this boundary line from 2-2.5m in height and the extension would not encroach any further onto the pedestrian footway. The overall impact of the extension is not considered significantly more intrusive than the existing means of enclosure and would be of a similar height. This extension would accommodate the bicycle store and the residential refuse/recycling store. Subject to securing materials to match by condition, there is no objection to this extension which is considered to relate acceptably to the recipient building and would not detract from the character and appearance of the wider streetscene.

- 9.6. Overall, the proposed development would not result in any significant harm to the character and appearance of the site and the wider streetscene and would accord with policy CP12 of the Brighton & Hove City Plan Part One, and policies DM18 and DM21 of the Brighton & Hove City Plan Part Two.

**Impact on Neighbouring Amenity**

- 9.7. Policy DM20 of the City Plan Part Two states that planning permission for development including change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.8. The proposed extensions would be set away from residential properties such that the built form would not result in a significant loss of outlook, increased sense of enclosure or overshadowing.
- 9.9. Within the site, residential uses are contained within the upper floors, with the ground floor occupied by retail units. Within the wider context, the nearest residential properties to the west and south are separated from the site by the highway (Shelley Road and Portland Road). To the north is 1B Shelley Road which accommodates residential units. The proposed extension (housing the cycle store) would be nearest to these dwellings, but would maintain a separation of approximately 4.5m from the nearest ground floor window at this adjacent property, which is a sufficient separation to safeguard the amenity of the occupiers of this building.
- 9.10. The level of activity associated with the proposed retail uses is not considered significantly different to that of the existing usage. It is considered that the anticipated level of activity for the proposed development would not give rise to harmful noise and disturbance for occupiers of surrounding residential uses over and above the existing situation.
- 9.11. For the reasons outlined, the proposal would not be significantly harmful to the amenity of neighbouring properties and would be compliant with Policy DM20.

**Standard of Accommodation:**

- 9.12. The proposed development would not affect the size or layout of the existing flats on the upper floors, however it would alter the existing arrangements for occupiers in terms of refuse and bicycle storage.
- 9.13. The revised bicycle store would be conveniently situated adjacent the highway and would be of comparable size to the existing with a similar capacity of 20 bicycles. There is no objection to the proposal for 2-tier stands, given the store would meet the necessary dimensions for such stands in terms of height, width and length. It is noted that the existing store includes vertical bicycle stands.
- 9.14. The relocated residential refuse store would be 15m<sup>2</sup> and the indicative floor plan shows capacity for three 340L bins and three 1100L bins. The existing store is 8.5m<sup>2</sup> and cannot accommodate any additional bins than the proposed store.

Whilst it is acknowledged that letters of representation have been received which request additional bin storage for the upper floors, the proposed provision matches and exceeds the existing, so there is no objection on these grounds.

- 9.15. A revised bin store is also proposed for the commercial units. The proposed store is 7m<sup>2</sup> and is shown as having capacity for 2100L of bins. PAN05 (Design Guidance for the Storage and Collection of Recyclable Materials) recommends 5000L per 1000m<sup>2</sup> gross retail floor space, which would equate to an anticipated demand for approximately 3800L capacity. Notwithstanding this, it is noted that a further 7m<sup>2</sup> of additional refuse/recycling storage capacity is available and allocated within the larger retail unit itself. Given that this provision would match the floor area of the new store which would be capable of accommodating 2100L of refuse/recycling, it is accepted that this additional provision could accommodate the identified shortfall of 1700L. The applicant has confirmed that private arrangements are in place for collections from the store-inside the retail unit store. Given the above, the total expected capacity, including the space allocated within the larger retail unit would be capable of exceeding the recommendations within PAN05. In view of this, there is no objection to the proposed development by reason of the provision of refuse/recycling storage for the retail units.
- 9.16. Overall, the proposed development is considered to offer acceptable living conditions for existing and future occupiers of the building, in accordance with policies DM1 and DM7.

**Sustainable Transport:**

- 9.17. The proposed development would involve a small increase in retail floor space. It is not anticipated that this would give rise to significantly increased vehicle trips associated with the site. Parking within the vicinity is, nonetheless, restricted by a Controlled Parking Zone and double yellow lines which protect against harmful parking stress.
- 9.18. The proposal includes the relocation and reconfiguration of the existing cycle store, although the capacity would remain the same at 20 spaces. Whilst the proposal for 2-tier stands is not the council's preference (which is usually for Sheffield stands), it is noted that the existing store includes vertical storage stands and that the storeroom would meet the required height, width and length for the types of stands proposed. The proposed store is considered appropriately secure and convenient, and comparable in these respects to the existing arrangement.
- 9.19. The application has been amended during the period of consideration to amend the external door for the refuse and cycle stores so that they would not open over the pedestrian footway (sliding doors now proposed). Following this amendment, there is no objection to the access to the proposed stores.

**10. CONCLUSIONS**



- 10.1. The proposals would maintain a similar provision of retail floorspace and as such would not negatively impact upon the vitality or viability of the Portland Road Local Shopping Centre. The proposed extensions are considered to be appropriately designed and would not have a significantly detrimental impact on the character and appearance of the recipient building or the wider streetscene, not would they cause any significant harm to the amenity of occupiers of nearby residential properties. In addition, there is no objection to the proposal to relocate/reconfigure the existing refusal and bicycle stores.

## **11. EQUALITIES**

- 11.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.



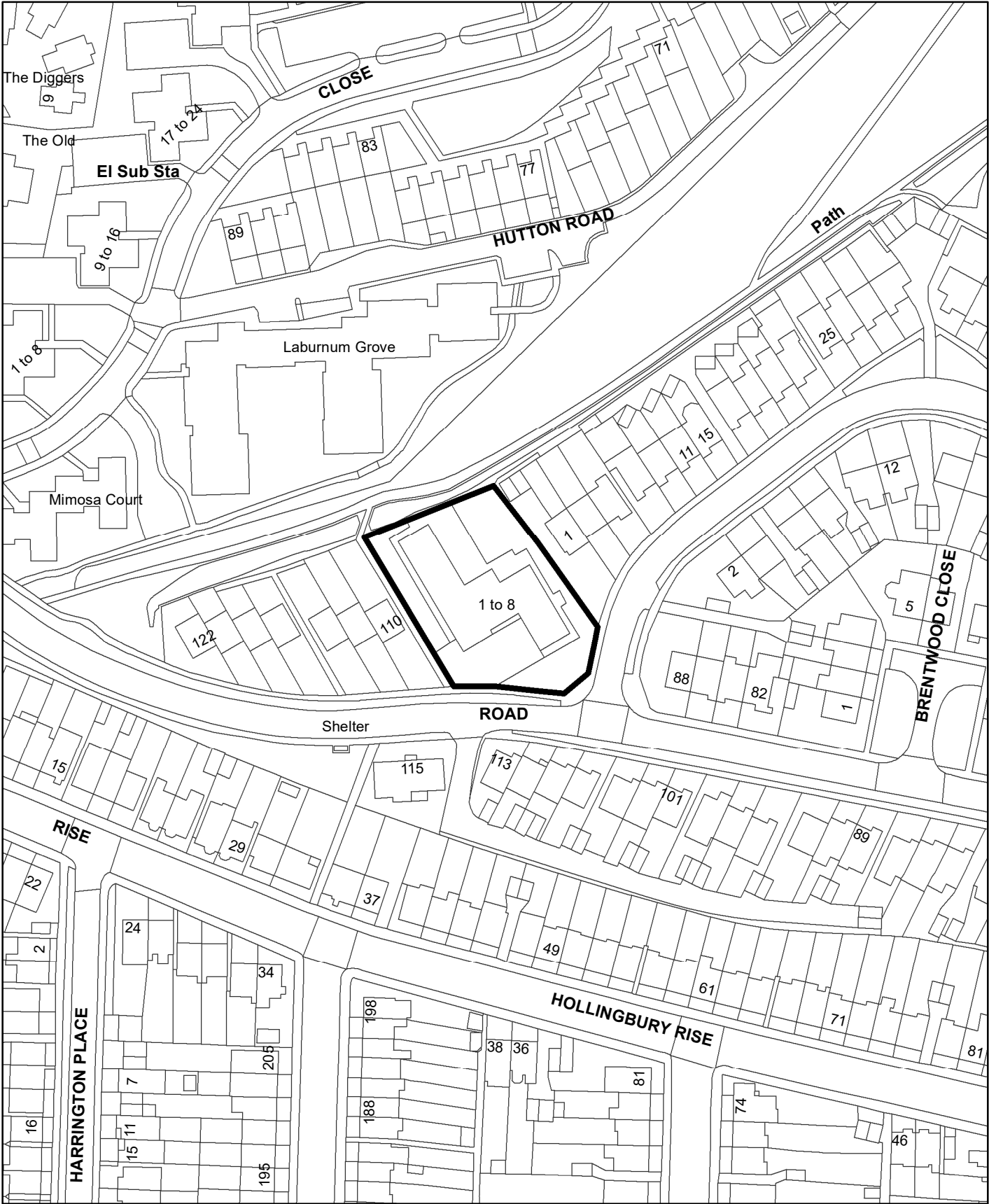
# **ITEM D**

**Flat 1, 108 Brentwood Road  
BH2023/01369  
Full Planning**

**DATE OF COMMITTEE: 10<sup>th</sup> January 2023**



# BH2023 01369 - Flat 1, 108 Brentwood Road



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2023/01369</b>	<b><u>Ward:</u></b>	<b>Hollingdean &amp; Fiveways Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Flat 1 108 Brentwood Road Brighton BN1 7ES</b>		
<b><u>Proposal:</u></b>	<b>Construction of footpath from existing side access to public footpath via new opening within chainlink fence. Provision of a semi-permanent ramp access to the communal entrance for ground floor flats.</b>		
<b><u>Officer:</u></b>	Alice Johnson, tel: 01273 296568	<b><u>Valid Date:</u></b>	30.08.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	25.10.2023
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	17.01.2024
<b><u>Agent:</u></b>	Dariba Design Limited Unit 18D Capital Business Centre 22 Carlton Road South Croydon CR2 0BS		
<b><u>Applicant:</u></b>	Mrs Shehnaz Shafique C/O Dariba Design Limited Unit 18D Capital Business Centre 22 Carlton Road South Croydon CR2 0BS		

A representation has been received from an officer working in the City Development & Regeneration. The application is recommended as a Committee decision in the interests of transparency.

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			10 May 2023
Block Plan			10 May 2023
Proposed Drawing	23/B/108BR/02	A	12 October 2023
Proposed Drawing	23/B/108BR/06		10 May 2023
Proposed Drawing	23/B/108BR/07	A	12 October 2023
Proposed Drawing	23/B/108BR/03	B	24 November 2023
Proposed Drawing	23/B/108BR/09		12 October 2023
Proposed Drawing	23/B/108BR/08		12 October 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. 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 (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 for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

4. All ecological measures and/or works shall be carried out in accordance with the details contained in the Technical Note, by Urban Edge Environmental Consulting, dated August 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, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

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

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with 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.

1. 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>



## 2. SITE LOCATION

- 2.1. No.108 Brentwood Road is a part two, part three storey block of residential flats located on the north side of Brentwood Road. To the rear of the property are a number of purpose-built flats and dwellinghouses. The building is situated within a residential area with terraced properties east and west of the site. Further residential properties and blocks of flats are to the rear separated from the application site by a strip of woodland. A public footpath runs along the western side of the site between the wooded area to the rear and Brentwood Road.

## 3. RELEVANT HISTORY

- 3.1. **BH2013/01729** Installation of handrails to exterior of building and to path to side and rear elevations (Retrospective). Approved 9th of August 2013

## 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the construction of a new footpath from the existing side access of the building to the public footpath which connects to Brentwood Road. In association with the new footpath a new opening within the chain-link fence would be created on the western boundary. The proposal also incorporates the provision of a semi-permanent ramp access to the existing communal entrance for the ground floor flats on the eastern side of the building.
- 4.2. During the course of the application, additional plans were sought to accurately reflect the works proposed as the original submission provided limited elevational plans of the proposal. Neighbours were re-consulted following the receipt of the additional plans.
- 4.3. A plan showing the existing and proposed site with the cherry tree retained has also been provided.

## 5. REPRESENTATIONS

- 5.1. **Two** representations have been received, objecting to the proposal on the following grounds:
- Detrimental impact on residential amenity through the addition of a new access at the side of the property which is not visible from the streetscene.
  - Poor design.
  - The lack of a gate leaves a wide opening into the property from a dimly lit pathway which is a security risk.
- 5.2. A local resident, who works in the Planning Department, has commented on the application. To ensure openness and transparency the application is being taken to Planning Committee.

## 6. CONSULTATIONS

### 6.1. **Arboriculture:** 29th of November 2023 Comment (verbal)

If the cherry tree is to be removed, a replacement tree should be secured by condition. If retained a tree protection plan and arboricultural method statement should be secured by condition.

### 6.2. **Ecology (summary):** 27th of November 2023 Support

Subject to the recommended condition, the information provided is satisfactory and the proposals are unlikely to have a significant impact on biodiversity.

### 6.3. **Sustainable Transport Verbal Comment:** 18th of October 2023 Support

The Sustainable Transport Officer has confirmed that the proposal should be in compliance with Part M of the Building Control Standards and following the provision of further information, they have confirmed the proposal is acceptable.

## 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 & GUIDANCE

### The National Planning Policy Framework (NPPF)

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

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban Design
CP13	Public Streets and Spaces

#### Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity

DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents

SPD06	Trees & Development Sites
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development; the impact on the trees at the site; the potential impacts on the amenities of local residents and on highway safety.

Design and Appearance

- 9.2. The proposal is required to improve access to the building for wheelchair and mobility impaired users.
- 9.3. The proposal to the west elevation is fairly utilitarian in design, with a new opening created in the chain-link fence and provision of a ramped footpath. The sloped footpath, handrails and new access point in the western boundary would be visible from within the public realm from the adjacent public footpath. No new entrance doors to the existing building are being created by the proposal. The proposed works on the western elevation are of a limited scale and size and are considered to have an acceptable impact on the appearance of the building and wider area.
- 9.4. The proposed access ramp on the eastern side of the building, which is to be located in the rear courtyard would provide access to the existing communal doorway, and would be minimal in nature and approximately 2.5m in length. The ramp is stated to be semi-permanent, in that it would be bolted to the ground but easily removal once no longer required. This ramp, while not visible from the public realm, would be visible to residents of flats within no.108. The ramps limited size ensures that its impact is not detrimental to the appearance of the building.
- 9.5. The ramp and sloped footpaths, along with the new opening in the existing boundary fence, would have a neutral impact on the appearance of the property. There are clear access benefits of adding the sloped footway and ramp to the building which is welcomed.

Impact on Residential Amenity:

- 9.6. Policy DM20 of City Plan Part 2 states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to the

proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.

- 9.7. With regard to neighbouring amenity, no significant adverse impacts are expected as a result of the proposed development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and no significant harm has been identified.
- 9.8. The new access to the footpath may change the location of those moving through the site as it would provide a sloped access from the public footpath to the eastern rear entrance, however, no significant impacts on neighbouring amenity by way of additional disturbance are expected. The new access would not provide a “through-way” or shortcut to non-residents and therefore the impact is considered to be limited.
- 9.9. Concerns have been raised in objections that the safety and security of the site may be impacted by the new entrance. While the entrance may not be readily visible from the streetscene to the front it would be visible from the windows of multiple flats within the building. The entrance proposed is therefore considered to benefit from adequate passive surveillance and no further concerns are raised on the basis of the application presented.

#### Other Matters

- 9.10. The Sustainable Transport Officer has confirmed that the proposal should be in compliance with Part M of the Building Control Standards and following the provision of further information, they have confirmed the proposal is acceptable.
- 9.11. The cherry tree at the site would be protected through tree protection methods, which have been secured by condition. This secures the retention of the tree at the site.
- 9.12. The County Ecologist has confirmed that the proposal is unlikely to have a significant impact on biodiversity. A condition confirming compliance with the biodiversity method statement, which was submitted with the application, has been attached to the proposal.

#### Equalities

- 9.13. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.
- 9.14. The proposal would provide a ramp and sloped route to and from the building, enhancing the accessibility of the site.

## **10. COMMUNITY INFRASTRUCTURE LEVY**

- 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.



# PLANNING COMMITTEE

## Agenda Item 74 Brighton & Hove City Council

### NEW APPEALS RECEIVED 02/11/2023 - 06/12/2023

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2023/00562

107 Church Road Hove BN3 2AF

Display of 2no internally illuminated fascia text signs, 1no externally illuminated projection sign, 1no non-illuminated roundel behind glazing, 1no internally illuminated delivery sign behind glazing and 1 non-illuminated awning. (Retrospective)

APPEAL IN PROGRESS

23/11/2023

Delegated

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2023/01970

15 Victoria Terrace Hove BN3 2WB

Change of use for basement flat from use Class E to use Class C3 to include new side door access.

APPEAL IN PROGRESS

05/12/2023

Delegated

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****KEMPTOWN**

18-19 Charlotte Street Brighton BN2 1AG

Appeal against Listed Building Notice

APPEAL IN PROGRESS

04/12/2023

Not Assigned

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****PRESTON PARK**

BH2022/02891

5-7 Stanford Avenue Brighton BN1 6AD

Alterations to front boundary wall; erection of replacement bin store to front of no.5; extensions and alterations to hard landscaping to create total of 4no vehicle parking spaces, with associated drainage and alterations.

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 03/11/2023  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**PRESTON PARK**

APPEALAPPNUMBER  
ADDRESS 5 - 7 Stanford Avenue Brighton BN1 6FD  
DEVELOPMENT DESCRIPTION Appeal against  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 01/12/2023  
APPLICATION DECISION LEVEL Not Assigned

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**WARD**

**QUEEN'S PARK**

APPEALAPPNUMBER BH2022/02940  
ADDRESS Paskins Hotel 19 Charlotte Street Brighton BN2 1AG  
DEVELOPMENT DESCRIPTION Internal refurbishment of basement area (part retrospective).  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 04/12/2023  
APPLICATION DECISION LEVEL Not Assigned

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**WARD**

**REGENCY**

APPEALAPPNUMBER BH2023/02058  
ADDRESS 123-126 Kings Road Brighton BN1 2FA  
DEVELOPMENT DESCRIPTION Display of temporary non-illuminated three sided wrap-around scaffolding shroud (retrospective).  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 23/11/2023  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**REGENCY**

APPEALAPPNUMBER  
ADDRESS Flat 2 67 Upper North Street Brighton BN1 3FL  
DEVELOPMENT DESCRIPTION Appeal against  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 23/11/2023  
APPLICATION DECISION LEVEL Not Assigned

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**WARD**

**ROTTINGDEAN & WEST SALTDEAN**

APPEALAPPNUMBER BH2023/01903  
ADDRESS 43 Rowan Way Rottingdean Brighton BN2 7FP



DEVELOPMENT DESCRIPTION Roof alterations to create an additional storey including raising the roof ridge height, installation of rear dormer and 8no front rooflights, new window to front gable end, render to elevations and associated works.

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 22/11/2023  
APPLICATION DECISION LEVEL Delegated

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WARD **SOUTH PORTSLADE**  
APPEALAPPNUMBER BH2023/00731  
ADDRESS Land To The Rear Of 56A Trafalgar Road Portslade BN41 1GR  
DEVELOPMENT DESCRIPTION Removal of existing outbuilding/store and erection of single storey dwelling (C3) fronting Elm Road, repositioning of site boundary fence and associated alterations.

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 02/11/2023  
APPLICATION DECISION LEVEL Delegated

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WARD **ST. PETER'S AND NORTH LAINE**  
APPEALAPPNUMBER BH2023/00194  
ADDRESS First Floor And Second Floor Flat 21 Queens Road Brighton BN1 3XA  
DEVELOPMENT DESCRIPTION Change of use from a residential flat (C3) to a short-term holiday let (sui generis).

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 14/11/2023  
APPLICATION DECISION LEVEL Delegated

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WARD **WESTDENE & HOVE PARK**  
APPEALAPPNUMBER BH2023/01185  
ADDRESS 54 Green Ridge Brighton BN1 5LJ  
DEVELOPMENT DESCRIPTION Prior approval for the erection of an additional storey to form a first-floor extension.

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 21/11/2023  
APPLICATION DECISION LEVEL Delegated

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WARD **WESTDENE & HOVE PARK**  
APPEALAPPNUMBER  
ADDRESS Lancing Preparatory School At Mowden The Drove Hove BN3 6LU  
DEVELOPMENT DESCRIPTION Appeal against EN  
APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 30/11/2023  
APPLICATION DECISION LEVEL Not Assigned

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**WARD**

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

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**WISH**

BH2023/00481

26 Glebe Villas Hove BN3 5SN

Change of use from existing dwelling (C3) to dual use as either dwelling (C3) or a six-bedroom small house in multiple occupation (C4). External alterations including revised fenestration.

APPEAL IN PROGRESS

14/11/2023

Planning (Applications) Committee

# PLANNING COMMITTEE

Agenda Item 75  
Brighton & Hove City  
Council



Brighton & Hove  
City Council

## INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

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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 76 Brighton & Hove City Council

### APPEAL DECISIONS FOR THE PERIOD BETWEEN 22/11/2023 AND 14/12/2023

#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

#### **CENTRAL HOVE**

APL2023/00050

5 The Drive Hove BN3 3JE

Change of Use of first, second and third floors from commercial (E) to residential (C3) to create 1no two-bedroom flat and 2no three-bedroom flats incorporating installation of additional balustrading and restoration of existing balustrading to roof terrace, revised fenestration and the removal of parapet above front second floor bay window.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02892

APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **HANOVER & ELM GROVE**

APPEAL APPLICATION NUMBER

APL2023/00046

ADDRESS

15-26 Lincoln Cottages Brighton BN2 9UJ

DEVELOPMENT DESCRIPTION

Erection of 8no three-bedroom, three storey dwellings (C3) and 1no one bedroom bungalow (C3) to replace existing garages/storage units and any associated works to include landscaping, cycle and bin storage.

APPEAL TYPE

Against Non-determination

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2022/03810

APPLICATION DECISION LEVEL

Planning (Applications) Committee

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#### WARD

#### **REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00032

ADDRESS

Pavement Outside Jurys Inn Hotel Kings Road Brighton BN1 2GS

DEVELOPMENT DESCRIPTION

Installation of 1no multifunctional communication hub including defibrillator.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02545

APPLICATION DECISION LEVEL Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00033

ADDRESS

Pavement Outside Metro Bank 82 North Street Brighton BN1 1ZA

DEVELOPMENT DESCRIPTION

Installation of 1no multifunctional communication hub including defibrillator.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02547

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00034

ADDRESS

Pavement Outside Costa 193 Western Road Brighton BN1 2BA

DEVELOPMENT DESCRIPTION

Installation of 1no multifunctional communication hub including defibrillator.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02549

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00035

ADDRESS

Pavement Outside 56 Western Road Brighton BN1 2HA

DEVELOPMENT DESCRIPTION

Installation of 1no multifunctional communication hub including defibrillator.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02551

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00036

ADDRESS

Pavement Outside Waitrose 130 - 134 Western Road Brighton BN1 2LA

DEVELOPMENT DESCRIPTION

Installation of 1no multifunctional communication hub including defibrillator.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2022/02553

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00037

ADDRESS

Pavement Outside Waitrose 130 - 134 Western

DEVELOPMENT DESCRIPTION

Road Brighton BN1 2LA  
Display of internally illuminated digital advertising panel forming integral part of communication hub.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2022/02554

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00040

ADDRESS

Pavement Outside Jurys Inn Hotel Kings Road Brighton BN1 2GS

DEVELOPMENT DESCRIPTION

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02546

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00041

ADDRESS

Pavement Outside Metro Bank 82 North Street Brighton BN1 1ZA

DEVELOPMENT DESCRIPTION

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02548

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00042

ADDRESS

Pavement Outside Costa 193 Western Road Brighton BN1 2BA

DEVELOPMENT DESCRIPTION Display of internally illuminated digital advertising panel forming integral part of communication hub.  
APPEAL TYPE Against Refusal  
APPEAL DECISION APPEAL DISMISSED  
PLANNING APPLICATION NUMBER BH2022/02550  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00064

ADDRESS

Pavement Outside 56 Western Road Brighton  
BN1 2HA

DEVELOPMENT DESCRIPTION

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02552

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2023/00071

ADDRESS

10 East Street Brighton BN1 1HP

DEVELOPMENT DESCRIPTION

Change of use of space above rear of existing shop (E) to 2no one-bedroom flats (C3).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/02958

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER

APL2023/00029

ADDRESS

Pavement Outside 88 - 92 Queens Road  
Brighton BN1 3XE

DEVELOPMENT DESCRIPTION

Installation of 1no multifunctional communication hub including defibrillator.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2022/02539

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER

APL2023/00030



ADDRESS Pavement Outside 112 Queens Road Brighton  
BN1 3XG

DEVELOPMENT DESCRIPTION Installation of 1no multifunctional communication  
hub including defibrillator.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2022/02541

APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER APL2023/00031  
Pavement Outside Sainsburys 134 North Street

ADDRESS Brighton BN1 1RG

DEVELOPMENT DESCRIPTION Installation of 1no multifunctional  
communication hub including defibrillator.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2022/02543

APPLICATION DECISION LEVEL Delegated

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**WARD** **WEST HILL & NORTH LAINE**

APPEAL APPLICATION NUMBER APL2023/00038  
Pavement Outside 88 - 92 Queens Road  
Brighton BN1 3XE

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

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2022/02540

APPLICATION DECISION LEVEL Delegated

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**WARD** **WEST HILL & NORTH LAINE**

APPEAL APPLICATION NUMBER APL2023/00039  
Pavement Outside 112 Queens Road Brighton  
BN1 3XG

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

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2022/02542

APPLICATION DECISION LEVEL Delegated

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**WARD****WEST HILL & NORTH LAINE****APPEAL APPLICATION NUMBER**

APL2023/00045

**ADDRESS**Pavement Outside Sainsburys 134 North Street  
Brighton BN1 1RG**DEVELOPMENT DESCRIPTION**Display of internally illuminated digital  
advertising panel forming integral part of  
communication hub.**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL ALLOWED

**PLANNING APPLICATION NUMBER**

BH2022/02544

**APPLICATION DECISION LEVEL**Delegated

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