

Planning Committee

Date: **6 March 2024**

Time: **12.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

86 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.

87 MINUTES OF THE PREVIOUS MEETING

7 - 18

Minutes of the meeting held on 7 February 2024.

88 CHAIR'S COMMUNICATIONS

89 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 29 February 2024.

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

91 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

(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 person can be elected by communal consent to speak for all).

MAJOR APPLICATIONS

A	BH2023/02756 - 65 Orchard Gardens, Hove - Full Planning	19 - 54
B	BH2023/02027 - 64 Edward Street, Brighton - Full Planning	55 - 74
C	BH2023/02872 - Land Adjacent to American Express Stadium, Village Way, Brighton - Full Planning	75 - 100

MINOR APPLICATIONS

D	BH2023/03236 - Emblem House, Home Farm Business Centre, Home Farm Road, Brighton - Full Planning	101 - 130
E	BH2023/02679 - St Joseph's Church Hall, 6 Milton Road, Brighton - Full Planning	131 - 150
F	BH2023/03090 - 22 Osmond Road, Hove - Householder Planning Consent	151 - 164

G	BH2023/02789 - 10 Meadow Close, Hove - Full Planning	165 - 188
H	BH2023/03253 - Hollingbury Library, Carden Hill, Brighton - Full Planning	189 - 214
I	BH2023/03224 - 14 Millcross Road, Portslade - Householder Planning Consent	215 - 228
J	BH2023/03245 - 8 Wayfield Avenue, Hove - Householder Planning Consent	229 - 238

INFORMATION ITEMS

92	LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE (copy attached).	239 - 240
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94	APPEAL DECISIONS (copy attached).	243 - 248

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 or email democratic.services@brighton-hove.gov.uk

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Date of Publication - Tuesday, 27 February 2024

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 7 FEBRUARY 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Allen (Deputy Chair), Earthey (Substitute), Lyons (Substitute), Nann, Robinson, Shanks, Sheard (Substitute) and Winder.

Officers in attendance: Jane Moseley (Planning Manager), Alison Gatherer (Lawyer), Liz Arnold (Planning Team Leader), Ben Daines (Planning Team Leader), Alice Johnson (Assistant Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

77 PROCEDURAL BUSINESS

a) Declarations of substitutes

77.1 Councillor Lyons substituted for Councillor Theobald. Councillor Earthey substituted for Councillor Fishleigh. Councillor Sheard substituted for Councillor Thomson.

b) Declarations of interests

77.2 There were none for this meeting.

c) Exclusion of the press and public

77.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

d) Use of mobile phones and tablets

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

78 MINUTES OF THE PREVIOUS MEETING

78.1 **RESOLVED:** The minutes of the meeting held on 10 January 2024 were agreed.

79 CHAIR'S COMMUNICATIONS

79.1 The chair noted that the National Planning Policy Framework (NPPF) had been updated and this had been used by the case officers when considering the applications on the agenda.

80 PUBLIC QUESTIONS

80.1 There were none for this meeting.

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

81.1 **RESOLVED:** The agreed that a site visit would be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2023/02027: Brighton Youth Centre, 64 Edward Street Brighton, BN2 0JR	Councillor Allen

82 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

82.1 The Democratic Services officer called the agenda applications to the committee. The following items were not called for discussion and were therefore taken to be agreed in accordance with the officer’s recommendation.

- E: BH2023/02647 - Rowan House, 12 Rowan Close, Portslade
- J: BH2023/03311 - Preston Park, Preston Road, Brighton
- K: BH2023/02727 - 137 Goldstone Crescent, Hove

All other applications were called for discussion, including major applications and those with speakers.

A BH2023/02850 - Land at King George VI Avenue, (Toads Hole Valley), Hove - Removal or Variation of Condition

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

Answers to Committee Member Questions:

2. Councillor Robinson was informed that the heads of terms for the s106 agreements were not altered from those already agreed but some wording in the agreement needed changing. The councillor was informed by the case officer that the road connections with the existing housing had been considered in approving the previous planning application. It was noted that the biodiversity gains had been considered in the previous application.

3. Councillor Sheard was informed that the nearest secondary school was Blatchington Mill.
4. Councillor Nann was informed that the transport requirements have already been considered under the previous planning application.
5. Councillor Lyons was informed that the application was being considered at committee as this related to a major application. It was noted that the supermarket application adjacent to the site would be considered under a separate planning application.

Debate

6. Councillor Shanks considered the development should be started as soon as possible. The councillor supported the application.
7. A vote was taken, and by 8 to 1 abstention, the committee agreed to be minded to grant planning permission.
8. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the s106 agreement as set out in the report, and subject to the Conditions and Informatives as set out in Appendix A, **SAVE THAT** should the s106 agreement not be completed on or before 7th May 2024 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix B of the report.

B BH2023/02027 - 64 Edward Street, Brighton - Full Planning

1. The committee agreed to defer the application in order to carry out a site visit. It was also agreed that the application would be considered at the following committee meeting.

C BH2021/04068 - Saxon Works, Land to the Rear of 303-305 Portland Road, Portland Road, Hove - Full Planning

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

Answers to Committee Member Questions

2. Councillor Robinson was informed that the s106 related to conditions in the case officer's report. It was noted that none of the plans had been altered.
3. Councillor Allen was informed that the 2023 decision was 2 to 4 and 2 abstentions, and that the overturn process has been revised since so applications should not have to come to Committee in similar situations.

Debate

4. Councillor Allen considered the development should go ahead.

Vote

5. A vote was taken, and the committee voted unanimously to agree planning permission.
6. **RESOLVED:** That the Committee agrees that the Head of Planning be authorised to negotiate and agree conditions and a section 106 agreement in the event of a valid appeal being submitted and the appeal being allowed, based on the Head of Terms and conditions set out in the report.

D BH2023/03155 - 30 Bodiam Avenue, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee. The case officer updated the committee by informing them that two further objections had been received, however, they related to issues already raised.
2. Ward Councillor Evans addressed the committee and stated that they objected to the application and noted that residents objected to students renting Houses in Multiple Occupancy (HMOs). There are a number of unregistered HMOs in the area, which is not reflected in the report. The community have expressed concerns relating to parking, noise, refuse collections and the impact of the HMO on the community. The councillor requested that the committee refuse the application.
3. Paul Joyce addressed the committee as the agent acting on behalf of the applicant and stated that the proposed HMO was small and complied with policy. The landlord has other properties and has maintained these to a high standard. The property adds to the housing stock and will be affordable and accessible. The application is in line with housing strategy and policy. It was considered that the HMO would not necessarily result in anti-social behaviour. A family of 5 or 6 could live in the property anyway. The committee were requested to approve the application.

Answers to Committee Member Questions

4. Councillor Nann was informed that the application can only be assessed on lawfully registered HMOs, and it was not possible to go each house in the area and check who occupied each property.
5. Councillor Lyons was informed that the maximum number of persons would be 6 or a new application would be required. It was noted that there are no parking restrictions in the area apart from on match days. The case officer stated that the transport team had raised no objections to the application and there was sustainable transport available nearby.
6. Councillor Loughran was informed that more than 6 would require planning permission.
7. Councillor Shanks was informed that there were two bathrooms, and the communal spaces meet space standards. It was noted that the house could be returned to a dwelling (planning use class C3) without an application provided the space standards

were met. The article 4 Direction protects homes being changed to HMO and not from HMO to C3 use.

Debate

8. Councillor Allen considered that the 5 to 6 people may have partners so more than 6 would occupy. It was noted that this was a local authority property bought under right-to-buy and now making a profit. However, the application is considered policy complaint. The councillor supported the application.
9. Councillor Robinson considered they had to accept the application; however, they would like landlord licensing reactivated.
10. Councillor Nann considered that a family home compared to an HMO was very different and could have a negative impact on the area. However, they considered that there was no way of refusing the application.
11. Councillor Sheard considered that there were two ways to look at HMOs: to many they are an issue however, there is a dire housing shortage and a need to house young people.
12. Councillor Lyons considered that some local authority housing is not in good condition, and selling council homes was acceptable. Parking is considered an issue in the area.

Vote

13. A vote was taken, and by 8 to 1 against the committee agreed to grant planning permission.
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

E BH2023/02647 - Rowan House, 12 Rowan Close, Portslade - Full Planning

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

F BH2023/03066 - The Garden Villa, 11C Montpelier Villas, Brighton - Householder Planning Consent

1. The Case officer introduced the application to the committee.

Speakers

2. Simon Bareham addressed the committee on behalf of the applicant and stated that they considered the impact on the listed building to be acceptable as the storey extension to the front elevation is to be replaced and this will improve the visuals. The design compliments the existing building and reinforces the subserviency as it is set back from the main building. The listed building in Montpelier Road is not compromised.

There are no objections from neighbouring residents and the proposal directly faces part of several properties. Impact on day/sunlight is considered acceptable. The scheme will improve the building and improve the symmetry.

Answers to Committee Member Questions

3. Councillor Lyons was informed that most of the supporting residents lived near the building. It was noted that the reasons for refusal included light and overbearing impact and the application was being refused as being contrary to policy.
4. Councillor Sheard was informed that the application was identical to the previous application which was refused apart from the sun/daylight assessment which considered the proposal to not have significant impact. Sunlight and daylight impacts had therefore not been included in the reasons for refusal.
5. Councillor Earthey was informed that the existing building was grade II listed and this was considered to have heritage value. It was noted that the materials would be able to be matched should the proposals be agreed.
6. Councillor Robinson was informed that the Heritage team and Conservation Advisory Group had objected to the application.
7. Councillor Loughran was informed that the degree of harm was less than substantial, however the development was of no public benefit. The proposal was considered to not respect the existing listed building.
8. Councillor Allen was informed that the Regency Society had not commented on the application. It was noted that if permission was granted then that any change to the listing of the existing building would lie with Historic England.

Debate

9. Councillor Shanks considered the proposals looked better than the existing situation and no great harm would have been caused. The councillor did not support the officer recommendation to refuse.
10. Councillor Lyons considered the property looked better with the proposal. The councillor did not support the officer recommendation to refuse.
11. Councillor Robinson considered the proposals to change the streetscene.
12. Councillor Sheard considered the applicant had waited to re-submit the application to a new planning committee and they could not support that.
13. Councillor Nann considered the proposals reduced the subservience and impacts on the listed building.
14. Councillor Allen considered the heritage needed to be protected and noted the proposal was not policy compliant. The councillor supported the officer recommendation to refuse.

15. Councillor Loughran noted the area was sensitive and there would be an impact on the listed building and the application did not comply with policy.
16. A vote was taken, and by 6 to 2 against and 1 abstention, the committee agreed with officer recommendation to refuse the application.
17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons in the report.

G BH2023/03067 - The Garden Villa, 11C Montpelier Villas, Brighton - Listed Building Consent

1. The Case officer introduced the application to the committee.

Speakers

2. Simon Bareham addressed the committee on behalf of the applicant and stated they had nothing more to add to the statement made in support of the planning application BH2023/03066.

Vote

3. A vote was taken, and by 7 to 2 abstentions the committee agreed with the officer recommendation to refuse listed building consent.
4. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** Listed Building Consent for the reasons in the report.

H BH2023/02707 - 11 Lyminster Avenue, Brighton - Householder Planning Consent

1. The Planning Manager introduced the application to the committee. The case officer updated the committee and informed them that two further objections had been received regarding issues already raised.

Speakers

2. Paul Allen addressed the committee as resident and stated that they considered the development to be imposing, turning a 2-bed into a 4-bed home. The parking in the area is oversubscribed and the development will overlook the neighbouring garden and house. Obscured glazing is required to reduce the impact and maintain privacy. Anything exceeding permitted development would be unacceptable and should be refused. The proposals are too close to the boundary and not 3 metres away as suggested on the planning portal. The plans are inaccurate as the 3.9m height is really 4.5m due to slope of the plot.
3. The agent acting on behalf of the applicant was not available to address the committee.

Answers to Committee Member Questions

4. Councillor Shanks was informed that no first-floor windows are included in the proposals, there is only the relocation of a ground floor window. The resident confirmed that the extension faces west, and the picture window will overlook the neighbouring property. The Planning Manager stated that the second window could be obscure glazed, and the first-floor window was a rooflight.
5. Councillor Allen was informed that the proposed Juliet balcony was considered no more harmful than the existing situation. Some screening is offered by the boundary foliage.

Debate

6. Councillor Shanks stated they were happy to approve the application.
7. Councillor Lyons considered that a condition to obscure glaze the large picture window was required. Councillor Shanks seconded the motion. The councillor withdrew the proposal when they were informed that the window faced the neighbours side elevation brick wall and did not line up with the neighbours' windows.

Vote

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

I BH2023/02441 - The Hare and Hounds, 75 London Road, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Lyons was informed that the terrace opening times were 10am to 10pm during the week and 11pm over the weekend, and there would be 27 tables for up to 214 persons.
3. Councillor Allen was informed that the new door proposed on Viaduct Road was step free.
4. Councillor Robinson was informed that the roof terrace was enclosed.
5. Councillor Earthey was informed that the provision of a lift to the roof terrace had been shown not to be feasible as this was an historic building, however, ground floor access had been improved.
6. Councillor Shanks was informed that there was a residential flat inside the property and the roof terrace was open to the air.

- Councillor Robinson was informed that there was one disabled toilet on the ground floor.

Vote

- A vote was taken, and by 7 to 1 the committee agreed to grant planning permission. (Councillor Nann took no part in the discussions or decision-making process).
- RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

J BH2023/03311 - Preston Park, Preston Road, Brighton - Full Planning

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

K BH2023/02727 - 137 Goldstone Crescent, Hove - Householder Planning Consent

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

L BH2023/02672 - 3 Westmeston Avenue, Saltdean, Brighton - Householder Planning Consent

- The Planning Manager introduced the application to the committee.

Speakers

- Anne Pether addressed the committee as a resident and stated that they considered the development would overlook the neighbours' garden and privacy would therefore be invaded. The plot is for a bungalow and not a big building. The roofline is not in line with the slope of the road and the property will double in size. The design is not in keeping with the area. The development will be harmful to the mental health of the neighbours as light and privacy are a right. Badgers have been seen in the neighbouring gardens and a set maybe nearby.
- Filip Singh addressed the committee as the applicant and stated that they were the owner and not a developer. The proposals are so they can stay in the property and live in a sustainable home. The scheme will use sustainable building methods and complies with policy. The external surfaces will render and timber cladding. The one and half storey scheme has been carefully considered to not impact the neighbours. The daylight assessment confirms the impact on neighbours is acceptable. The development will have minimal impact on the area and is designed in the light of the local context. The development respects policy.

Answers to Committee Member Questions

- Councillor Robinson was informed that the development increased the ridge height over the existing.

Debate

5. Councillor Earthey stated they lived near to the property, and they considered both the objecting neighbour and the applicant had valid points. They were not averse to development in the road, where a large number of bungalows have come to the end of their useful life. The Saltdean and Woodingdean areas are changing as a result. The councillor supported the application and noted that others in have already made changes to the streetscene. It was noted that construction works have caused disruption in the road.
6. Councillor Allen noted the design in the streetscene was acceptable as works had already been undertaken on number 5 and 4. The councillor supported the application.
7. Councillor Shanks considered the design to be good and they supported the application.

Vote

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

M BH2023/02906 - 56 London Road, Brighton - Full Planning

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

Speakers

2. Ward Councillor McLeay addressed the committee and stated that they objected to the application due to the impact on the neighbours. No Building Control application has been made and no surveyors have been involved so far. No contact has been made with the neighbours. There has been a loss of light and overshadowing as a result of the development. The neighbours now use internal lights more than before. There was no light impact from the previous small shed, however, the new development fills the space. Refuse and food waste smells now invade through the neighbours' windows and lights are shining into them. The boiler flue is now directed at neighbours and noise is a major issue. The committee were requested to take on board all of the issues raised.
3. Chloe Smith addressed the committee as the agent acting on behalf of the applicant and stated that the Building Control inspector had attended the site and all issues raised have been addressed including noise reduction. The material use of the building has not changed. The existing compressors have been moved and the extension has been given a sloping roof to allow light into the neighbours and prevent overshadowing. The noise impacts have been reduced by enclosing the compressors. The extractors remain in the same position. The light at the rear of the building is for safety reasons and not used after 9pm. The light automatically switched off after 60 seconds. The development conforms with national and local policies. The committee were requested to approve the application.

Answers to Committee Member Questions

4. Councillor Robinson was informed that the windows facing the rear of the building were residential, the rear light is not used after 9pm and automatically turns off after 60 seconds. The Planning Manager noted that as the use of the building and yard had not changed limiting the use of the rear light by condition would be unreasonable.
5. The case officer confirmed that the development was further away from the neighbours' windows than the previous building had been, and that this application was not for a change of use. Any concerns regarding the noise from staff talking late at night and lights should be reported to Environmental Health.
6. Councillor Nann was informed that conditioning use of the rear lights would be unreasonable.
7. Councillor Earthey was informed that the applicant was able to make a retrospective application and no punitive action would be taken.
8. Councillor Shanks was informed that the use had not changed from the approval in 2010, only the erection of a new structure was proposed.
9. Councillor Sheard was informed that there was no change of use or volume to the building as existing on site.
10. Councillor Loughran was informed that the use is existing the application was to assess the impact of the structure and not anything else. The case officer noted that DM40 was included in condition 2 and if noise increases then this can be investigated by Environmental Health.

Debate

11. Councillor Allen stated that they found the application acceptable considering there were more businesses along the London Road than residential units. Ward Councillor McLeay should keep a watch and report any issues. The rear light should be there to enable workers to do their job safely. The councillor supported the application.
12. Councillor Nann considered it was a shame the lighting could not be conditioned, and they considered the application had to be approved.
13. Councillor Sheard considered that the rear lights were good for workers, as was the bike storage. The councillor supported the application.

Vote

14. A Vote was taken, and by 8 to 1 abstention the committee agreed to grant planning permission.
15. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

83 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

84 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

85 APPEAL DECISIONS

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

The meeting concluded at 5.15pm

Signed

Chair

Dated this

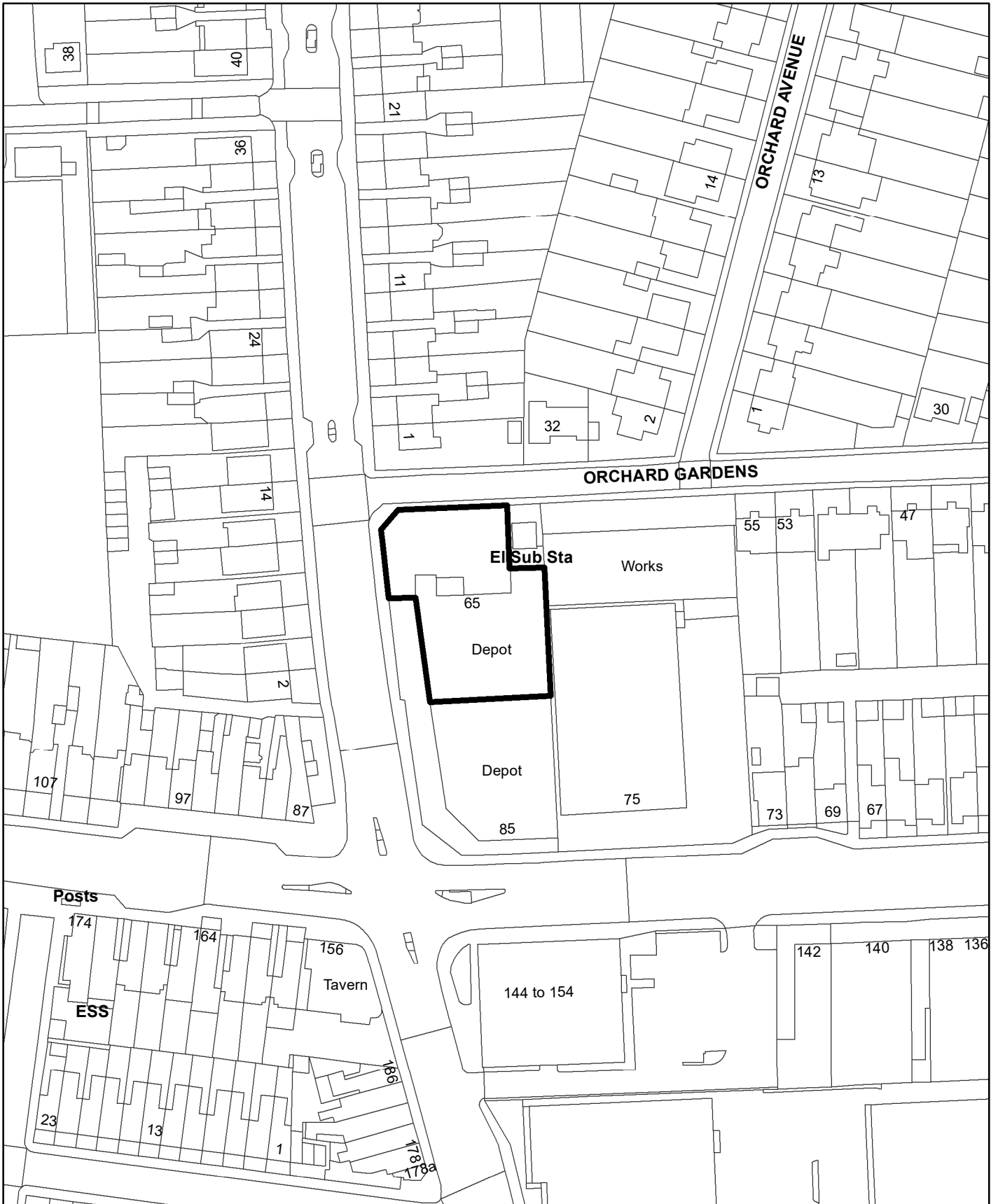
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ITEM A

**65 Orchard Gardens
BH2023/02756
Full Planning**

DATE OF COMMITTEE: 6th March 2024

BH2023 02756 - 65 Orchard Gardens



N



Scale: 1:1,250

<u>No:</u>	BH2023/02756	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	65 Orchard Gardens Hove BN3 7BH		
<u>Proposal:</u>	Demolition of existing buildings and erection of a 6no storey building and basement comprising a mixed-use development including 2no commercial units for office space (Class E(g)(i)) on the ground floor and 42no one, two and three bedroom flats (Class C3) on ground and upper floors, 25no car parking spaces (including 2no disability spaces), cycle storage and associated landscaping.		
<u>Officer:</u>	Robin Hodgetts, 292366	tel: <u>Valid Date:</u>	26.10.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25.01.2024
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	TBC
<u>Agent:</u>	ECE Planning Limited 64-68 Brighton Road Worthing BN11 2EN		
<u>Applicant:</u>	Orchard Holdings (Hove) Ltd 178-180 Church Road Hove BN3 2DJ		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **6 September 2024** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 14.1 of this report:

Section 106 Head of Terms:

Affordable Housing

- Commuted sum payment of £305,000 towards provision of affordable housing in the city.

Employment Strategy

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

Transport:

- S278 agreement securing Orchard Gardens and Nevill Road public realm improvements (“works”)

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below. *(To be Inserted in Late List)*
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. Notwithstanding any details shown on the approved drawings, no development above ground floor slab level of any part of the development hereby permitted shall take place until details and/or samples relating to materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
 - a) photos and product specifications of all brick (including mortar, bonding and pointing), details of recessed brick elements, roof coverings, lintels and finials;
 - b) product specifications of the proposed window, door and terrace balustrades treatments (including any privacy screens, opaque panels and railings); and
 - c) details of cladding, louvres, brise soleil
 - d) all other materials to be used externally.Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development, to comply with Policies CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 of the Brighton & Hove City Plan Part Two, as well as SPD17.
4. No development shall take place until an ecological design strategy (EDS) which addresses ecological enhancement of the site and provision of biodiversity net gain through the incorporation of a minimum 75% native and/ or non-native species of recognised wildlife value in the landscaping scheme, and the provision of 19 bee bricks and 46 swift boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
 - a) purpose and conservation objectives for the proposed works;
 - b) details of a Biodiversity Net Gain metric calculation
 - c) review of site potential and constraints;
 - d) detailed design(s) and/or working method(s) to achieve stated objectives;
 - e) extent and location /area of proposed works on appropriate scale maps and plans;
 - f) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - g) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - h) persons responsible for implementing the works;
 - i) details of initial aftercare and long-term maintenance;
 - j) details for monitoring and remedial measures;
 - k) details for disposal of any wastes arising from works.

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

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

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

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

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

6. No development, excluding demolition, shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. CEMP shall at least include:
 - a) The phases of the Proposed Development and forecasted completion date(s)
 - b) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - c) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

- d) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- e) Details of hours of construction including all associated vehicular movements
- f) Details of the construction compound
- g) A plan showing construction traffic routes

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

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

7. Other than demolition works, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed design and associated management and maintenance plan for surface water drainage using sustainable drainage methods as per the recommendations of the Surface Water Drainage Strategy by RPS dated 12 October 2023. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy DM43 of City Plan Part Two.

8. Other than demolition works, the development hereby permitted shall not be commenced until a Remediation Strategy based on the outcome of the Quantitative Ground Contamination Risk Assessment Report (July 2020) has been submitted to and agreed in writing by the Local Planning Authority. The approved Strategy shall thereafter be implemented in full.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent pollution of groundwater, given the site's location within a Source Protection Zone 1 and to comply with policies DM40 and DM42 of City Plan Part Two.

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

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

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

10. Notwithstanding the approved plans, other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of two units which are in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). These units shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of City Plan Part Two.
11. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
12. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM43 of City Plan Part Two.
13. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the following has been submitted to and approved in writing by the Local Planning Authority:
 - Low-carbon provision of heating and hot water.
 - Rooftop solar array layout
 - Air Source Heat Pump(s)
 - Mechanical Ventilation with Heat RecoveryDevelopment shall be carried out in strict accordance with the approved details prior to first occupation.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply

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

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

implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies CP8 of the Brighton & Hove City Plan Part One, WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM20 of the Brighton & Hove City Plan Part Two.

18.

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 (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is suitable for use.

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

19. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

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

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

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

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

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

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

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

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

22. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the

guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

23. The vehicle parking area(s) shown on the approved plans shall be provided prior to first occupation and shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times and retained hereafter.

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

24. 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.

25. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, time and method of deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements for residential and non-residential uses shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

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

26. 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.

27. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential and non-residential development.

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

28. The non-residential part of the development hereby permitted shall be used as an office (Use Class E(g) (i)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP2 and CP3 of Brighton & Hove City Plan Part One.
29. No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure By Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme has incorporated crime prevention measures.
Reason: In the interests of crime prevention, to comply with policies CP12 and CP13 and SA6 of the Brighton & Hove City Plan Part One.
30. No plant, flues or associated plant enclosures or any telecommunications equipment (other than those already shown on the approved drawings) shall be placed on the roofs of the development unless details have first been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.
Reason: To ensure a satisfactory appearance to the development to comply with policies CP12 of the Brighton and Hove City Plan Part One and DM18 of the Brighton & Hove City Plan Part Two.
31. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
32. No development shall commence until a car park layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed ramp and any operational safety measures e.g. traffic light system; cycle parking; motorcycle parking; car parking; electric vehicle parking and charging; disabled parking; visitor parking for the management (such as numbered spaces and Department for Transport approved names and symbols (eg for a disabled bay) inside and outside of the space) of all forms of parking and stopping as appropriate. This should also include details of how the proposal complies with SPD14 Parking Standards and how vehicles safely and conveniently turn to leave the site in a forward gear. Also, this should include dropped kerbs from footways and tactile paving where

appropriate for the mobility and visually impaired including adults with child buggies. The occupation of the development shall not commence until those works have been completed in accordance with the Local Planning Authorities approval and have been certified in writing as complete by the Local Highway Authority. The approved scheme shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually Pre-commencement Condition impaired and to comply with policy CP9 of the City Plan Part One, DM33 & DM36 of City Plan Part 2 and SPD14 Parking Standards

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

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

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

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

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

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

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

Informatives:

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

final drainage design for the proposed development incorporating all elements and confirming ownership and management responsibilities.

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

12. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
13. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
14. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
15. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
16. The applicant is advised that the Orchard Gardens and Nevill Road works will require them to enter into a s278 agreement with the council as Highway Authority and to complete associated technical approval steps, which may include public consultation. They should contact s278@brighton-hove.gov.uk at their earliest convenience.
17. **Cycle Access and Parking**
In order to ensure a safe and accessible environment for cyclists, new development should:
 - a) provide for safe, easy, and convenient access for cyclists to/from proposed development; and
 - b) where appropriate extend, improve, or contribute towards the city's existing network of high quality, convenient and safe cycle routes; and
 - c) protect existing and proposed cycle routes unless satisfactory mitigation is provided, or provision is made for an alternative alignment; and
 - d) provide for sufficient levels of cycle parking facilities in line with the Parking Standards for New Development (Appendix 2) (and any subsequent revisions) which must, wherever possible, be universally accessible, under cover, secure, convenient to use, well-lit and as close to the main entrance(s) of the premises as is possible. Short stay visitor cycle parking could be uncovered but must be located close to the building entrance(s) and benefit from high levels of natural surveillance; and
 - e) make provision for high quality facilities that will encourage and enable cycling including communal cycle maintenance facilities, workplace showers, lockers and changing facilities

2. SITE LOCATION

- 2.1. The application site is situated on the north-western corner of the junction of Orchard Gardens with Nevill Road (A2023). The site is currently in use by Portslade Panelworks (planning use class B2) and comprises single storey

industrial buildings along its southern boundary and an enclosed yard to the northern part of the site used for customer and staff parking, enclosed within a close-boarded fence. The Planning Statement indicates that the site currently employs 12 staff.

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

3. RELEVANT HISTORY

- 3.1. **BH2022/02821:** Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development including 2no commercial units for office space (Class E(g)(i)) on the ground floor and 36no one, two and three bedroom flats (Class C3) on ground and upper floors, 25no car parking spaces (including 2no disability spaces), cycle storage and associated landscaping. Approved 11.10.2023
- 3.2. **BH2016/05312:** Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development of offices (B1) on the Ground floor and 23no one, two and three bedroom flats (C3) on the upper floors, 23no car parking spaces (including 3 Disability Spaces), cycle storage and associated landscaping. Approved 07.08.2018
- 3.3. There have been a number of approval of details applications connected to application BH2016/05312. However, works did not commence and the permission has now lapsed.
- 3.4. **BH2014/03966:** Demolition of existing buildings and erection of a part three, four and five storey building comprising a mixed use development of offices (B1) on the ground and mezzanine floors, 21no one, two and three bedroom flats (including 6 affordable flats) (C3) on the upper floors, 22no car parking spaces, cycle storage, refuse/recycling facilities, photovoltaic solar panels and associated landscaping. Application withdrawn.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing buildings and erection of a six storey building plus basement comprising a mixed-use development including 2 commercial units for office space (planning use class E(g)(i)) on the ground floor, and 42 one-, two- and three-bedroom flats (class C3) on the ground and upper floors. The scheme would also provide 25 car parking spaces at basement level (including 2 disability spaces), cycle storage and associated landscaping.
- 4.2. The proposal would include a basement that would be accessed via a 1:12 gradient ramp from ground floor level along Orchard Gardens, containing 26 car parking spaces, 60 cycle parking spaces and plant rooms.
- 4.3. As previously, two commercial units of 85.7sqm and 208.2sqm floor space (293.5sqm total) would be provided at ground floor level facing west towards Nevill Road, but 42 dwellings would be provided at ground floor and on the four floors above.
- 4.4. The 6-storey building would be built predominantly of light grey brick with a green, zinc top floor set back from those lower. Detailing would be finished with metal louvres and window frames. The roof form has evolved over the course of the proposal from a flat one originally to an industrial style pitched roof.
- 4.5. The application is largely similar to the previously-approved scheme (ref. BH2022/02821) with an identical footprint, use and design to that application. There would however be changes to fenestration and an extra storey to provide an additional 6 flats, though with amendments to internal ceiling heights, the overall height increase would be 1.5m. The element fronting onto Orchard Gardens to the north would remain at 5 storeys.

5. REPRESENTATIONS

- 5.1. **One Hundred and Twenty Four (124) objections** have been received raising the following concerns:
 - Loss of employment floorspace and of employment land.
 - The design is poorly conceived and is out of keeping and out of scale for the area.
 - Six storeys would be an overdevelopment.
 - Excessive density
 - Overlooking / loss of privacy and views
 - Loss of light and overshadowing
 - Increased noise and pollution, including a decline in air quality
 - The position of the car parking and the ramp to the basement car park would result in increased noise and disturbance.
 - The proposed block is too overbearing and causes overshadowing.
 - The development would add more traffic to the saturated area in an unsustainable manner.
 - Detrimental effect on property values.

- 5.2. **One (1)** representation has been received from Councillor Lyons objecting to the scheme.

6. CONSULTATIONS

Internal

- 6.1. **City Regeneration / Economic Development:** No comments to make
- 6.2. **Environmental Health:** No comments received
- 6.3. **Planning Policy:** No objection subject to responses from other consultees.
Note the principle of development has been accepted through previous permissions. The provision of 42 dwellings would be a welcome windfall contribution towards the housing target.
- 6.4. Whilst it does not fully reflect housing need, with a greater proportion of 1-bedroomed units provided, it is welcomed that some 2 and 3-bedroomed units are provided and acknowledged that the character of the development and site location may be better suited to smaller units.
- 6.5. The applicant has provided a Financial Viability Assessment Report which concludes that the scheme is unable to offer any affordable housing contribution as required in Policy CP20. This has now been verified by the District Valuer who concurs with this conclusion. Whilst this is regrettable this is accepted.
- 6.6. The Planning Statement indicates that the applicant is prepared to offer a contribution of £305,000 towards offsite affordable housing. Should the independent review of viability concur with the findings of the Turner Morum report, this contribution would be welcomed and should be secured by Section 106. Impacts on adjacent residential properties should be assessed and comments from the County Ecologist and Sustainability officers sought.
- 6.7. **Private Sector Housing:** No comments
- 6.8. **Sustainability:** No objection subject to the imposition of conditions securing carbon emissions 19% below Building Regulations; minimum EPC rating of B; BREEAM rating of 'very good'; future connection to a heat network; and water efficiency of 110 litres/person/day.
- 6.9. **Transport:** No objection subject to conditions and legal agreement securing car and cycle parking details, a Delivery Service Management Plan, Highway Improvements (including loading facilities on Orchard Gardens, relocated vehicle crossovers, resurfacing of footway along frontages), and a construction and environmental management plan.

External

- 6.10. **County Archaeology:** No objection

- 6.11. **County Ecologist:** No objection subject to the imposition of conditions securing biodiversity net gain.
- 6.12. **Designing Out Crime Officer (Sussex Police):** No objection. No major concerns, but additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.
- 6.13. **Southern Water:** Seek Conditions. Note site is within Source Protection Zone 1 of Hove groundwater abstraction so very sensitive hydrogeological area. Quantitative Ground Contamination Risk Assessment Report submitted but require Remediation Strategy as development will include demolition and construction activities that could potentially adversely affect groundwater aquifer and extraction.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

CP19 Housing mix
CP20 Affordable housing

Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix
DM18 High quality design and places
DM19 Maximising Development Potential
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM33 Safe, Sustainable and Active Travel
DM35 Travel Plans and Transport Assessments
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health - Pollution and Nuisance
DM41 Polluted sites, hazardous substances & land stability
DM42 Protecting the Water Environment
DM43 Sustainable Urban Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

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

Other Documents

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to:
- Principle of development
 - Affordable housing
 - Loss of employment space
 - Density
 - Design
 - Biodiversity, Landscaping, Trees and Ecology
 - Impact on Neighbouring Amenity
 - Standard of Accommodation
 - Impact on Highways
 - Sustainability

Principle of development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. The provision of 42 units of residential accommodation would be a benefit of significant weight, making a relatively small, but important contribution towards the Council's housing target given the importance of maximising the use of sites.
- 9.6. Policy CP19 in City Plan Part One requires proposals to have considered housing mix and local assessments. The proposed unit mix is twenty one x 1 beds (50%), seventeen x 2 beds (41%) and four x 3 beds (9%). This does not reflect the housing mix requirements identified in CP19 which suggests that greatest demand is for 2- and 3-bedroomed units (34% and 31% respectively) and less demand for 1 bedroomed units (24%).
- 9.7. However, this is a relatively constrained site close to a main road and an industrial estate, and is therefore considered unsuitable for larger family accommodation so the absence of 4 beds is considered acceptable in this instance. Whilst the proposal would provide more 1-bed units than 2 or 3-bed units contrary to policy requirements, there is a limited market for larger family size units within flatted schemes such as this proposal. Furthermore, if additional larger units were incorporated into the proposal, fewer units would be delivered in total, with implications for the scheme's viability and deliverability. As such, the LPA considers the unit mix to be acceptable in this instance.
- 9.8. Policy CP3 of City Plan Part One seeks to ensure the city has sufficient employment sites and premises to meet the needs of the city. Part 5 of policy CP3 states 'loss of unallocated sites or premises in, or whose last use was, employment use will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses.'
- 9.9. The accompanying planning statement advises that 'although the site is not redundant, the Panel Works is seeking to relocate to a more industrial area. The

company has received a number of noise complaints over the years and wishes to relocate to an area where noise will not be an issue.'

- 9.10. The premises are not considered to be redundant in accordance with policy CP3 and would result in the loss of 1300 sq metres of employment floorspace. However the scheme would provide a total of 293 sq metres of office floorspace which is identical to the previous application BH2022/02821. Moreover, it is important to note, that the existing site only employs 12 staff and as office accommodation, the proposed floorspace would allow a greater number of employees, providing between 20 and 25 FTE.
- 9.11. Whilst it is acknowledged that the existing employment space is not redundant and does not strictly meet the provisions of policy CP3, the provision of alternative employment floorspace within the scheme, similar to that approved previously, is considered acceptable in this instance.
- 9.12. The acceptability or otherwise of the scheme is subject to consideration of the provision of affordable housing, density, design, biodiversity, landscaping, trees, ecology, neighbouring amenity, the standard of accommodation, highways, sustainability and archaeology. These matters are discussed below.

Residential Accommodation:

Affordable housing

- 9.13. Policy CP20 requires development of 15 net dwellings or more to provide 40% of the units as affordable housing, though it notes that the target may be applied more flexibly where the council considers this to be justified. In this case, the applicant has submitted a Financial Viability Assessment Report in support of their proposal which indicates that no affordable housing could be provided without the scheme being rendered unviable. A commuted sum of £305000 has been offered to provide affordable housing in the city in lieu of on site affordable housing provision.
- 9.14. The report has been the subject of a review by the Council's independent viability consultant. They disagree with the Residual Land Value and Site Value Benchmark provided by the applicant, but ultimately are willing to offer £305,000 as payment towards Affordable Housing. As such, it is accepted that no affordable housing can be provided. However, in case the viability situation improves in terms of sales revenue values rising or base construction costs falling, a late stage review in order to secure any uplift in sales figures as a commuted sum would form part of the Section 106 Agreement.

Density:

- 9.15. The provision of 42 dwellings would provide a density of 323dph (dwellings per hectare) which is significantly higher than the minimum target of 50dph for development outside development areas. However, the approval of the previous scheme indicates acceptance of the principle of a high density development on the site.
- 9.16. Policy CP14 of City Plan Part One outlines that residential development should be of a density that is appropriate to the character of the neighbourhood and be

determined on a case by case basis. Development will be permitted at higher densities than those typically found in the locality subject to various criteria. To make full, efficient and sustainable use of the land available, new residential development is expected to achieve a minimum net density of 50 dph, provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the aforementioned criteria can be satisfactorily met.

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

Design and Appearance:

- 9.22. The existing building is not of any historic or architectural merit. As such, its demolition to make way for a replacement building is considered acceptable, as has been previously accepted in the approval of the previous application (BH2022/02821).

- 9.23. This application reflects the design philosophy of the previous approval so is in principle considered to be of acceptable appearance. The small amendments made are not considered to change this conclusion, noting that the additional storey would add 1.5m on to the building which in context is not considered significant.
- 9.24. The subject site sits on the corner of Nevill Road and Orchard Gardens with the topography of the site being generally level but with a slight decrease in height as you progress along Orchard Gardens to the east.
- 9.25. As with the previous application, the built footprint of the proposed block would make efficient use of the site, and all dwellings would have access to a balcony and shared communal garden to the rear which is supported. Improvements to the public realm would be provided to the north-west corner of the building, where landscaping would be provided to make a clear separation between the development site and the footpath adjacent. The building line would be slightly forward of the buildings to the east, separated by the electricity sub-station and is similar to that proposed in the consented scheme so no concerns are raised in this regard.
- 9.26. The general design and massing of the building is similar to that previously approved and is considered to respond well to the mix of residential character to the north and west and a more commercial/industrial façade to the south and east. In particular the pitched roof form is a welcome addition which would sit well with the similar roof forms to the south and the metal, pitched roofs of the industrial unit to the east.
- 9.27. The materials to be used are as previously approved, with a mix of red and grey brick with green zinc material on the upper, pitched roof element. The combination of red and grey brick present an attractive appearance which is considered to be contextually responsive to the area, whilst presenting a modern appearance to the proposal.
- 9.28. The elevational composition of the proposed building is supported and would closely reflect that previously approved. The design would provide a textured, layered appearance due to the presence of inset balconies, lintels and other architectural elements such as the set-back, zinc roof element. The design and materiality are identical to the previous approval. The final details of all material would be secured by condition in the event the application is approved.
- 9.29. Taking the above into account, the proposal would make an efficient use of an existing site and be contextually appropriate design in compliance with City Plan Part One Policies CP12 and CP13, City Plan Part Two Policy DM18, SPD17 and paragraphs 130 and 134 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, layout and landscaping; to be sympathetic to local character and the surrounding built environment while not preventing increased densities; to optimise the potential of the site to accommodate an appropriate amount of development; to reflect local design policies; and raise the standard of design

more generally in an area where they fit in with the overall form and layout of their surroundings.

Impact on Neighbouring Amenity:

- 9.30. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.31. Policy DM20 of City Plan Part 2 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.32. The addition of a 6th storey to the previously consented scheme does have the potential to impact on neighbours amenity in terms of sunlight/daylight and overlooking.
- 9.33. The main properties that would be affected by the proposed development would be 87 Old Shoreham Road, 2 to 12 Nevill Road (evens, opposite the site to the west), 1 Nevill Road (opposite the site to the north) and 32 Orchard Gardens (to the rear of 1 Nevill Road). A Daylight & Sunlight Report was submitted with the application, undertaken in accordance with standard BRE methodologies.
- 9.34. The Nevill Road properties opposite are two-storey with front and rear gardens, separated from the site by the carriageway. Any impact would be solely to the front of these properties with light levels to the rear being unchanged. 1 Nevill Road to the north would potentially be subject to greater light loss as the site lies to the south. The Daylight and Sunlight Report finds there would be negligible impact on daylight and sunlight to this property. The adjacent property at 32 Orchard Gardens would suffer a minor loss of light; however, this is not considered to be so harmful to consider refusal of the scheme.
- 9.35. Regarding overlooking, there are windows and balconies to all elevations, which would provide some views into the front windows of neighbouring properties along Nevill Road, Orchard Gardens and 1 Nevill Road, which lies directly north of the application site. However, no views into the rear of these properties along the west side of Nevill Road or Orchard Gardens would be afforded and the degree of overlooking caused. Concern is raised regarding additional views to the rear garden of 1 Nevill Road, however, it is important to note that consent has been granted previously for the redevelopment of the site.
- 9.36. There may be some increase in disturbance as a result of the increased use of the site, but it is in industrial use so this would not be significant, particularly noting the site's location on an A-road, with the A270 (Old Shoreham Road) some 30m south.
- 9.37. For the reasons outlined, the overall impact on neighbouring amenity would be considered acceptable and is therefore considered to comply with CPP2 Policies DM20 and DM40.

Standard of Accommodation:

- 9.38. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These space standards have been formally adopted into the Brighton and Hove City Plan Part 2 Policy DM1 and can now be given full weight.
- 9.39. The scheme would provide twenty one, 1-bed two person dwellings, four, 2-bed three person dwellings, thirteen, 2-bed four person dwellings, and four, 3-bed 5 person dwellings.. The Gross Internal Areas (GIAs) for each residential unit are at least compliant with if not in excess of the figures in the NDSS. All the bedrooms would also be compliant with the NDSS.
- 9.40. Sixteen of the 42 flats (38%) would be single aspect which is similar to the approved scheme. Although not ideal this is considered acceptable and unavoidable given the constraints of the site. The rest would be at least dual aspect, and all units would provide future occupiers with sufficient outlook, natural light and cross-ventilation.
- 9.41. The provision of external amenity space in the form of balconies for all dwellings along with a communal garden to the rear of the site is welcomed. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with CPP2 Policy DM1.

Biodiversity, Ecology, Landscaping and Trees:

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

species composition of the landscape planting. In addition, further details of the landscaping, such as the size of the trees and food growing, would be secured by condition prior to first occupation, and would also require demonstration that Sustainable Urban Drainage measures have been fully considered. Any hard surfacing is recommended to be conditioned as permeable and / or porous.

Impact on Highways:

- 9.46. The site is located in a sustainable location near to Old Shoreham Road, a main transport corridor, well served by bus and cycle routes and in accordance with CPP1 policies DA3 and TR9 (Sustainable Transport) where major new development should be directed. The site is also approximately 10 minutes walk from Hove Station.
- 9.47. A Transport Plan has been submitted, following multiple amendments and additional information which has been assessed by the Highway Authority and following agreement on the analysis of trip rates and lack of suitability for Car Club parking, has been accepted by the authority. The Highway Authority have indicated their general support for the proposals subject to conditions.
- 9.48. The parking provision on site would be 25 spaces in a basement carpark, accessed via ramp from Orchard Gardens. This would include 2 accessible bays. Following additional information being provided relating to trip rates and location of a loading bay, the Highway Authority accept that the proposed parking provision on site is acceptable subject to management and monitoring as part of a car parking management plan.
- 9.49. The provision of cycle parking on site would provide 64 spaces for residents and a further 8 for visitors to the site in the basement. In total SPD14 would require 40 short stay and 12 long stay spaces. The Highway Authority is satisfied with the overall numbers subject to a condition requiring further details and management details for the cycle parking areas.
- 9.50. The proposal includes three active EV charging points, with passive EV charging infrastructure for all other spaces which complies with Policy CP9. An informative will be added advising of the current Building Regulations standards in respect of EV charging.

Sustainability:

- 9.51. City Plan Part One Policy CP8 requires new development to demonstrate a high level of efficiency in the use of water and energy and for it to achieve 19% above Part L for energy efficiency in addition to meeting the optional standard for water consumption. Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions. Therefore, an informative is recommended to ensure the development meets that standard.
- 9.52. It is noted that the proposed reduction in carbon emissions is 46%. This is above the aforementioned requirement and is therefore supported. The majority of the reduction would come from low or zero carbon technologies rather than fabric improvements.

- 9.53. In terms of BREEAM, the non-residential element of this proposal qualifies as 'non-major' and is therefore required to meet the 'Very Good' rating. A score of 66.44% is targeted, which would deliver a 'Very Good' rating. Compliance with the 'Very Good' rating is recommended to be secured by condition.
- 9.54. Other measures to improve the sustainability of the proposed building would include overheating mitigation in the form of louvres, openable windows and MVHR (Mechanical Ventilation with Heat Recovery) ventilation. An overheating assessment has been provided which shows a low risk of overheating in the rooms.
- 9.55. Air Source Heat Pumps (ASHP) are to be provided to both the commercial and residential elements of the proposal (located on the roof) along with a 3kWh solar PV array also on the roof. Further details of these would be secured by condition.
- 9.56. It is commendable that the Design and Access statement highlights the RIBA sustainability objectives, however it is not easy to see how these principles are acted upon in the development. Circular construction principles should be addressed as the design process continues, to ensure a genuinely sustainable building, which minimises materials use at every stage of its life-cycle. A statement of circular principles in this development would be secured by condition.

10. CONCLUSIONS

- 10.1. The proposal would provide 42 dwellings and two new office spaces as part of a mixed use development on a brownfield site in Hove, subject to condition, incorporating sustainability measures and providing biodiversity net gains. The design of the building is considered acceptable, which would not have a significantly adverse impact on neighbouring amenity or on highways safety whilst providing an acceptable standard of accommodation. The lack of affordable housing is regrettable and must be given weight against the benefits of the scheme. However, the DVS report has supported the developers viability assessment that it would not be viable and have offered a £305000 commuted sum in lieu of this. The application is recommended for approval and the benefits of the scheme in terms of housing provision outweigh the harm in the planning balance.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £725,880. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

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

13. CLIMATE CHANGE / BIODIVERSITY

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

14. S106 AGREEMENT

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

4. The proposed development fails to secure improvements to the public realm and highway, contrary to Policy DM33 of City Plan Part 2.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Ivan Lyons

BH2023/02756 - 65 Orchard Gardens

18th November 2023:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Inappropriate Height of Development
- Overdevelopment
- Overshadowing
- Restriction of view

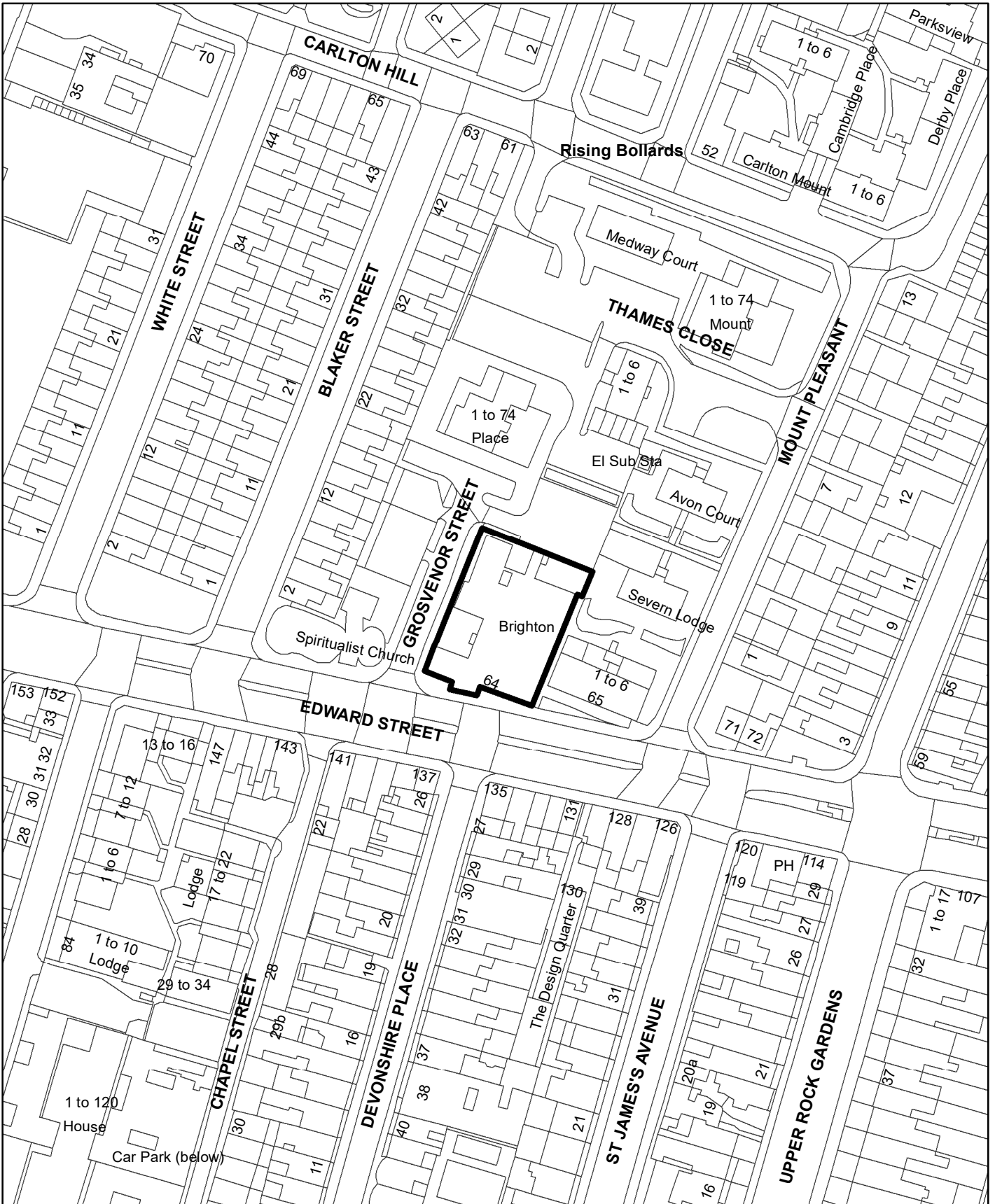
Comment: Overdevelopment & out of keeping with the area if a 6th floor is granted; Adverse effect on neighbours houses & gardens re light;
Lack of parking; Not in keeping with the local development;

ITEM B

**64 Edward Street
BH2023/02027
Full Planning**

DATE OF COMMITTEE: 6th March 2024

BH2023 02027 - 64 Edward Street



N



Scale: 1:1,250

<u>No:</u>	BH2023/02027	<u>Ward:</u>	Queen's Park
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton Youth Centre, 64 Edward Street Brighton, BN2 0JR		
<u>Proposal:</u>	Redevelopment of Youth Centre to provide shared exhibition, performance and workshop spaces, along with a skate park, climbing wall and sports hall.		
<u>Officer:</u>	Robin Hodgetts, tel: 01273 292366	<u>Valid Date:</u>	17.07.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	14.02.2024
<u>Agent:</u>	CMK Planning, 11 Jew Street, Brighton, BN11UT		
<u>Applicant:</u>	Brighton Youth Centre, 64 Edward Street, Brighton, BN2 0JR		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	EX_001		17 July 2023
Proposed Drawing	PR_016		17 July 2023
Proposed Drawing	PR_017		17 July 2023
Proposed Drawing	PR_018		17 July 2023
Proposed Drawing	PR_019		17 July 2023
Proposed Drawing	PR_020		17 July 2023
Proposed Drawing	PR_021		17 July 2023
Proposed Drawing	PR_022		17 July 2023
Proposed Drawing	PR_023		17 July 2023
Proposed Drawing	PR_024		17 July 2023
Proposed Drawing	PR_025		17 July 2023
Proposed Drawing	PR_026		17 July 2023
Proposed Drawing	PR_027		17 July 2023
Proposed Drawing	PR_028		17 July 2023
Proposed Drawing	PR_029		17 July 2023
Proposed Drawing	PR_030		17 July 2023
Proposed Drawing	PR_031		17 July 2023
Proposed Drawing	PR_032		17 July 2023
Proposed Drawing	PR_33		17 July 2023

Report/Statement		Design & Access	17 July 2023
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2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Notwithstanding any details shown on the approved plans, no development other than demolition above ground floor slab level shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments
 - e) samples/details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18,DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 & CP15 of the Brighton & Hove City Plan Part One.

4. No development other than demolition shall take place until details of bird bricks and bee bricks including number, type and location, and details of a minimum of 75% of plant species used in landscape planting being of recognised wildlife value, has been submitted to and approved in writing by the local planning authority. The approved details should thereafter be implemented in full, with the bricks integrated into the fabric of the building where possible, and retained 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.

5. 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.

6. Prior to occupation of the development hereby permitted, a scheme for landscaping which enhances nature conservation interest shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall accord with the standard described in Annex 6 of SPD 11 and shall include the following:
 - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

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

8. The development hereby permitted shall not be used/occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

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

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

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

10. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

11. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the *Design and Access Statement* (ref. Alter, received on 17 July 2023) shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall be installed in accordance with the approved details and maintained thereafter .

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

12. The development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

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

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

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site

- (iv) Details of hours of construction including all associated vehicular movements
- (v) Details of the construction compound
- (vi) A plan showing construction traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 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 commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 5th October 2023 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

- 16. The windows above ground floor level in the eastern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

- 17. The development hereby permitted shall not be occupied until the redundant vehicle crossover on the western boundary of the site has been converted back to a footway by raising the existing kerb and footway.

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

Informatives:

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

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

2. Swift Bricks Swift bricks can be placed on any elevation, but must avoid areas that are exposed to extended periods of direct sunlight or prevailing weather conditions, with shade casting eaves and gable ends being optimum locations. They should be installed in groups of at least three, approximately 1m apart, at a height no lower than 4m (ideally 5m or above), and preferably with a 5m clearance between the host building and other buildings, trees or obstructions. Where possible avoid siting them above windows, doors and near to ledges/perches where predators could gain access. Always use models that are compatible with UK brick/block sizes and consider the potential for moisture incursion and cold spots in the building design. Swift bricks should be used unless these are not practical due to the nature of construction, in which case an alternative design using externally mounted swift boxes should be provided.
3. Bee Bricks Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
5. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.
6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
7. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.
8. 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.

9. 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/>
10. 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

2. SITE LOCATION

- 2.1. The application relates to an existing large, two to four storey brick building that was built in the 1950s and is currently in use as a Youth Centre providing gym facilities, a skate park and rooms for youth services within the city.
- 2.2. The building has its main frontage on Edward Street to the south with access and parking provided along Grosvenor Street to the west. Grosvenor Street also provides access to Tyson Place, a block of high-rise flats to the north of the site. The Brighton National Spiritualist Church is located immediately to the west on Edward Street and is a locally listed Heritage Asset. The northern boundary of East Cliff Conservation Area is located on the opposite side of Edward Street to the south.
- 2.3. There is a significant land level change across the site with Edward Street rising from the west to the east and Grosvenor Street rising from the south to the north. The area to the north, east and west is predominantly residential with diverse mix of residential and commercial uses to the south side of Edward Street.
- 2.4. The existing building has little architectural or historical value. The main access is provided along Grosvenor Street to the west where the building is two stories high. This then rises with the main four storey building to the rear of this.

3. RELEVANT HISTORY

- 3.1. There is no relevant planning application history relating to the site, but there have been two recent pre-application enquiries relating to its redevelopment:
- 3.2. PRE2022/00188: Redevelopment of youth centre. Response provided 10 March 2023. The amended design of this submission is much closer to the final application although some concerns remained regarding neighbour impact and scale.
- 3.3. PRE2021/00027: Redevelopment of Youth Centre. Response provided 03 June 2021. The principle of the use was agreed to be established but concerns were raised about the overall scale and design of this iteration.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the demolition of the existing youth centre building and the erection of a five-storey building providing 2259sqm community use floorspace. The floorspace would be 356sqm more than the existing building and would continue to provide youth services to the city.
- 4.2. The existing two to five storey building would be demolished and replaced with a new, five storey, modern building with a modern appearance including concrete, aluminium and metal panelling. The main entrance would sit on the corner of Eastern Road and Grosvenor Street.
- 4.3. No change of use is proposed. The existing building, which has provided youth services to the city since the 1950s, is no longer fit for purpose and the proposed new building would provide improved youth services to the city including an improved skate park and gym space, theatre facilities with a stage, private rooms for mental health facilities along with a general community space for the use of young people.
- 4.4. The design of the proposed building has developed through the pre-application process including concerns over the proximity to and impact on residential neighbours along with design details relating to fenestration to the exterior. These impacts have been mitigated by pulling the second to fifth floors back from the eastern elevation to reduce the impact on the adjacent block of flats, and introducing a community garden to the north of the site, separating the building from the carpark to the north. Additionally, more visual interest has been added to street facing elevations in the form of textured fenestration.

5. REPRESENTATIONS

- 5.1. **Four (4)** representations have been received objecting to the application raising the following issues:
 - Additional traffic and impact on parking in the area
 - Loss of onsite parking
 - Construction noise
 - Overdevelopment of the area
 - Impact on East Cliff conservation area
 - Overshadowing and loss of sunlight/daylight of neighbours due to height
 - Impact of external lighting on neighbours
 - Increased noise from the use of the site
 - Not clear would maximise use of site given it is in a tall building area with excellent public transport links.
- 5.2. **Two (2)** representations has been received in support of the application and **one (1)** supporting but raising points (included above). The issues raised in support are:
 - Building aged and in need of major renovation;

- Will give Brighton Youth Centre, its staff and people of Brighton and Hove a space that will be inspiring and a hub of self discovery, learning, support and fun.

6. CONSULTATIONS

External

- 6.1. **Conservation Advisory Group:** no objection but note that they felt there had been a missed opportunity for a better design; and that the Design and Access Statement 'comprised mainly pretentious nonsense which was not helpful to those attempting the impact of this scheme'.
- 6.2. **County Archaeologist:** No objection
- 6.3. **Ecology:** No objection subject to conditions relating to bird and bee bricks. Note in informal comments that while a biodiversity net gain assessment was not carried out, the application was judged as delivering well in excess of the required 10% biodiversity net gain, by virtue of the site's urban nature and limited areas of ground level planters, and the proposed enhancements. The planting would provide around 15m² of planting, a circa 200% increase in planter area.
- 6.4. **Southern Water:** No objection subject to sufficient drainage details being submitted
- 6.5. **Sussex Police:** Neither support nor object.

Internal

- 6.6. **Economic Development:** No comment.
- 6.7. **Heritage:** No objection but request further information to justify the modern materials used in the construction of the new building
- 6.8. **Planning Policy:** No objection to the application as it would support the goals of Policy CP17 of City Plan Part One, Policy DM9 of City Plan Part Two and the Edward Street Development Area as identified in Policy DA5.
- 6.9. **Sports Facilities:** No objection.
The proposal provides additional much needed good quality indoor activity spaces for the city - specifically young people. Overall, the scheme delivers new spaces compatible with the existing site use that will be available all year during the daytime, evenings, weekends and school holidays which will help provide increased access and opportunity for young people in the local community to good quality sport and leisure facilities.
- 6.10. **Sustainable Drainage:** Require further information relating to drainage systems before being able to recommend for approval. [verbal update to be provided].
- 6.11. **Sustainability:** No objection subject to conditions.

The energy proposals for this development are acceptable. There is no objection to approving this development, with the following recommended conditions:

- A post-construction certificate demonstrating that BREEAM 'Excellent' rating has been achieved.
- Further information, drawings or report showing the actual layout of the heating and renewable energy installations.

6.12. **Transport:** We required the following information to support this application prior determination:

- The provision of disabled parking. The proposed amount of 0 (zero) disabled car parking spaces is considered insufficient by the requirements of Parking Standards SPD14 which requires a minimum of three (3) spaces, and this is contrary to Brighton and Hove City Council policy DM33. The applicant is proposing the removal of the existing car parking areas. Therefore, there is no space available on site following the proposed amendments for such provision, and there are considered to be limited opportunities on street. BHCC Policy does not allow for disabled parking bays to be designated on the public highway for non-residential use. Previously there were parking spaces where this may have taken place or where it could have been provided.
- Deliveries and Services and Refuse and Recycling. This is requested prior to determination as there is insufficient information on where servicing shall occur satisfactorily. The proposal to remove both car parking areas and increase the footprint of the building will restrict the operational use of the surrounding streets/private car parking area in the vicinity of site. The applicant suggests a delivery bay on street however, this cannot be guaranteed and would involve public consultation. No details of how refuse and recycling can conveniently occur at the rear of the site.
- Trip Assessment. Further information including baseline peak hour trip rates to determine future growth in number prior to determination. This should be an assessment on the main two-way trips during the peak hours (8-9am, 4-5 and 5-6pm) that would reflect the growth in attendance numbers proportionally with the growth in floorspace.

6.13. If the LPA still minded to grant planning consent for this application, the following conditions must be secured;

- Cycle Parking Scheme,
- DEMP/CEMP,
- Full Travel Plan

6.14. Also, the applicant is required to contact Brighton & Hove City Council's 'S278' team and secure the proposed highway work via a S278/106 agreement.

6.15. **Urban Design:** No objection subject to conditions relating to materials.

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 One:

SS1	Presumption in Favour of Sustainable Development
DA5	Eastern Road and Edward Street Area
SA6	Sustainable Neighbourhoods
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP17	Sports Provision

Brighton & Hove City Plan Part Two:

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & 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 the development; the design and appearance of the proposed new building, its impact on adjacent heritage assets and its impact on neighbours and highway capacity.

Principle of the Development

- 9.2. As there is no proposed change of use for the site and only a relatively small increase in floorspace (356sqm), the principle of the development is acceptable subject to the matters detailed below.
- 9.3. The site falls within the Eastern Road Development Area as identified by Policy DA5. The proposed new facility would house a wider range of facilities, including sports pitch, music and events space, dance studio, computer/digital room, youth club and art rooms, counselling and clinical rooms as well as a replacement skatepark.
- 9.4. The proposed use is therefore, in policy terms, acceptable in principle subject to other planning considerations outlined below. The Council's Planning Policy team has no objections to the scheme.

Design and Appearance and Impact on Heritage Assets:

- 9.5. The existing building is of no architectural or historic merit and a more visually interesting replacement would be welcomed.
- 9.6. The footprint, scale and height of the proposed building are considered to be appropriate to the townscape and to the setting of the nearby heritage assets, namely the Locally Listed church and conservation area opposite. The building would be 1.5m taller than the maximum height of the existing Youth Centre, but would be consolidated to have a consistent roof height, and a straight building line along the frontage. This is considered to improve the appearance of the site by providing more visual interest on the street corner and providing a more coherent frontage. This is considered to correspond well to the varied scale of the surrounding area which includes four-storey flats to the east, high rise flats to the north and a variety of different designs and heights on the northern side of Edward Street.
- 9.7. The proposal has evolved significantly since the first pre-application advice was given with the developer responding well to the feedback given in those reports. The main improvements were:
1. Pulling back the floors above ground floor from the eastern side of the proposed building to reduce the impact on neighbours to the east.
 2. Improved fenestration detailing to all elevations to provide more visual interest.

3. Increasing the size of the communal garden to the north of the site to improve the provision of outdoor space, reduce impact on neighbours to the north, and provide increased biodiversity.
- 9.8. The proposed building would be five storeys in height but with a slightly smaller footprint than the existing building. It would be of a modern, angular design with metal and concrete materials. The ground floor would be concrete render with metal cladding above. Fenestration would provide visual interest and texture through the use of varied window shapes and sizes being introduced across the facades at different levels, including a variety of concave and convex to enhance the visual interest.
- 9.9. It is noted that this would represent a considerable change from the existing building with the introduction of a modern, visually striking building into the streetscene. This is considered acceptable due to the varied existing buildings that currently lie on the north side of Edward Street, including the locally listed Spiritualist Church adjacent and the new development at Edwards Street Quarter to the west.
- 9.10. The site lies adjacent to a locally listed heritage asset to the west and opposite the East Cliff Conservation Area to the south and as such its impact on their setting must be considered. Both the Heritage Team and Conservation Advisory Group have been consulted and not raised any significant objection to the scheme, although former noted the modern materials may have some impact on the Conservation Area beyond Edward Street to the south.
- 9.11. A condition has been added securing details of the materials to be used to ensure that they are of high quality.
- 9.12. Further, it is noted that the scheme proposes the use of metal and concrete, which is considered to be in keeping with the materials featured in the somewhat brutalist Spiritualist Church adjacent. It would replace a somewhat dilapidated, dated building which is not considered to be of any visual or design merit, and from the Conservation Area to the south would be viewed against the backdrop of the much taller Tyson Place tower block.
- 9.13. In addition, when considering the impact on heritage features, paragraph 208 of the NPPF states:
“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 9.14. In this case, for the reasons set out above the scheme is considered to result in less than substantial harm to the nearby heritage assets, while providing a significant public benefit through the provision of an upgraded Youth Centre, making far better use of the site.
- 9.15. Overall therefore it is considered that the proposed development would not significantly harm the setting of the nearby heritage assets and East Cliff

Conservation Area and comply with Polices CP15 Heritage, DM26 Conservation Areas and DM29 The Setting of Heritage Assets, as well as the NPPF

Impact on Amenity of Neighbouring Residents

- 9.16. Policy DM20 of the City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.17. There are blocks of residential flats that lie to the north and east of the site that could be impacted negatively and this must be considered.
- 9.18. Although the proposed building would be of a greater scale and approximately 1.5m taller than the existing building, this would be mitigated by being pulled back from the boundary above ground floor level on the eastern and northern boundaries by 4m and 6m respectively. This would reduce the impact on neighbours to the north and east in terms of loss of light and outlook. It is recognised that there could be some impact on the sunlight and daylight of residents of the lower floors of flats to the north but it would not be significant given the minimal increase in scale, the flats sitting at a higher level than the application site, and fact that there would still be at least 20 metres between the buildings. The blocks of flats to the east have blank elevations facing the site so there would be minimal loss of light or outlook.

Ecology and Biodiversity

- 9.19. The site is not designated for its nature conservation interest and is dominated by buildings and hard standing, with little vegetated space comprising low level planters. The existing building offers low potential for roosting bats or nesting birds. The site is unlikely to support protected species.
- 9.20. As a major application, Policy DM37 of CPP2 and BHCC's Interim Technical Advice Note on biodiversity net gain (BNG) requires the development to deliver a minimum of 10% BNG, expanding on the biodiversity enhancements required through CP10 of CPP1.
- 9.21. A landscaped community garden is proposed to the north of the site with details of this to be secured by condition. The County Ecologist has recommended the provision of swift boxes and bee bricks which would be secured by condition.
- 9.22. As noted in the response from the County Ecologists, the additional planting proposed would provide significantly more than the 10% biodiversity net gain required, given the minimal biodiversity on the site. Provided appropriate measures are implemented, the proposal can therefore be supported from an ecological perspective.

Transport

- 9.23. The proposed development is located in a Key Public Transport Corridor and within a Controlled Parking Zone. Through maximising built development on the site, it would reduce on-site parking for cars from five spaces on the site to zero

and introduce eighteen cycle parking spaces to both the north and south of the site.

- 9.24. There is not considered to be any significant change to the trips generated by the proposal as it remains in the same use and is a similar scale to the existing. Additionally the demographic likely to be using the building (young people) are less likely to use cars and more likely to use sustainable transport to access the services provided at the site. As such the lack of car parking is acceptable while the number of cycle parking spaces exceeds the minimum requirements of SPD14.
- 9.25. The lack of dedicated disabled parking for users of the site would be regrettable but does not represent a loss of spaces as there are currently none. On-street pay and display parking is available within 100m and resident bays for use by blue badge holders can be found in the carpark immediately to the north. While again, this is less than ideal, given the benefits of the scheme for the city and the existing .
- 9.26. Overall the proposal is considered acceptable in terms of its highways impact, subject to appropriate conditions relating to cycle parking, trip generation and delivery and servicing management.

Sustainability

- 9.27. Policy CP8 Sustainable Buildings requires that all developments incorporate sustainable design features to avoid expansion of the city's ecological footprint and mitigate against and adapt to climate change.
- 9.28. CP8 sets out minimum energy and water efficiency standards required to be met for all developments:
- BREEAM 'Excellent' certification for major non-residential developments
- 9.29. An energy statement was submitted with the application and the proposal would deliver a reduction in carbon emission of 49% which would exceed both building regulations and planning policy.
- 9.30. Air source heat pumps and underfloor heating would be used for temperature control and solar panels are proposed to the roof.
- 9.31. Subject to conditions, including a requirement to meet BREEAM 'Excellent' the proposals are considered acceptable in terms of their sustainability.

Sustainable Drainage

- 9.32. Additional information was submitted relating to flood risk and drainage strategy at the request of the Sustainable Drainage Team which confirms that the development site would be at low risk of flooding.
- 9.33. The report demonstrates a total restricted surface water discharge rate of 9.26 l/s for the 1 in 100-year (+45% CC) flood event which would be an 82.2% improvement on the existing situation. Further details of the Drainage Strategy can be secured via condition.

10. CONCLUSION

- 10.1. The proposal is considered acceptable in principle.
- 10.2. The proposed development would provide a significantly improved space for youth services within the city. Redevelopment of the existing building would not be practical due to its age and the erection of a purpose built new building would provide significant improvements on both the design and appearance of the building and its usability and accessibility.
- 10.3. 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. Its impact on adjacent heritage assets is noted but would not outweigh the benefits of the scheme overall.
- 10.4. The lack of any parking on site is regrettable but would be mitigated by the demographic of people using the building and excellent sustainable transport links.

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. As no change of use is proposed and the site would remain in Community Use the development is not CIL liable.

12. EQUALITIES

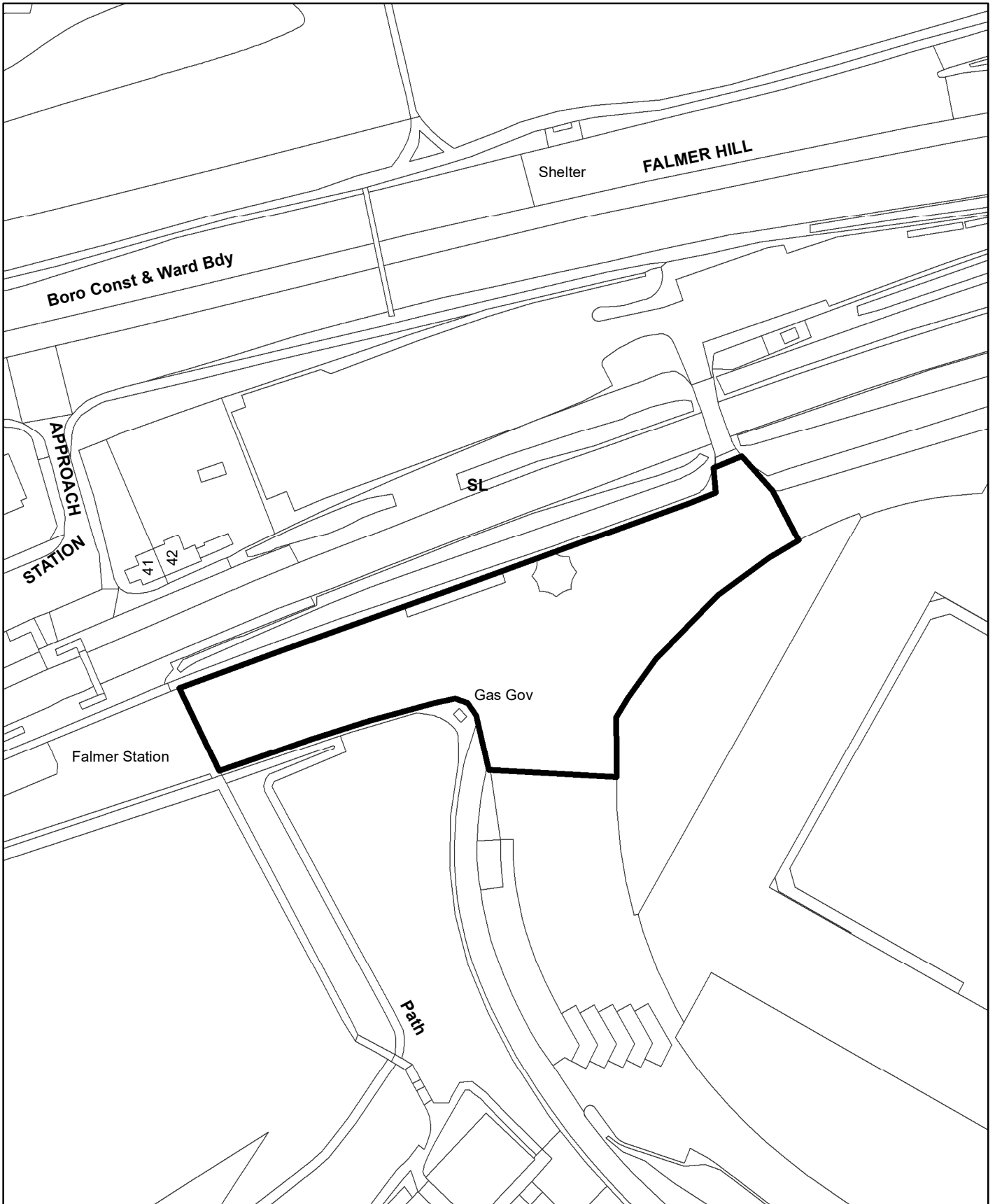
- 12.1. The existing building is no longer fit for purpose from an accessibility point of view. The gym is the only element in the existing building that is fully accessible, and stairs are required to access all floors. The new building would provide significantly improved accessibility through a better layout, wider corridors and a lift allowing disabled access to all floors of the proposed building. The lack of accessible parking on site is regrettable but would not outweigh the benefits of the scheme in the overall planning balance.

ITEM C

**Land Adjacent to American Express
Stadium, Village Way
BH2023/02872
Full Planning**

DATE OF COMMITTEE: 6th March 2024

BH2023 02872 - Land Adjacent To American Express Stadium



N



Scale: 1:1,250

<u>No:</u>	BH2023/02872	<u>Ward:</u>	Coldean & Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjacent To American Express Stadium Village Way Brighton BN1 9BL		
<u>Proposal:</u>	Removal of temporary kiosks, relocation of cycle parking and erection of a fan zone/event space (Sui Generis) comprising a two storey structure with mezzanine providing food, drink, retail kiosk, toilet facilities and associated storage.		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	08.11.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	07.02.2024
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	DMH Stallard LLP Griffin House 135 High Street Crawley RH10 1DQ		
<u>Applicant:</u>	The Community Stadium Limited American Express Stadium Village Way Falmer Brighton BN1 9BL		

Section 106 Heads of Terms

Employment training

- Developer contribution of £15,770 to be paid prior to site commencement.
- The Employment Training Strategy should be submitted for approval at least 1 month prior to commencement of the development.

Management

- Requirement to provide off-site compensatory habitat (one new native tree as specified in the Biodiversity Net Gain Report (Ecology Partnership, October 2023) and scheme to ensure its maintenance for 30 years, including replacement if it dies.

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 26th July 2023 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13.1 of this report:

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
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Location Plan	AFZ-BDP-ZZ-XX-DR-A-000000	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-00-DR-A-001000	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-01-DR-A-001001	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-02-DR-A-001003	P03	26 October 2023
Block Plan	AFZ-BDP-ZZ-XX-DR-A-000002	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-000030	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-002000	P06	6 February 2024
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-002001	P06	6 February 2024
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-002002	P06	6 February 2024
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-002003	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-003000	P03	26 October 2023
Proposed Drawing	AFZ-BDP-ZZ-XX-DR-A-003001	P03	26 October 2023
Design and Access Statement (BDP)			26 October 2023
Flood Risk Assessment		1.1	26 October 2023
Biodiversity Net Gain Report (Ecology Partnership, October 2023)			26 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. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) Samples/details of all facade and roof materials
 - b) samples of all cladding/panelling to be used externally
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed windows and doors
 - e) samples/details of all other materials to be used externally
Development shall be carried out in accordance with the approved details.

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

4. Prior to first occupation of the development hereby approved, details of the photovoltaic array shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

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

5. The use hereby permitted shall not be carried out except between the hours of 08:00 and 00:00 on any day, including Bank or Public Holidays.

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

6. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a management and maintenance plan for the surface water drainage of the site, as set out in the approved Flood Risk Assessment received on 26.10.2023, and consideration of rainwater harvesting, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in accordance with the approved detailed design.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

7. No development above ground floor slab level of any part of the development hereby permitted shall take place until evidence from the utility provider of sufficient foul sewer capacity to manage the development has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker.

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

8. No part of the development hereby permitted shall be first occupied or brought into use until the crime prevention and security measures outlined within Section 5.9 of the approved Design and Access Statement submitted on 26.10.2023, have been installed and put in place on site. The measures shall be retained as such thereafter.

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

9. 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.

10. When events are taking place in the fan zone the openable walls should remain closed from 23:00.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
11. No part of the development hereby permitted shall be first occupied or brought into use until the measures outlined within the submitted Noise Impact Assessment submitted on 26.10.2023, have been implemented. The measures shall be retained as such thereafter.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.
Reason: To ensure that the development contributes to ecological enhancement on the site and visual amenity of the locality in accordance with policy DM37 of Brighton & Hove City Plan Part 2, and CP10 and CP12 of the Brighton & Hove City Plan Part One.
13. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
14. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation, and would be contrary to Policy DM37 of Brighton & Hove City Plan Part 2.

15. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
16. The development shall only be brought forward using shallow foundations that do not adversely affect the water infrastructure under lying the site.
Reason: to safeguard the fresh and foul water infrastructure in the vicinity of the site, in accordance with Policy DM42 of Brighton & Hove City Plan Part 2.
17. No development shall take place until Habitat Management and Monitoring Plan (HMMP) for the provision of a minimum 10% biodiversity net gain within a 30 year period, to include the planting of a single native (preferably whitebeam) tree in the area specified in the Biodiversity Net Gain Report (Ecology Partnership, October 2023), to be managed to achieve and maintain at least moderate condition, has been submitted to and approved in writing by the local planning authority. The HMMP shall include the following parts:
- a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version), details of condition assessments and a specification for a minimum of 20 No. bird boxes/bricks (with a minimum of 50% targeting swift) including details of box type, number and location);
 - b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments);
 - c) Aims and objectives for the proposed works;
 - d) Site specific and wider ecological trends and constraints that might influence works;
 - e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication;
 - f) Details of the legal and funding mechanism(s) by which the implementation of the HMMP will be secured by the developer with those responsible for its delivery;
 - g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works;
 - h) Works Schedule aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period;
 - i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met.
 - j) Details for on-going monitoring of BNG habitats in years 5, 10, 15, 20, 25 and 30, including:
 - Appropriate success criteria, thresholds, triggers and targets against which the

- effectiveness of the work can be measured;
- Methods for data gathering and analysis;
- Location, timing and duration of monitoring;
- Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority;
- How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.
- The HMMP shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

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.

18. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (iv) Details of hours of construction including all associated vehicular movements
 - (v) Details of the construction compound
 - (vi) A plan showing construction traffic routes
 - (vii) Details of how hazardous substances required on site are to be stored
- The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

19. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the visitors to the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be always retained for use.

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.

20. Prior to the first use of the proposed development, an up-to-date Travel Management Plan shall be submitted to and approved by the Local Planning Authority. Thereafter, no event(s) with an anticipated attendance 250 (either individually or simultaneously with the American Express Stadium) shall take place at the Fan Zone other than in accordance with the Travel Management Plan or such separate Travel Management Plan as shall have been submitted to and approved in writing by the Local Planning Authority and National Highways specific to that Event.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION

- 2.1. This application relates to the American Express Community Stadium in Falmer. The stadium was completed in 2011 and was in operation for the 2011/2012 football season.
- 2.2. The stadium lies adjacent to the railway line running along the north boundary, and Falmer Railway Station is to the west of the site, as well as a footpath/cycle path which leads westwards to the Brighton Aldridge Community Academy (BACA) and land at the former Falmer High School.
- 2.3. The site is in close proximity to the A27 to the north beyond the railway line, which forms part of the strategic road network. Beyond the A27 to the north is the University of Sussex. Falmer Village lies to the east of the site. The University of Brighton lies to the south west of the site.
- 2.4. The boundary of South Downs National Park (SDNP) is located beyond the Stadium to the east, beyond the University of Sussex to the north, and beyond BACA to the south.

3. RELEVANT HISTORY

- 3.1. **PRE2022/00198:** regarding the proposed development of a Fan Zone at the site. Response issued 01.03.2023 with the following advice provided, in summary:
- The principle of the development is supported, situated between the stadium and Railway Line providing an opportunity to relieve pressure on public transport before and after matches.
 - No objection to the loss of the existing kiosks/food stands which do not contribute positively to the appearance of the site.
 - Scale/massing and height are considered acceptable.
 - Consideration should be given to the impact on the South Downs National Park.
 - Further consideration should be given to the impact on amenity and further information should be submitted such as a Noise Assessment.
 - Impact on the highways should be considered.
 - The impact on landscaping and biodiversity needs urgent attention and opportunity should be taken to improve the public realm in and around the stadium.
 - Provision of a biodiversity net gain should be made.
 - Level access and inclusive use of first floor level should be reviewed and provided.
- 3.2. **BH2020/00919** Demolition of buildings comprising food and merchandise kiosks, band stand and program booths. Erection of 2 no. kiosks incorporating club shop, concessions, toilets and offices. Erection of an external screen. Relocation of cycle shelter and provision of landscaping and fencing - **Approved** 19.05.2020.
- 3.3. **BH2020/00769** - Application for variation of condition 25 of BH2013/01356 (Non-material amendment (BH2020/00289) to application BH2013/01356 to alter description of development to read: Community stadium with accommodation for business, educational, conference, club shop merchandise, entertainment and food and drink uses, together with associated landscaping and transportation facilities including road works, pedestrian and cycle links, coach/bus park and set down area and shared use of existing car parking space.) to allow attendances of up to 32,500 - **Approved** 5/3/2021.
- 3.4. **BH2011/03861** Application for variation of conditions 39 and 43 of approved planning application BH2001/02418 and variation of conditions 35 and 38 of approved planning application BH2008/02732. Condition 39 of application BH2001/02418 and condition 35 of application BH2008/02732 seek to reduce the minimum number of car parking spaces from 2000 to 1500 and increase the maximum number from 2200 to 3000 and to read as follows - " Unless otherwise agreed in writing with the Local Planning Authority, no use of the Stadium for Outdoor Events shall occur unless a minimum of 1500 car parking spaces and a maximum of 3,000 car parking spaces at Sussex University and land at the former Falmer High School or at alternative locations within 1.5km of the Stadium as shown on the car parking plan within Document 6 of the Addendum to the Transport Assessment (Appendix 2.1 of Environmental Statement) which

was received on the 15 March 2012, are made available for use by persons attending the said Outdoor Event. Any proposed change to the approved aforementioned parking would need to be submitted to and approved in writing by the Local Planning Authority." Condition 43 of application BH2001/02418 and condition 38 of application BH2008/02732 seek to increase the maximum number of people in attendance from 22,500 to 30,750 (additional 8,250) and to read as follows - "No event shall take place at the Community Stadium with an attendance in excess of 30,750 people" - **Approved** 10/04/2013

- 3.5. **BH2008/02732**: Revision to stadium permitted under 2001/02418/FP including change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace. Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium – **Approved** 22 April 2009
- 3.6. **BH2001/02418FP**: A Community Stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food and road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School - **Approved** 23 July 2007.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the removal of temporary kiosks, the relocation of cycle parking and the erection of a fan zone/event space (sui generis use – outside of any planning use class) comprising a two storey structure with a mezzanine providing food, drink, retail kiosk, toilet facilities and associated storage.
- 4.2. The Fan Zone would provide food, drink, a retail kiosk, toilet facilities and associated storage. It would provide a stand alone fan facility for approximately 1,000 people, replacing the current temporary food and beverage facilities currently in use on match days.
- 4.3. The Fan Zone would have a footprint of approximately 928m² and would have a maximum height of 9.8m. It would appear to be a lightweight structure constructed from a polycarbonate roof and white trusswork, with open elevations with the use of flexible wall systems to allow the walls to be closed.
- 4.4. The Fan Zone would primarily provide additional facilities before and after outdoor events at the stadium. It would also be used to screen away matches and for event hire/birthdays and Christmas parties.
- 4.5. Amendments have been made to the scheme since submission, to include areas of green walling on the south, south west and south east elevations.

5. REPRESENTATIONS

- 5.1. Two (2) letters have been received supporting the application on the following grounds;
- Good design
 - Provides an all weather shelter
 - Provides employment
 - Helps to aid congestion before and after matches
 - Improves the facilities offered by the stadium
- 5.2. One (1) letter has been received objecting to the application on the following grounds;
- Additional noise and disturbance
 - It would bring additional fans to the site
- 5.3. One (1) letter has been received from the University of Brighton supporting the application on the following grounds;
- The fan zone will benefit the University providing additional amenities.
 - Employment opportunities for students
 - Good design

6. CONSULTATIONS

Internal:

- 6.1. **Economic Development:** No Comment
- 6.2. **Environmental Health:** Comment
The submitted noise impact report has been reviewed. The noise survey has established the existing background noise and ambient noise levels. The dominant noise source identified was from the motorway.
- 6.3. No information on the proposed plant was available at the time of the noise impact survey. Any plant to be installed should meet the background levels identified in the report.
- 6.4. Noise levels are unlikely to affect the University in the evenings as no lessons will be taking place but there are residents in Stammer Village so it is recommended that the shutters remain closed during entertainment as identified in the acoustic report.
- 6.5. **Heritage:** No Comment
- 6.6. **Planning Policy:** Comment
City Plan Part One Policy CP17 relates to sports provision, with part 2 of the policy recognising the importance of major sporting venues such as the American Express Stadium. Part 4 of the policy sets out that the council will support 'investment in poor quality, under-used sports services, facilities and spaces...to bring about enhancements in quality and public use.'

- 6.7. The proposed scheme will improve the facilities for spectators at the stadium and enhance the facilities in the area immediately surrounding it which is currently under-used.
- 6.8. The planning statement submitted in support of the application indicates that offsite Biodiversity Net Gain of 13.95% has been achieved, in compliance with Policy DM37. This should be verified by the County Ecologist.
- 6.9. **Local Employment and Skills:** Comment
No objection to the development subject to the contribution and employment training strategy to be secured through the s106 agreement.
- 6.10. **Sustainable Transport:** Comment
The development is acceptable in Transport terms subject to recommended conditions relating to cycle parking and securing an updated Travel Management Plan.
- 6.11. **Sustainable Drainage:** Comment
The information submitted includes the surface water and foul water drainage strategy including drainage plans and accompanying information. No increase in impermeable surfaces on site and would drain to existing soakaway. Further details are requested so that the maintenance of the proposed drainage may be assessed, and to ensure that all opportunities for sustainable drainage are considered. The additional information is therefore to be secured by planning conditions.
- 6.12. **Urban Design Officer:** Comment
The fan zone presents well in the 3D visuals. Further information should be provided to demonstrate how the folded wall sections will appear when folded/not in use. Further consideration should be given for adding green infrastructure such as green screens and climbing plants to help root the building in the green downland setting.

Additional Comment:

- 6.13. The built form, scale and massing is supported.
- 6.14. Recommendations:
- Given the openness of the fan zone structure and visibility from the public realm, condition the visible interior materials palette.
 - Amend the interior Ground floor surface material e.g. resin bound to visually warm up the interior space – or stone block paving.
 - Provide green wall systems detailed design.
 - Sandstone cladding should still feature across the design of the building. A final material palette is required.
 - That the applicant can provide assurance that the roof drainage strategy and systems are adequate. Drainage capacity calculations should be provided by the applicant.
 - Obtain a Maintenance plan.

External:

6.15. **National Highways: Comment**

Initial Response:

The interests of the National Highways relate to the A27 and whether there would be any adverse safety impacts for the Strategic Road Network as a result of the proposal.

6.16. It is agreed that the addition of a Fan Zone during match days would encourage regular visitors to arrive/depart over a wider time period, thus lessen the impact on the SRN in the best case scenario.

6.17. There are concerns however regarding the ambiguity of non match day uses and the supporting evidence provided.

Additional Comment:

6.18. The additional information provides the clarification and surety over the use of the proposed development and implementation of the existing transport management group. Given this, National Highways would raise no objection to the proposals, subject to continued use of the existing mitigation measures, which should be secured through the recommended condition to secure a travel plan.

6.19. **Ecology: Comment**

The information provided is satisfactory and the proposals are unlikely to have a significant impact on biodiversity.

6.20. **Southern Water: No objection**

The proposal is located within a highly sensitive hydrogeological area; as such conditions are recommended in relation to hazardous substances stored on site, and foundation depths.

6.21. The development will be located over an existing water main. The exact position of the public apparatus must be determined on site by the applicant prior to the layout being finalised. Further information is provided for the applicant in the representation.

6.22. The development may cross a sewer now deemed to be public. The applicant should note that if any sewer is found during constructions works, an investigation over the ownership of the sewer will need to take place.

6.23. A condition is recommended to provide further information regarding the measure to be undertaken to divert the public sewers/water mains. Details are also required in regards to foul sewage and surface water disposal.

6.24. **South Downs National Park: Comment**

Initial Response:

6.25. Insufficient information has been submitted to be able to assess the impact of the proposed lighting on the SDNP international dark skies reserve.

Second Response:

- 6.26. The additional information is acceptable. A condition is recommended securing a lighting scheme to be submitted.
- 6.27. **County Archaeology:** No Comment
- 6.28. **Health and Safety Executive (Planning Gateway One):** No Comment
- 6.29. **Sussex Police:** No objection
The submitted Design and Access Statement contains sufficient information from a crime prevention viewpoint.
- 6.30. **Sport England:** No objection
The proposals do not impact on playing field or ancillary facilities at the site. The Football Foundation has confirmed that it has no objection the development.
- 6.31. **Energy Assets:** No Objection
It is confirmed that the Energy Asset Networks currently has gas pipes or cables in the vicinity of the proposed works. Further advice is contained within the representation for the applicant to note.
- 6.32. **Indigo Pipelines Ltd:** No Objection
The plans show the positions and normal depths for the buried Indigo Pipelines Ltd Gas Plant. The applicant should note that if buried Gas Plant that are not marked or incorrectly marked, they are required to contact Indigo Pipelines for the records to be amended.
- 6.33. **UK Power Networks:** No objection
The development is in close proximity to a substation. Further advice is contained within the representation for the applicant to note.
- 6.34. **Zayo Group UK Ltd:** No objection
The Zayo Group have apparatus and plant within the vicinity of the development. Further advice is contained within the representation for the applicant to note.
- 6.35. **Scotland Gas Networks:** No objection
There are high pressure pipelines in the vicinity of the development. Further advice is contained within the representation for the applicant to note.

7. MATERIAL CONSIDERATIONS

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

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA5	Setting of the South Downs National Park
DA3	Lewes Road Area
SA6	Sustainable Neighbourhoods
CP3	Employment Land
CP2	Sustainable economic development
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP17	Sports Provision
CP18	Healthy city

Brighton & Hove City Plan Part 2:

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, sustainable and active travel
DM34	Transport Interchanges
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
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
SSA7	Land Adjacent to American Express Community Stadium, Village Way

Supplementary Planning Documents

SPD11	Nature Conservation and Development
SPD17	Urban Design Framework

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposal, including its impact on the setting of the SDNP, impact on neighbouring amenity and noise sensitive uses, impact on transport, biodiversity and sustainability issues.

Principle of the Development:

- 9.2. Policy CP17 of the Brighton and Hove City Plan part One requires development to facilitate the council's aspiration to increase participation in sports and physical activity, recognises the importance of major sporting venues such as the American Express Community Stadium, and highlights the need to, where possible, improve them with greater public access and uses provided to promote physical activity and sport.
- 9.3. The proposed development would increase the food and drink facilities as well as providing additional seating areas, toilets and events space, which would all support the principal use of the site as a stadium. The proposal would result in an enhancement of the facilities provided by a major sporting venue in the city. This would accord with the objectives of policy CP17 of the Brighton and Hove City Plan Part One. The proposal is therefore considered acceptable in principle.
- 9.4. No objection is raised to the principle of the loss of the existing kiosks and food stands which would be reprovided within the Fan Zone
- 9.5. The wider economic benefits of the proposal include the creation of further employment opportunities at the site so in principle the scheme is considered acceptable.

Design and Appearance:

- 9.6. The existing stadium forms a prominent development within the area and was sensitively designed to respond to its location in close proximity to the South Downs National Park.
- 9.7. The proposed Fan Zone would be located adjacent to the stadium itself, in the north eastern corner of the site, along its northern boundary which adjoins the railway line and the A27, away from the SDNP. The approach to/from Falmer station would be to the west of the new Fan Zone.

- 9.8. The development would be triangular in shape with a footprint of approximately 928m², which the roof level would overhang, providing a canopy above the concourse. The building would have a maximum height of 9.8m, with two levels internally, and would sit below the eaves of the main stadium. The roof of the building would gently slope up towards the north with the front elevation curved to match the curvature of the stadium.
- 9.9. It would be a lightweight structure constructed with a polycarbonate roof and white trusswork. The ground floor would be largely openable, with a flexible wall system which would allow the walls to be folded back into sections against the supporting columns, along the south, east and west sides. The walls elsewhere would be polycarbonate with areas of glazing. The walls could be closed when the premises is not in use, during bad weather or for noise mitigation measures. Areas of green walling would be included on the east, south and west elevations.
- 9.10. The internal structure and layout of the building would be visible due to the open nature of the building. It would be laid out with a large open area for seating to the front and a series of shipping containers to the rear, used for the bar, food and beverage and storage areas. A first floor mezzanine will be provided with a further area for seating with additional bar and toilets.
- 9.11. The proposed Fan Zone structure would have a height set well below that of the stadium. The design and scale of the Fan Zone ensure that it does not compete with the stadium and reflects elements of its design and appearance to remain sufficiently subservient.
- 9.12. There would be no views of the Fan Zone from the longer views within the South Downs National Park. The Fan Zone would mostly be hidden by the stadium itself. Views from the North West (within Stanmer Park) where the Fan Zone would not be screened by the stadium, would be screened by the existing line of trees along the line of the railway track and the highway. As a result the proposal would not significantly impact on the setting of the South Downs National Park.
- 9.13. Whilst the structure may not be highly visible, additional lighting may be noticeable once it is dark. However in the context of the wider site and the existing lighting and signage around the stadium, additional lighting from the fan zone would not have a significant impact. Notwithstanding this conclusion, a condition has been recommended requiring details of the lighting scheme to be approved, to minimise impacts on ecology, but in doing so, on the SDNP Dark Skies Reserve.
- 9.14. It is noted that Falmer Railway Station has been recently locally listed, which lies approximately 120m to the east of the site. Due to the separation distance and land level changes, the proposed Fan Zone would not have any significant impact on the locally listed building.
- 9.15. The development would include areas of green wall which would provide biodiversity but also improve its appearance. Further information will be secured by condition including maintenance strategies.

9.16. Given the concourse immediately adjacent to the Fan Zone needs to allow a heavy pedestrian flow, there is little opportunity to provide any further landscaping within the vicinity which is accepted.

9.17. The proposed design is therefore considered acceptable and would not harm the character and appearance of the site or the surrounding area, including the setting of the SDNP.

Impact on Amenity:

9.18. Policy DM20 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

9.19. The nearest noise sensitive occupiers to the stadium include Alumno House Student Accommodation, which is located 50m to the north west of the site, separated by the railway line and A27, residential properties at 1-5 Station Approach located 110m to the North West of the site, close to the railway station, and the University of Brighton is located 110m to the south east of the site.

9.20. The opening hours of the Fan Zone would be Monday -Sunday between 08:00am and 12:00am. The applicant has stated that the Fan Zone will primarily be used in the hours before and after an outdoor event taking place at the stadium. It will be closed during the event itself and it is anticipated that it will be only used by those attending the outdoor event.

9.21. However, it will also be used to display away matches on large screens. It is anticipated that the number of attendees will vary due to the importance of the match being screened. In addition, it will be hireable for private events such as wedding receptions, birthdays and Christmas parties. Such events would be managed along with the existing event spaces at the site. It is anticipated it would be open outside of the above events, however due to location and general function, the anticipated uptake on this offering is predicted to be limited.

9.22. The submission contains a Noise Impact Assessment which has been reviewed by the Environmental Health Officer. The main sources of noise would be from people in and around the fan zone, as well as the noise from the TV screen and speakers. The Assessment surveyed the existing background and ambient noise levels at the two nearest noise sensitive properties. These points were close to the Alumno Falmer building and the closest University of Brighton teaching spaces. The dominant noise source identified was the motorway. The predicted noise levels of the development would be below the existing background levels. In the evening (19:00 - 23:00) the predicted noise levels would be above the background noise by 1db. The report recommended that after 23:00, the shutters should remain closed to ensure noise levels were reduced and kept below the background noise levels. This will be secured by condition.

9.23. The opening hours and use of the Fan Zone are considered acceptable in respect of the nearby residential properties and University buildings. The

additional people the Fan Zone could attract outside of match days would be managed by the secured Travel Plan and due to the nature of the stadium itself and proximity of the site to the nearest noise sensitive properties, additional trips to the site are unlikely to cause significant impact within the proposed opening hours.

- 9.24. Overall, the development would not result in any significant harm to the amenity of nearby residential properties, subject to conditions limiting its hours of use and requiring the shutters to be closed after 23:00.

Sustainable Transport:

Pedestrian Access

- 9.25. The proposed Fan Zone will result in amendments to the concourse and pedestrian flow. The design and layout of the building is considered acceptable and accounts for the pedestrian flow around the stadium.

Public Transport

- 9.26. The applicant has submitted a travel mode assessment which indicates that between 55% and 75% of travel shall be made via public transport to and from events. The applicant has provided further information to demonstrate that there is adequate capacity for smaller events on non match days on public transport. The applicants has stated that there is regular liaison with public transport operators to ensure appropriate strategies are in place during match days and this would continue to be the case for smaller events on non-match days. This strategy is considered acceptable and would be secured through the updated Travel Plan to be conditioned.

Deliveries & servicing

- 9.27. There would be no changes to the existing servicing, delivery and refuse strategies at the stadium.

Cycle parking

- 9.28. The development includes repositioning the cycle parking at the stadium. There are no concerns raised with the number and use of match day cycle parking for the Fan Zone. Further details of the cycle parking will be secured by condition.

Disabled user parking

- 9.29. The applicant proposes that the existing disabled user parking provision is to be available for users of the Fan Zone. Whilst the level of parking is considered more than acceptable, they would be located 75m from the entrance of the Fan Zone. The ideal distance for accessible parking is 50m. Therefore the amended Travel Plan should also set out how an adequate level of assistance can be provided for those that should need it.

Car Parking

- 9.30. The applicant is proposing that the Bridge Car park is to be used similarly to the approved permission, most recently BH2021/03988 to accommodate visitors that wish to travel by car, which included booking spaces in advance, providing a team of marshals and promoting sustainable travel.

- 9.31. No changes are proposed to these current measures. This would appear acceptable however it is noted that the Bridge car park currently has capacity for 723 parked vehicles. In its travel mode assessment (detailed above) the applicant has stated that for its largest events (1000 people) 15% may travel by car, which could include car sharing. It is therefore recommended that the parking spaces are limited proportionately for the events to discourage car-use and promote sustainable travel promoted as part of the transport plan.

Travel Forecast

- 9.32. The Fan Zone is unlikely to generate any significant increase in person trips on site on match days. On non match days the capacity of the Fan Zone is approximately 1000 people. This will increase trips to and from the stadium during certain events such as screening away matches. The submitted Transport Assessment states that;
- a) Arrivals to the stadium are normally staggered
 - b) capacity of the Bridge Car Park is considered to be more than sufficient for the additional development demands.
 - c) Any additional events using the new Fan Zone would be coordinated so as not to conflict with medium-sized and larger events, with bookings scheduled across the day thereby providing a mechanism to further manage and control demand at certain times.
 - d) comprehensive travel information is provided to visitors at the time of booking, highlighting the available active and shared travel options to and from the site and that this forms part of the overall Travel Management Strategy managed and monitored by BHAFC, utilising stewards when required.
 - e) That similar sustainable travel incentives shall be in place.
 - f) The stadium and its fanzone is located in a sustainable location and there are buses and train options before and after the screenings.
 - g) The applicant has conducted survey that suggest the 15% car use figure and that car sharing will occur and drive this figure down.
- 9.33. It is stated that the Fan Zone will operate in accordance with the principles established in the existing Travel Management Strategy with events and the provision of parking coordinated.
- 9.34. The Section 106 Agreement and Condition 26 of the planning application for the stadium (as updated in application BH2020/00769) requires a Travel Management Plan (TMP) to be formulated, aiming to review and continually improve sustainable travel to the stadium. Overall it is considered the existing transport network and capacity within the various transport modes would adequately meet any increased demand created by the proposed development. The Football club and Transport Management Group (in consultation with the Council and University) will continue to monitor transport impact and provide improvements, as is already required through the Travel Management Plan secured through the Stadium s106. A condition is required to ensure the updated TMP would reflect how additional movements will be accommodated in addition to or alongside events already taking place within the stadium.

Sustainability:

- 9.35. Policy CP8 requires new development to incorporate sustainable design features to avoid expansion of the city's ecological footprint, help to deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions, and mitigate against and adapt to climate change.
- 9.36. The development has been designed to incorporate a number of sustainable design features. These measures include orienting the building to allow for high levels of natural daylighting to reduce the reliance on artificial lighting, good levels of insulation within the food and beverage units, negating the need for active cooling through high levels of natural ventilation and providing a shelter above to reduce overall solar gains to the space. Solar panels would be positioned on the roof. Water consumption is proposed to be reduced through low flow fittings and dual flush WC's.
- 9.37. CP8 requires all major developments to meet BREEAM standard of Excellent. The applicant has stated that due to the nature of the structure and the movable sides and lack of insulation, the building would not be able to meet the requirements of BREEAM. It would also not be able to meet the requirements of Policy DM44 which requires all new development to meet Part L - Conservation of Fuel and Power of the Building Regulations 2022 for the same reasons. Given the sustainability measures identified above, this is considered acceptable in this instance.

Impact on Ecology:

- 9.38. Policies CP10 and DM37 are relevant to the proposal in terms of biodiversity. Policy DM37 requires all major developments to incorporate a minimum 10% Biodiversity Net Gain (BNG).
- 9.39. The site lies within the Brighton to Lewes Downs UNESCO Biosphere Reserve, but otherwise is not designated for its nature conservation interest. Given the nature and the scale of the development and its location within the much larger stadium complex, there are unlikely to be any significant impacts on the nature conservation interests of the designated sites.
- 9.40. The habitats to be impacted include hardstanding and a small area of modified grassland which is in poor condition so unlikely to support any notable populations. The BNG Report proposes that a native tree is planted within an area of modified grassland within a parking area to the east of the stadium. Provided the tree is appropriately managed to achieve and maintain a moderate condition, this would deliver 13.95% Biodiversity Net Gain. Whilst the site proposed for the delivery of BNG is under the same ownership as the application, it would be within Lewes District so a s106 legal agreement is required to secure the tree planting and ongoing management, and replacement if required.
- 9.41. The development should also avoid light spill onto semi-natural habitats along the railway corridor to the north. An additional lighting design statement has been submitted in respect of the external lighting proposed and addresses the initial comments from the South Downs National Park. A condition would be attached

to secure a scheme of external lighting/dark skies mitigation to secure some of the measures outlined by the South Downs National Park. These measures are considered acceptable to the County Ecologist.

10. OTHER ISSUES

- 10.1. The site is deemed as being at very low risk of flooding from all sources, and no increase in impermeable surfacing would result so run-off would remain as per current rates. Roof water would be captured by internal gutter along the northern side of the proposed building with both surface and roof water discharged into an existing soakaway to the southeast of the site, with details of maintenance/management secured by condition.
- 10.2. Foul waters are proposed to be discharged to the adjacent public sewer crossing the site via an existing connection with a condition attached requiring capacity details.
- 10.3. The plans show indicative signage on the Fan Zone. The signage is not included as part of this application. The applicant should note that any future signage may require further permissions.

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.
- 11.2. The development would provide 2 additional fully accessible changing spaces toilets. The Fan Zone is fully accessible with an internal lift to provide access to the first floor.

12. COMMUNITY INFRASTRUCTURE LEVY

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

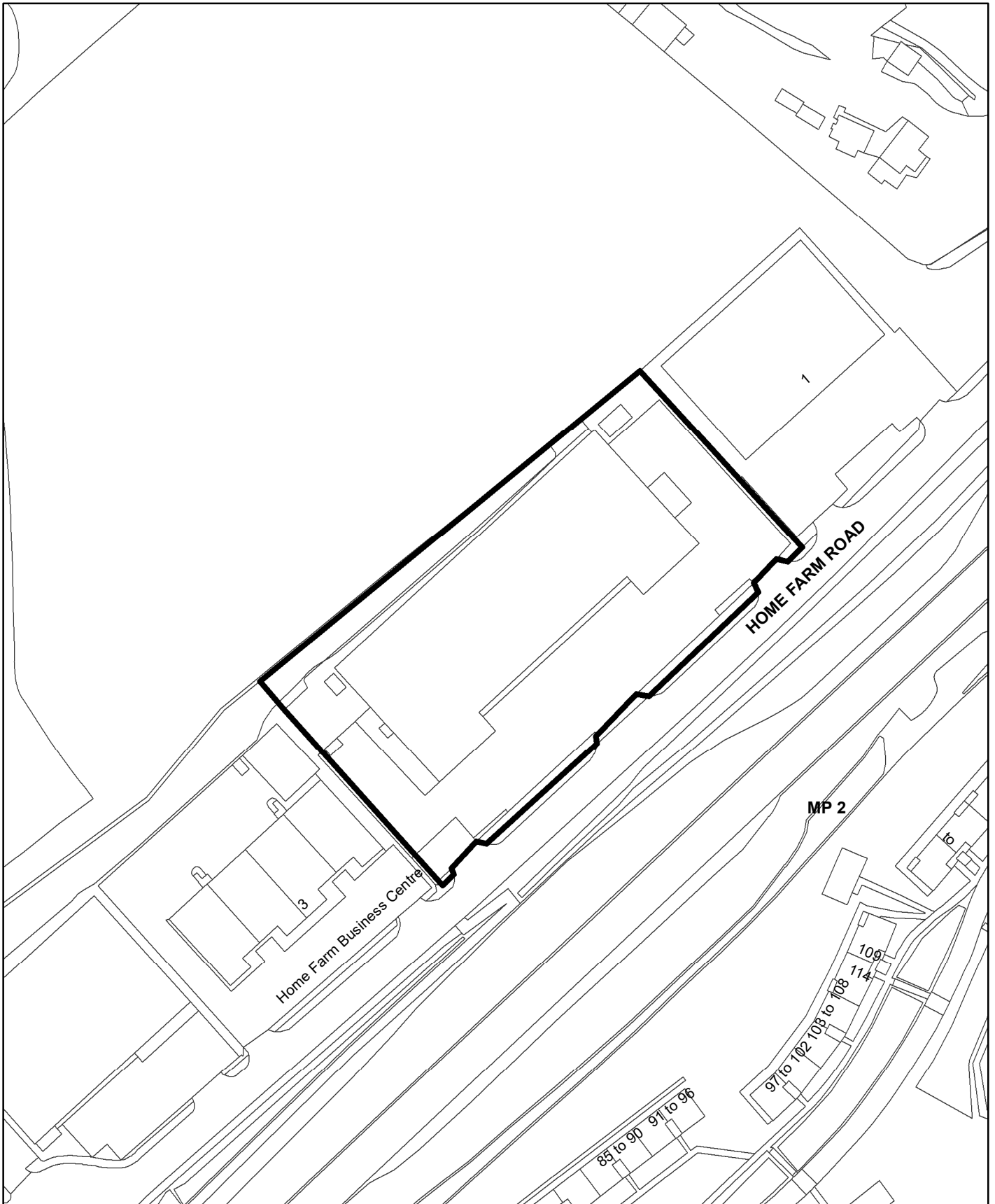
13. S106 AGREEMENT

- 13.1. In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 - The proposed development fails to provide the offsite compensatory habitat (new native tree as specified in the Biodiversity Net Gain Report (Ecology Partnership, October 2023) to comply with policies CP10 of the Brighton & Hove City Plan Part One and policy DM37 of the Brighton & Hove City Plan Part Two.

ITEM D

**Emblem House,
Home Farm Business Centre
BH2023/03236
Full Planning**

DATE OF COMMITTEE: 6th March 2024



N



Scale: 1:1,250

<u>No:</u>	BH2023/03236	<u>Ward:</u>	Hollingdean & Fiveways Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Emblem House Home Farm Business Centre Home Farm Road Brighton BN1 9HU		
<u>Proposal:</u>	Application for the permanent retention of the previously approved temporary extension.		
<u>Officer:</u>	Jane Moseley, tel: 292192	<u>Valid Date:</u>	20.12.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.02.2024
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.03.2014
<u>Agent:</u>	Parker Dann Unit 42 Sussex Innovation Centre Science Park Square Falmer Brighton BN1 9SB		
<u>Applicant:</u>	L3 Harris Home Farm Business Centre Emblem House Home Farm Road Brighton BN1 9HU		

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:

Condition:

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

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

Plan Type	Reference	Version	Date Received
Existing Drawing	18-7040-SK1A		5 December 2023
Existing Drawing	18-7040-SK2A		5 December 2023
Existing Drawing	18-7040-SK3A		5 December 2023
Location and block plan	18-7040-07		20 December 2023

Informatives:

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

2. SITE LOCATION

- 2.1. This application relates to a site within Home Farm Business Centre, a small industrial estate located in an elevated position north-west of the Moulsecomb railway station. The site is accessed from Home Farm Road, a cul-de-sac

serving only the industrial estate, linking with the A270 to the north via a roundabout. The application site is the largest of one of five industrial buildings within the estate.

- 2.2. The application site contains large industrial-style buildings with a large parking area to the front (south). It is enclosed with a green palisade security fence along the site frontage, with a security barrier across the vehicle access at the south-western end of the site.
- 2.3. As set out below, the application site is within Home Farm, a purpose-built industrial estate for businesses falling within planning use classes B1 (now E(g))(light industrial) and B2 (general industrial). The wider industrial estate has several other large uses, namely a builders' merchants a security systems manufacturer.
- 2.4. Across the road to the south-east, the land banks down to the railway corridor, beyond which are residential properties. To the rear (north-west) of the site is a steep bank, beyond which is land within the Wild Park Local Nature Reserve, which also falls within the South Downs National Park, is a Nature Improvement Area and open space.
- 2.5. Home Farm Industrial Area is protected in Policy CP3 of City Plan Part 1 as one of the "primary industrial estates and business parks for business, manufacturing and warehouse (B1, B2, and B8 use)" [now planning use classes E(g), B2 and B8].
- 2.6. The site is not within or near a conservation area (contrary to statements made in a number of representations) or otherwise subject to any designations.

3. RELEVANT HISTORY

- 3.1. BH2018/01868: Erection of temporary building as extension to existing commercial building. Approved 4 September 2018, subject to a condition (condition 2) requiring the removal of the extension within 5 years of the date of the permission and the land reinstated to its former condition.
- 3.2. BH2016/05939: Erection of two storey side extension. Granted 28 March 2017.
- 3.3. BN/88/223OA: B1 and B2 Class Industrial Development and associated new access from Lewes Road. Approved 31 May 1988.
- 3.4. BN/88/2588/RM: Reserved Matters application: Construction of new vehicular access from Lewes Road, erection of 5 two storey buildings (total 10,726 sq. m) for B1 and B2 Class Industrial Purposes. Provision of approx. 252 parking spaces. Approved 21 February 1989.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to retain an extension to the industrial buildings that was granted a temporary, five year permission in 2018.
- 4.2. The extension is located to the rear of the site in the north-western corner and forms a subservient addition to the main building. It is set back some 21m from its front façade, and measures 15m x 15m with a pitched roof to 7.6m in height and eaves to 5.2m in height. It has a large roller shutter door in the frontage measuring 4.5m in height and 4m in width.
- 4.3. The main building is some 10.4m in height, with eaves sloping down to 7.6m adjacent to the extension the subject of this application.
- 4.4. For the avoidance of doubt this application seeks approval for operational (built) development. No change of use is sought.

5. REPRESENTATIONS

- 5.1. Publicity on the application and consultation was undertaken in accordance with the requirements of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and the Council's Statement of Community Involvement relating to a minor application.
- 5.2. Responses were received from **600** individuals, objecting to the application and raising the following issues:
 - Poor design: low quality materials out of keeping with area;
 - Overdevelopment;
 - Increased noise;
 - Biodiversity/wildlife impacts - will threaten the integrity of the ecosystem at Wild Park;
 - Impact on tourist industry, harmful to Brighton and Hove's public image
 - Highway impact;
 - Impact on other development in vicinity of site including Moulsecoomb Place;
 - Impact of protest on police resources and local businesses;
 - Weapons produced have an impact on biodiversity and the environment, violate principles of international humanitarian law;
 - Immoral, supports war crimes/genocide, weapons made have been used in assault on Gaza, legal implications of knowingly allowing supply of weapons parts destined for use contrary to international law must be considered;
 - Conflict with Brighton and Hove City Council's Constitution that states 'All decisions will be made in accordance with respect for human rights'.
 - Employment benefit should not be considered as was factored into original, temporary permission;
 - Disregard for planning authority by submitting retrospectively, after permission elapsed, breaching condition;
 - Environmental impact of the loss of a temporary structure should have been considered with the original application;
 - Loss of poor quality structure should not justify scheme as would set precedent for other low quality buildings to never be removed

- Approving the alterations would have a detrimental effect on property value
- 5.3. In addition a petition has been received with **130** signatures objecting to the application on the following grounds:
- Want to see factory make something socially useful, not destructive;
 - BHCC Constitution states that all decisions 'Will be made in accordance with respect for human rights'. This factory can only contribute to more violence.
 - Applicant states application will result in improved environmental performance but militaries and arms major contributor to climate emergency.
- 5.4. Objection from **Caroline Lucas MP**:
Businesses who are potentially complicit in human rights violations are not welcome in the city; planning system should not condone large, well-resourced companies failing to adhere to terms of previous planning agreements; disregard for local planning decisions; site backs on to Wild Park. While existing industrial buildings can co-exist with this, important businesses are respectful of this and adhere to obligations and not flout planning rules; agreement was for temporary structure - no evidence that reason for temporary permission have been addressed; no evidence that addition of temporary structure equates to any specific increase in local employment - no business case for temporary structure to be made permanent; applicant linked with US arms supplier so direct impact on local economy, aside from supporting jobs, is limited; recognises that planning processes are not the most appropriate forum for human rights considerations but there are links from weapons produced to human rights violations, assault on Gaza.
- 5.5. Objection from **Lloyd Russell-Moyle MP**:
Committee comments when approving the temporary structure - not considered suitable as permanent form of development; evidence some items produced in factor may be complicit in war crimes so offence to support production of these materials; should await decision on ICJ (South Africa V Israel); urge planning committee to take precaution to prevent arms produced in city being used against innocent lives, examine legal implications.
- 5.6. Objections have been received from **Councillors Asaduzzaman, Bagaen, Fowler, Hill, McLeay, Pickett and Bagaen**. Full copies of responses are appended to this report.
- 5.7. **One** representation has been received in support of the application noting the following issues;
- Need to support the arms industry in the UK and need jobs in Brighton.
- 5.8. **Support from Councillor Ivan Lyons**. A copy of their representation is attached to the report.

6. CONSULTATIONS

- 6.1. **Planning Policy:** Policy comments not required

- 6.2. **Economic Development:** No comment as does not relate to any loss or gain of commercial floorspace

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 One

SS1 Presumption in Favour of Sustainable Development
CP2 Sustainable economic development
CP3 Employment land
CP8 Sustainable buildings
CP10 Biodiversity
CP12 Urban design

Brighton & Hove City Plan Part Two

DM11 New Business Floorspace
DM18 High quality design and places
DM19 Maximising Development Potential
DM20 Protection of Amenity
DM21 Extensions and alterations
DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and impact on the character of the area, and the impact on the amenity of neighbouring occupiers. The Local Planning

Authority is restricted to making a decision on the acceptability in planning terms of the operational (built) development of the extension. Whether or not the application is granted, it is lawful in planning terms for the applicant to continue manufacturing activities on the site in which the extension is located.

Principle of Development:

- 9.2. As noted in the Relevant History section above, planning permission was granted in September 2018 for the extension, for a temporary period of five years which the applicant stated was *"to provide the business with temporary expansion space while a long term decision is taken on whether to proceed with a permanent expansion of the form already approved by the Council."* (ref. BH2018/01868).
- 9.3. The latter reference is to a permanent permission granted in March 2017 for a larger extension in the same location but double the size at 30m in depth (ref. BH2016/05939). The fact that a larger extension was considered acceptable on a permanent basis must be given weight in considering the present application.
- 9.4. Condition 2 of planning permission BH2018/01868 states:
*"2. The temporary side extension hereby permitted shall be permanently removed from the site on or before 5 years from the date of this permission and the land reinstated to its former condition.
Reason: The structures hereby approved are not considered suitable as a permanent form of development and permission is granted for a temporary period only and to comply with policies CP9 and CP12 of the Brighton and Hove City Plan Part One and TR7, TR14, TR18 and QD14 of the Brighton and Hove Local Plan."*
- 9.5. Further, the Officer Report for the 2018 permission notes that:
"it is unlikely that the LPA [Local Planning Authority] would support a continuation of a temporary consent. If a continuation becomes necessary, it is likely that the extension as built would be reassessed on the basis that it would be permanent, in the absence of strong supporting information to the contrary."
- 9.6. The suitability of the design and appearance of the extension as a permanent feature is assessed below. However, in principle, the extension is considered acceptable in terms of making a more efficient use of an existing, allocated industrial site, without unacceptable impact on the wider area. Home Farm Industrial Area is identified as a primarily industrial estate, with Policy CP3 noting that within these areas: *"The council will support proposals for the upgrade and refurbishment of these estates and premises so that they meet modern standards required by business, are more resource efficient and improve the environment or townscape of the site or premises."*
- 9.7. The extension has allowed the business to expand slightly and ensure their facilities meet modern standards, while making use of the existing site and buildings, which is considered positive, given it is within a site allocated for industrial/business uses. As set out below, the extension is subservient to the main building so the impact on the surrounding area is considered acceptable.

- 9.8. It is noted that the five year period for the temporary permission expired on 4 September 2023, with the application submitted on 5 December 2023. The extension does not therefore currently have an extant planning permission.
- 9.9. However, the applicant has sought to regularise its planning status with the submission of the present application, so that is not a material consideration in determining it. The planning process is not punitive, so the retrospective nature of the application is not a material consideration.
- 9.10. With regard to the nature of the operation on site, this is considered to fall within the use classes permitted, namely business, manufacturing and warehouse (planning use classes E(g), B2 and B8). Planning permissions run with the site so as long as the operations fall within the authorised use class it is lawful and the nature of the product produced on the site is not a relevant consideration. The character of the use of the land is unlikely to be materially different whatever is manufactured on the site, and in this case, the character of the use, in planning terms, falls within that authorised. The applicant can continue to carry on its activities within the main unit and on the wider site regardless of whether this application for the retention of a temporary extension, is granted. Prior to the extension being in place, streetview imagery indicates that this part of the site was used for open storage, which could be reinstated if the extension was removed.
- 9.11. A large number of the objections to the application relate to the ethics of producing weaponry on the site. Whether activities are seen as unethical or immoral is not, in itself a planning issue, and the use of any weapons and other items produced is strictly controlled through other regulation, including which entities have access to them and whether the operator has or should have an export licence. However, there are associated material considerations relating to the existing use of the site including the potential for a negative effect on people's perception of the city, and the potential for increased protest and the related use of police resources. In this case, this is not given significant weight, given that the extension has been in place for several years, and the site has been used for the same purpose, by the same operator, for more than a decade. Any increased impact resulting from allowing the extension to remain permanently is therefore considered to be minimal, and not so substantial as to warrant refusal of the application.
- 9.12. Comments have been received suggesting that Council public statements and policies and its constitution should be taken into account when considering this application. The Council's policies set out its approach to various issues and as a Council it is entitled to make public statements on issues as long as such statements are not in breach of its statutory duties. The Constitution governs the way the Council is run as a corporate body. The Council as local planning authority can take into account only material planning considerations when considering planning applications as confirmed by case law and as set out in legislation.
- 9.13. On the basis of the above, while the significant number of objections to the scheme is noted and the issues raised taken into account where material, the

principle of the development and the continuing use of the extension is considered acceptable, and to accord particularly with Policy CP3 of City Plan Part 1 which supports the use of the Home Farm Industrial Area as a primary industrial estate for the city.

Design and Impact on the Character of the Area:

- 9.14. The extension is a subservient addition to the main building, having a lower roofline and being set back significantly from its frontage. It is therefore considered to be of a scale and siting that means it relates well to the main building, with proportions that do not overwhelm it, and a pitched roof in keeping with the built form in the immediate streetscene, in accordance with Policy DM21 of City Plan Part 2.
- 9.15. The grey cladding of the extension reflects that of the lower portions of the main building so it does not look out of place in the context of the site. It is clearly industrial in character, which is in keeping with the use of the site and area, and does not have what could be considered a 'temporary' appearance, but is so substantial as to not be readily removed from the site, unlike, for example, a modular office building.
- 9.16. Concerns have been raised that the extension results in the overdevelopment of the site. However, Policy DM19 of City Plan Part 2 supports proposals that "maximise opportunities for the development and use of land to ensure the efficient and effective use of available sites", including through the use of building layouts and design, an appropriate mix of uses, and the provision of effective open space, amenity space, access and carparking. The supporting text (paragraph 2.152) notes that given the constraints of the city, the "underdevelopment of sites can compromise the ability of the city to meet land use targets."
- 9.17. In this context, extending an existing industrial site within an allocated industrial area is considered to make more efficient use of land. The use of the site for industrial/business purposes has been accepted. Allowing additional built development within the site for existing site operations is considered appropriate, making more efficient use of an existing site, in this case providing a dedicated area for the delivery and storage of material. It is located immediately along the site boundary but immediately adjacent to another large industrial building on the neighbouring site.
- 9.18. A number of objections have raised concern over the impact of the scheme on the South Downs National Park which abuts the site to the north. However, as already noted, the extension is small in scale, particularly in the context of the large buildings on the wider site and those adjacent. It sits at the bottom of a steep bank, so is not visible in views from the Park and does not therefore affect its setting.
- 9.19. On this basis, the proposed retention of the extension is considered acceptable in terms of its design and the impact on the industrial character of the area, and to accord with policies DM19 and DM21 of City Plan Part 2.

Other Matters

- 9.20. The retention of the extension would not result in any increased highway impact in terms of either highway capacity or road safety. It The extension is existing, and is on a part of the site previously used for storage, so has not displaced any parking and no change to operations is proposed. The number of vehicles travelling to/from the site is not restricted by condition, and the site has direct links via Home Farm Road to the A270 so in highway terms, the impact would be limited.
- 9.21. The development is not considered to result in any increased impact on the adjacent local nature reserve, given that any operations are entirely enclosed within a building, reducing the potential for any emissions off site. Further, the extension is located within an existing industrial estate where uses which are commercial/industrial by nature are considered acceptable.
- 9.22. The retention of the extension would not result in any impact on the amenity of neighbouring uses, other than as noted above, through the more general potential for increased protest relating to the wider site use. However as noted above, this is not considered to warrant a reason to refuse the application, particularly given any anti-social behaviour is managed through other legislation, by the police.
- 9.23. The potential environmental harm caused by the items produced is not a material consideration in relation to this application. Only the direct impacts of the use of the site can be considered in deciding this application, not indirect impacts resulting from the items produced at the site. Similarly, a large number of objections raise concerns about breaches under the Human Rights Act 1998 due to the nature of the products being manufactured by the Applicant on the site.. The application of the Schedule 1 to the Human Rights Act 1998 in respect of Article 2 of the European Convention of Human Rights is considered too remote given the nature of the permission sought. The subject of this Application is limited to seeking approval to retain an existing structure on the site. The Local Planning Authority does not have the remit to approve the nature of the products manufactured on site. As with anything manufactured on industrial sites in the city, that is addressed through other legislation.
- 9.24. In respect of local amenity impacts, the application site is separated from the nearest dwellings by more than 50m and the railway corridor. In this context, the extension is not considered to result in any increased impact on the nearest local residents. Concerns have been raised in relation to Article 8 (right to respect for the home and family life) of the European Convention of Human Rights, set out in schedule 1 to the Human Rights Act 1988. This has been considered and it is concluded that the application is unlikely to give rise to any significant adverse amenity impacts which would impact on local residents' Article 8 rights.
- 9.25. For the avoidance of doubt, as a matter of public law, international treaties have no direct application under domestic law unless they have been expressly incorporated into UK legislation. Therefore, as has been raised in a number of

representations, the UN Arms Trade Treaty and UN Genocide Convention are not therefore material considerations in the determination of this application.

Conclusion and Planning Balance:

- 9.26. While the large number of objections to this proposal are noted, it is the material planning issues raised, rather than the number of objections raised, that must be taken into account in determining an application.
- 9.27. In this case, the principle of the extension to an industrial building within an area allocated for industrial use is considered acceptable. The retrospective nature of the application is not a material consideration, and nor are issues relating to the nature and distribution of the products manufactured on site. The design and appearance of the extension is considered acceptable as it is a small feature relative to the main building and those in the surrounding area, and would be in keeping with the industrial estate in which it is located. It enables a more efficient use of the existing site, so would accord with the development plan which seeks to make use of existing sites to deliver development within the constrained city.
- 9.28. On this basis, the retention of the extension on a permanent basis is considered acceptable, and to accord with the development plan and other material considerations.

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. No CIL would be liable from the development as the extension is already in situ so no additional floorspace would be created.

11. EQUALITIES

- 11.1. The Council must take into account of its Equalities Duties under the Equality Act 2010, in particular to: (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act; (b) Advance equality of opportunity between persons who share a relevant protected characteristic and person who do not share it; 24 (c) Foster good relations between equalities groups. During the determination of this application, due regard has been given to the impact of the 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.
- 11.2. There is no indication that those with any of these protected characteristic would be disadvantaged by this development, including through increased discrimination and harassment. It is acknowledged that the application has highlighted that operations undertaken at the site have had a negative impact on community relations or on crime and disorder, including between different

religious communities and those supporting them. However, the application must be considered fairly through the planning process. and it is considered that the duty of fairness to the applicant outweighs the potential negative impacts because these impacts arise from matters that are not material considerations for the purposes of this application.

- 11.3. The retention of the extension would affect those working on the site and visitors to it. It is not considered that allowing its retention would affect those with protected characteristics either positively or negatively as no physical changes to the building or site are proposed. As noted above, the use of the wider site could continue without the extension, so those employed on site or who visit it could continue to work at and visit the site. The main building has been in industrial use for at least two decades, and no changes are proposed to its accessibility or other features that may benefit or inhibit those with protected characteristics. The profile of those employed at the site, including whether they have protected characteristics and whether the employer complies with the Equality Act 2010 is not within the control of the planning authority.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Samer Bagaeen

BH2023/03236 – Emblem House, Home Farm Business Centre

9th January 2024:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Poor design

Comment: Neither economic development nor the policy team saw a reason to comment on this application. The extension is in breach of its planning and enforcement were right to pick this up. If economic development saw no need to comment because of the absence of business impact, then the comment from the applicant in the planning statement that the removal of the extension would adversely impact on the business requirements of the applicant, with associated risk to local employment is false. Others have objected here noting that it would be a good thing if the business requirements of the applicant were harmed given it is engaged in an unethical business model but that is not a planning issue.

I also disagree with the applicant statement that if the extension were to be removed, this would also cause environmental harms through the loss of the embodied carbon in the existing structure, and the loss of materials that would be enter the waste stream as a result of the removal.

There are plenty of carbon and circular economy schemes that the applicant can contribute to and it feels lazy to simply say the loss of materials would be a waste. That is not true and the applicant should work harder to find a suitable home for the removed structure and materials.

Please refuse this planning permission and instruct the applicant to remove the structure.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Cllr. Ivan Lyons

BH2023/03236 – Emblem House, Home Farm Business Centre

9th January 2024:

Stance: Customer made comments in support of the Planning Application

Comment: I see no reason why the temporary extension not be permanent. This is a planning application & so long as what is being manufactured is legal it is not down to the anti-Israel mob & anti-semites to dictate to whom the manufacturer sells their wares.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Kerry Pickett

BH2023/03236 – Emblem House, Home Farm Business Centre

9th January 2024:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adversely affects Conservation Area

Comment: As a resident and Green councillor of Brighton and Hove I object in the strongest terms to this proposed application submitted by L3 Harris.

The continued presence of L3-Harris in Brighton brings the council's and our area's reputation into disrepute: expanding this arms factory puts our area on the map for all the wrong reasons. Furthermore, this factory is located in a nature reserve. Private companies, particularly those whose industry contributes to death and destruction, should not be allowed to expand within this area.

Most importantly, I object on the grounds that L3-Harris' weapons have been shown by respected international bodies including the United Nations, to have been used in conflicts to attack civilians and civilian infrastructure. This has been seen in Yemen, and most recently we have seen this in Palestine, where the Israeli army have used bomb racks and bomb release mechanisms made here in Brighton to murder over 22,000 innocent Palestinians - many of whom are children.

Approving this application would send a terrible message about Brighton and Hove Council's values and make the council complicit in the continued genocide being committed in Gaza, aided by weapon parts made in our city.

Brighton and Hove City Council's Constitution says that all decisions "will be made in accordance with respect for human rights". Military action against civilians using weapons from L3-Harris in Gaza, violates the basic principles of International Humanitarian Law and has been condemned by the United Nations, Amnesty International and many other human rights experts. This application should not be approved in line with the council's own constitution.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Mohammed Asaduzzaman

BH2023/03236 – Emblem House, Home Farm Business Centre

I have received a large number of objections from residents of Hollingdean and Fiveways ward. As ward Councillor I would like to object on behalf of my residents of Hollingdean and Five ways.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Samer Bagaeen

BH2023/03236 – Emblem House, Home Farm Business Centre

9th January 2024:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Poor design

Comment: Neither economic development nor the policy team saw a reason to comment on this application. The extension is in breach of its planning and enforcement were right to pick this up. If economic development saw no need to comment because of the absence of business impact, then the comment from the applicant in the planning statement that the removal of the extension would adversely impact on the business requirements of the applicant, with associated risk to local employment is false. Others have objected here noting that it would be a good thing if the business requirements of the applicant were harmed given it is engaged in an unethical business model but that is not a planning issue.

I also disagree with the applicant statement that if the extension were to be removed, this would also cause environmental harms through the loss of the embodied carbon in the existing structure, and the loss of materials that would be enter the waste stream as a result of the removal.

There are plenty of carbon and circular economy schemes that the applicant can contribute to and it feels lazy to simply say the loss of materials would be a waste. That is not true and the applicant should work harder to find a suitable home for the removed structure and materials.

Please refuse this planning permission and instruct the applicant to remove the structure.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Theresa Fowler

BH2023/03236 – Emblem House, Home Farm Business Centre

Objects to the planning application for reasons of to the application for reasons of poor design and overdevelopment

I object to this temporary extension being made permanent. It clearly says in the 2018 report that this temporary extension should be removed from site on or before 5 years from the date of this permission and the land reinstated to its former condition.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

MP: Lloyd Russell-Moyle

BH2023/03236 – Emblem House, Home Farm Business Centre

The committee's comments when approving the temporary structure - the structures hereby approved are not considered suitable as a permanent form of development.

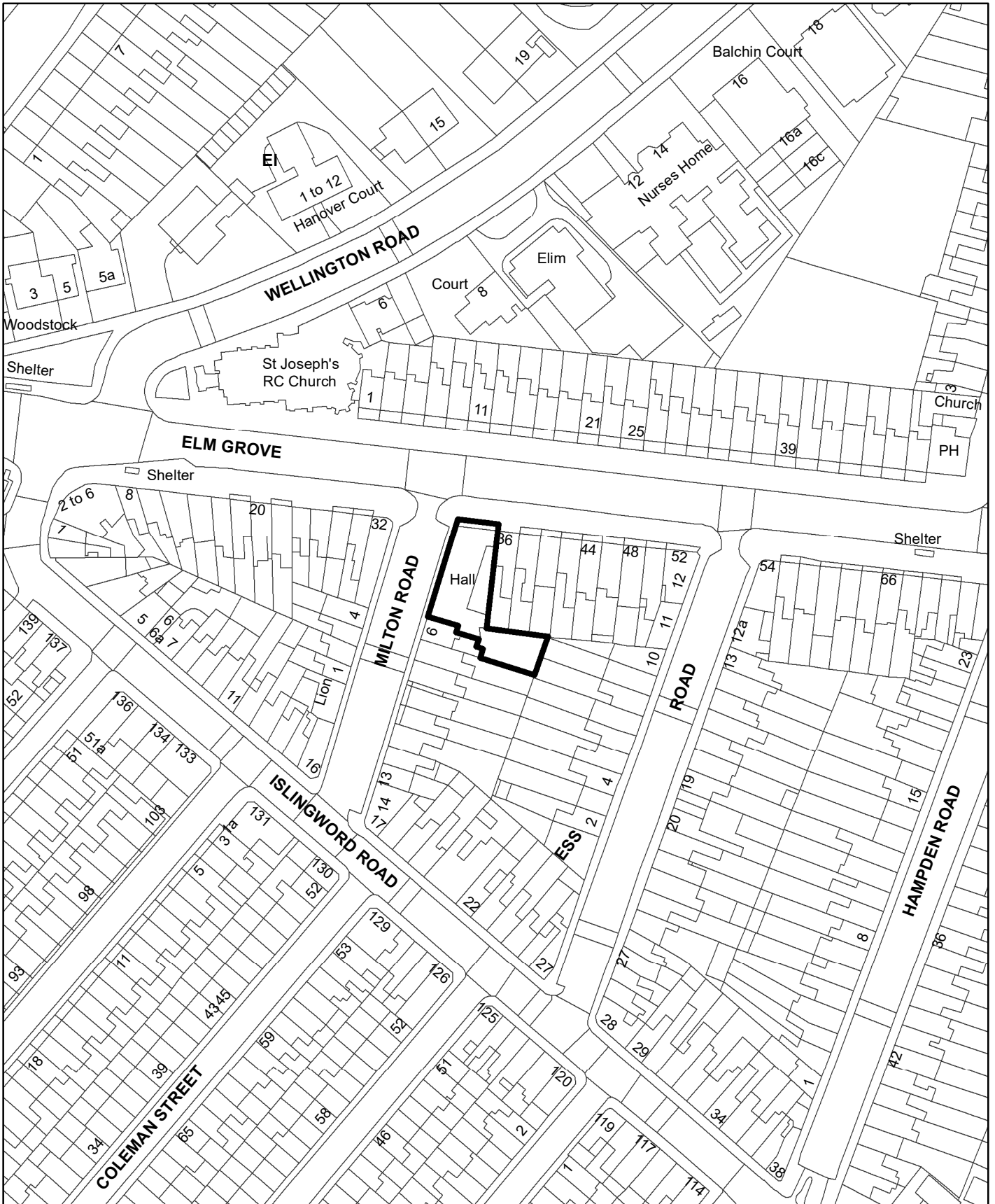
The International Criminal Court Act 2001 is clear that it is an offence to engage in conduct ancillary to genocide or war crimes. As there is a current case for genocide in the ICJ (South Africa V Israel) and there is evidence that some of the items produced in this factory might be complicit in these crimes. It would therefore be an offence to support the production of these materials under such circumstances. Whilst we do not yet have a judgement at the ICJ I believe that any decision should not be made until these legal matters are cleared. Further more Court of Appeal in R (CAAT) v Sec of State 2019 found the government had acted "irrationally and therefore unlawfully" in the case of Arms controls in which items made at this factory had been found in Yemen after IHL violations occurred. I urge the Planning Committee to take real precaution to prevent any arms produced in our city to be used against innocent lives. The committee needs to examine the legal implications of knowingly allowing the supply of weapons parts made on its land to be used in violation of international law.

ITEM E

**St Joseph's Church Hall, 6 Milton Road
BH2023/02679
Full Planning**

DATE OF COMMITTEE: 6th March 2024

BH2023 02679 - St Josephs Church Hall



<u>No:</u>	BH2023/02679	<u>Ward:</u>	Hanover & Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Josephs Church Hall 6 Milton Road Brighton BN2 9TQ		
<u>Proposal:</u>	Demolition of existing two storey Church Hall and replacement with a three storey, Milton Road Community Centre, providing Chaplaincy and Parish Services (Use Class F1/F2) with supporting infrastructure.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	06.10.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	01.12.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.03.2024
<u>Agent:</u>	Lee Evans Partnership LLP St John's Lane Canterbury CT1 2QQ		
<u>Applicant:</u>	Mr Ben Gray St Joseph's Church Hall Brighton BN2 9TQ		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	09092-LEP-01-00-DR-A-00100	P03	6 October 2023
Block Plan	09092-LEP-01-00-DR-A-00101	P04	6 October 2023
Proposed Drawing	09092-LEP-01-00-DR-A-00301	P08	26 January 2024
Proposed Drawing	09092-LEP-01-01-DR-A-00302	P08	26 January 2024
Proposed Drawing	09092-LEP-01-02-DR-A-00303	P08	26 January 2024
Proposed Drawing	09092-LEP-01-03-DR-A-00304	P04	6 October 2023
Proposed Drawing	09092-LEP-01-XX-DR-A-00305	P09	26 January 2024
Proposed Drawing	09092-LEP-01-XX-DR-A-00405	P04	6 October 2023
Report/Statement		Planning Statement	3 October 2023
Report/Statement	Daylight and Sunlight Assessment		8 November 2023

Report/Statement	Pre-Demolition Audit	D15/01/E NS V1	30 October 2023
Report/Statement	Whole Life Carbon Assessment	5083 Rev D	30 October 2023
Report/Statement	Design, Access and Heritage Statement		31 October 2023
Report/Statement	Transport Assessment	14042	29 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. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples / detailing of all stone, render and tiling (including details of the colour of render/paintwork to be used) and specifically the detailing of the textured surface to the top of the Elm Grove elevation (referred to as 'Render Deco' on drawings).
- b) samples / detailing of all cladding to be used, including details of their treatment to protect against weathering
- c) details of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 of Brighton & Hove City Plan Part Two and CP12 and CP13 of the Brighton & Hove City Plan Part One.

4. The second floor windows in the east elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

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.

6. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;
 - d. details of measures incorporated into the landscaping plan to improve the biodiversity of the site.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part Two, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. Notwithstanding the approved plans, and prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

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

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site

- (iv) Details of hours of construction/demolition including all associated vehicular movements
- (v) Details of the construction compound
- (vi) A plan showing construction traffic routes.

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

9. The site shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The Scheme should include but not be limited to, the following measures:
- 1. The provision of up to date public transport information within the building and to users of the building:
 - 2. Promotion of sustainable travel for staff trips including personal travel planning:
 - 3. Sustainable transport promotional material being readily available to staff, centre users and visitors including cycle and bus routes and a schedule of sustainable travel activities and events.

The information should be easily accessible prior to visiting and within the building. Information about local sustainable transport options should be reviewed annually to ensure it is kept up-to date and useful for users and staff. The Travel Plan measures should thereafter be implemented during occupation of the building with the information easily accessible prior to visiting and within the building. Information about local sustainable transport options should be reviewed annually to ensure it is kept up-to date and useful for users and staff.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies SA6, CP7, CP9, CP12 and CP13 of the City Plan Part One and DM35, DM33 of the Brighton & Hove City Plan Part Two.

10. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build non-residential development use.

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

11. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

12. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

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

13. No customers shall remain on the premises outside the hours of 08:00 to 22:00 Monday to Saturday and 09:00 to 17:00 on Sundays, Bank and Public Holidays. No activity within the site shall take place between the hours of 23:00 and 07:00 daily.

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

14. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls which shall be retained thereafter.

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

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. To be in line with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for a purpose-built secure cycle store (e.g., Tri-metal). All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
3. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.

4. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). It is highly recommended that a BREEAM Assessor is appointed at an early stage, in order not to miss any credits which cannot be gained retrospectively. A rating below 'Very Good' will not be acceptable, so it is advisable to target credits in excess of the 'Very Good' threshold, to avoid slippage during construction
5. 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: HSE: Asbestos - health and safety in the workplace
6. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
7. 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 of approximately 5 metres above ground level, 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.
8. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
9. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.

2. SITE LOCATION

- 2.1. The existing St Joseph's Church Hall is a two-storey building on the corner of Milton Road (to the west, containing the site access) and Elm Grove (to the north, a blank facade). It is diagonally opposite the Grade II* Listed St Joseph's

Church which is located some 40m to the west on the corner of Elm Grove and Wellington Road. As existing the Church Hall has a blank façade to Elm Grove and has a simple appearance of rendered walls, with brick and hanging tile detailing to the upper part of the main hall and first floor. The main entrance is on Milton Road with a secondary access to the building on Elm Grove, adjacent to no. 36.

- 2.2. There are no relevant Article 4 Directions covering the site and the site is not listed or within a conservation area. However Valley Gardens Conservation area is within approximately 55m of the southern edge of the site. The site is also located just outside of the DA3 Lewes Road and SA3 Valley Gardens development areas established through City Plan Part One.

3. APPLICATION DESCRIPTION

- 3.1. The application is seeking planning permission for the demolition of the existing two-storey building and replacement with a three-storey building to provide chaplaincy and Parish services (planning use classes F1/F2) with supporting infrastructure.
- 3.2. The building would have the same footprint but would be modern in design with an asymmetric facade and large windows onto Elm Grove and a more sensitive, traditional design fronting Milton Road. It would be three storeys along the Milton Road elevation, decreasing to two storeys towards the east where it would abut the rear gardens of residential properties on Elm Grove. It would have a large coffee/lounge area at ground floor level, along with offices and an oratory, with a games/common room and meeting rooms at first floor, and a large hall at second floor. There would be WCs and stores on each floor, with access by both stairs and a lift. The main entrance would remain on Milton Road and the secondary entrance would be retained adjacent to the boundary with 36 Elm Grove. A new entrance, facing Elm Grove, would be added to the corner of the building.
- 3.3. It would have a small garden to the rear (east).
- 3.4. The scheme has been amended during consideration of the application to include the following alterations:
- Change of render on rear (east) elevation, render is now lighter in colour.
 - Extended use of stone cladding to both street-facing elevations
 - Altered design of juncture with 36 Elm Grove
 - Corner window at second floor which gives views towards St Joseph's Church widened.
 - Cycle parking provision changed.

4. RELEVANT HISTORY

- 4.1. **PRE2022/00186** - Demolition of the existing 2 storey Church Hall with a 3 storey 'Mission Hub' providing Chaplaincy and Parish Services (Use Class F1/F2), with supporting infrastructure. Response:
- *Principle of redevelopment supported*
 - *Concerns about the extent of 3 storey element; varied heights across the development should be considered.*
 - *Design guidance and suggestions provided in details comments from the Design Officer.*

5. REPRESENTATIONS

- 5.1. Representations have been received from **16 (sixteen)** people, **supporting** the proposed development for the following reasons:
- Place where people can come together, church can provide better services to community;
 - Existing building tired, graffitied, does not maximise potential of site, shabby, poor facilities;
 - Good design – practical, high quality, enhances area including listed building;
 - Disagree would compromise privacy;
 - Will be more flexible for use, including dance classes;
 - Improved accessibility, sustainability, ecology.
- 5.2. Representations have been received from **8 (eight)** people, **objecting** to the proposed development for the following reasons:
- Loss of premises for dance lessons, birthday parties, socialising etc.
 - Increased noise/amenity impacts from F1/F2 use, use of garden from 8am – 10pm, and relocation of main entrance to Elm Grove;
 - Noise/dust/damage during construction/demolition;
 - Additional traffic and parking demand;
 - Impacts on connectivity if BT box is moved/disrupted.
 - Impacts on security, particularly during demolition and construction.
 - Restriction of view
 - Inappropriate design: too tall, too close to boundary, out of character with area;
 - Overshadowing and loss of light and privacy to neighbouring properties.
 - Detrimental impact on property value
 - Contravenes policy DM9 in terms of increased community facilities;
 - Nesting on the existing building will be disturbed.

6. CONSULTATIONS

Internal:

- 6.1. **Sustainability:** No objection subject to condition
There is no objection to this development, provided that conditions are added to secure a reduction of carbon emissions by 19% below Building Regulations, a

minimum EPC rating of B and a minimum rating of 'Very Good' under the BREEAM standard.

- 6.2. **Sustainable Transport:** No objection subject to conditions
The proposal is considered acceptable subject to the inclusion of conditions securing an acceptable cycle parking scheme (there are concerns with what is shown), a Demolition & Construction Environmental Management Plan and Travel Plan measures. It is considered that the existing Controlled Parking Zone (CPZ V) will restrict any overspill parking and that disabled parking opportunities could be accommodated within the vicinity if required.
- 6.3. **Urban Design:** No objection
The proposal, following some amendments to the materiality, and relationship between the proposed new building and Elm Grove of the design, it is considered that the amended design can be supported subject to conditions to ensure the specific material samples/details are submitted.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP5	Culture and tourism
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
SA6	Sustainable Neighbourhoods

Brighton & Hove City Plan Part Two:

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM35	Travel Plans and Transport Assessments
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 & Demolition Waste
SPD11	Biodiversity and Nature Conservation
SPD14	Parking Standards
SPD17	Urban Design Framework

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

WMP3e	Implementing the Waste Hierarchy
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9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the acceptability of the demolition of the existing building and in terms of the new building; the design and appearance, impact on neighbouring amenity, impacts on highway capacity and travel and the sustainability/biodiversity of the proposals.

9.2. A site visit was carried out as part of the pre-application advice provided prior to the submission of this application. This included access to the building and garden and the immediate public realm.

Principle of the Development:

9.3. The proposal takes an existing church hall and seeks to demolish this to replace it with a taller building, from two-storeys to three-storeys and greatly expand the range of internal spaces and services provided at this location. It would also refurbish the existing outside space. As a result of the proposed changes the community space would be larger and more flexible with better natural light to internal space and have the potential to meet a wider range of needs.

9.4. Currently the hall has one full-time person employed and the proposed development would create a net increase of three-full-time employees. This is considered a small, but positive contribution to the local employment opportunities and indicative of the ambitions for a more extensive use of the site.

9.5. It is considered that the proposals would accord with the aims of policy DM9, which seeks to protect and enhance community facilities. It is noted that the policy seeks that new facilities are co-located with other facilities in residential

area. However, this is not considered to apply here as this is not a 'new' location for a community facility. It utilises the site of an existing community facility but seeks to provide a modern and expanded facility for the local community. It is therefore considered to accord with policy DM9 of the City Plan Part Two.

Design and Appearance:

- 9.6. The existing building is two-storeys in height and has a simple design of white rendered/brick walls, with a tiled roof. The existing building has a functional design and fails to make a positive contribution to the appearance and character of the local area. The blank ground floor facades lack any form of active frontage and have been a target for graffiti in the past. The building is sandwiched in between two storey terraced properties on Elm Grove and Milton Road. Opposite the site, on the western corner of Elm Grove/Milton Road is a modern flatted building of Milton Court which is three storeys in height.
- 9.7. The proposals would create a three-storey building, utilising the same footprint as the existing hall, but of a greater height. The corner location is considered appropriate for a building of more prominence and height that would provide a 'visual marker' at the termination of the two roads.
- 9.8. The proposal is considered to provide a successful link between no. 36 Elm Grove and 6 Milton Road. The Urban Design Officer supports the proposals as an improvement on the existing situation and highlights how the design and materiality of the proposal provides increased visual interest to the area. The inclusion of an active frontage to this corner plot on the Elm Grove (north) side is also of benefit and is considered to relate well to other corner properties on Elm Grove.
- 9.9. The proposal has a three-storey appearance when viewed from within the public realm. To the rear, there is an increase in height from the existing one storey to two storeys where the site adjoins the rear garden of 36 Elm Grove, with a slight set back and then at second floor the floor area is set away from the boundary with no. 36 Elm Grove.
- 9.10. Some minor amendments were made to the design, to change the render on the rear (east) elevation, to a lighter tone, which softens the overall appearance, extending the use of stone cladding throughout the ground floor elevations and re-designing the juncture of the new building where it joins 36 Elm Grove.
- 9.11. A change was also made to the corner of the building where a window is proposed to allow visual connection from the second floor to the Church. This window opening was made wider as part of the amended design. Collectively the alterations further enhance the building which would be of high architectural quality within the area.
- 9.12. On Milton Road the proposed building would adjoin no. 6 Milton Road, a two storey dwelling. While it would be taller than the dwelling in this location, it would match the eaves height of the street, and would be hipped away to lessen the profile within the streetscene. On Milton Road the proposals follow the existing

scale and massing so are considered a successful design, with a large bay window adding some visual interest.

- 9.13. In terms of materials, a condition is attached seeking samples and details of the proposed materials to ensure that the quality of the finish is maintained and that aspects of the design such as the linear deco detail design at the top of the Elm Grove elevation is readable within the finished design.
- 9.14. Overall, the proposal would represent an acceptable design approach on this prominent corner location and would make a positive contribution to the appearance and character of the site and the wider surrounding area. The proposals are considered to accord with policies DM18, DM21 of the City Plan Part Two, policy CP12 of the City Plan Part One and SP17, the Urban Design Framework.

Impact on Amenity:

- 9.15. The proposal to create a second floor involves an increase in overall height which does create impacts for the neighbours, most notably to the adjoining properties at no. 36 Elm Grove and No. 6 Milton Road. The applicant has submitted a daylight and sunlight assessment (DSA) which has considered the adjoining properties and 7 Milton Road as well as Milton Court. The DSA has acknowledged a minor adverse impact on two rooms at 36 Elm Grove in terms of the ability to meet the Vertical Sky Component (VSC). It is noted that these two rooms are still reasonably well lit and overall, the report has concluded that the impact on daylight is negligible. The DSA also looked at Annual Probable Sunlight Hours (APSH), the results indicate that with the exception of one room within no. 36 Elm Grove, the proposal would meet the guidelines.
- 9.16. The DSA concludes that with proposed development in place the neighbouring gardens would all still meet the BRE guidance in respect of sunlight to gardens.
- 9.17. Overall, it has been demonstrated that the proposal would have a relatively limited impact in respect of sunlight and daylight provision to neighbouring properties and the proposal is acceptable in this regard.
- 9.18. The proposals result in a taller building which will result in some increased enclosure of the adjoining properties, but the first floor extension would be set back from the boundary with 36 Elm Grove, with the second floor area set even further back from the shared boundary. On the other side the increasing height of the outrigger would be off-set by a change in design as the roof will be sloping rather than flat which lessens the impact of the additional height on the neighbour when compared to the existing arrangement.
- 9.19. In terms of noise and disturbance, the site is already a community hall of a significant size with an outdoor area so if used to its full potential could have significant comings and goings and associated disturbance.
- 9.20. The proposals are for a new build hall, which would be of better acoustic quality. Nevertheless, it is noted that neighbouring residents are concerned that noise from doors, use of staircases and general activity may disturb them. Therefore,

a condition is recommended to ensure that the adjoining walls to neighbours (36 Elm Grove and 6 Milton Road) are built to ensure that acoustically, they can achieve a sound insulation of 5dB above that secured through building regulations.

- 9.21. In terms of the garden, it is a garden surrounded by other gardens and as noted above greater use and upgrading of this outside space is possible without planning permission. It is not considered that it is reasonable to control usage hours of the garden as this is not a 'new' aspect of the proposals.
- 9.22. There are concerns that a loss of privacy will occur, the only upper floor windows to the building are narrow slit like windows. The proposals indicate that it would be acceptable for these to be required to be obscure glazed. Securing obscured glazing would minimise any perceived overlooking from these windows at second floor. The first floor is only served by rooflights which would not allow for any overlooking to neighbours.
- 9.23. The application form states that the proposed opening hours are 08.30 to 22:00 Monday to Saturday and 08.30 to 17:00 on Sundays and Bank Holidays. These are considered appropriate for the use of the building and it is noted that no opening/operating hours has been found to apply to the premises currently. The opening hours would be secured by condition and also ensure that persons are not on site overnight (between 23:00 and 07:00). It is also recommended that servicing be limited to avoid excessive disturbance to neighbours.
- 9.24. Overall, the proposal would have some impact on the immediate neighbours in terms of loss of light and shadowing, however these are not considered so significant to warrant refusal. Whilst there would be some increase in height and bulk overall, the proposal is not considered to result in an overbearing or enclosing impact on neighbouring properties. Other matters of concern can be controlled through conditions and in the case of the construction/demolition impacts, this would be temporary when compared to the expected lifetime of the community facility.

Sustainable Transport:

- 9.25. As noted throughout this assessment, the proposals would create a larger church hall/community space. The refurbishment would likely lead to an uplift in activity at the site. The Transport Officer has reviewed the proposals and given the location of the site they have recommended that a Construction and Demolition Environmental Management Plan (CEMP) is submitted prior to commencement to ensure that disruption and impacts on the highway are minimised as far as possible.
- 9.26. There are no concerns about the impacts of increased parking demand as the site is within a Controlled Parking Zone (CPZ), whereby parking is only possible with a permit or in limited paid bays. The transport team have stated that there are acceptable parking opportunities for disabled persons using the site and additional disabled parking on the street could be added in the future if it were deemed to be necessary.

- 9.27. The proposal includes demolition and the location of the site on a corner plot facing Elm Grove, a busy throughfare and Milton Road, which is a small street itself, means that it is considered reasonable to secure a CEMP, by condition, for the site to ensure that movements to and from the site are managed to minimise the impacts on neighbours and the immediate local highway network during the demolition and construction phases.
- 9.28. It is recognised that there will be an uplift in trips and that being situated in a CPZ with no off-street parking has the potential to create additional demands. As noted above the existence of a CPZ should adequately manage and deter overspill parking. In order to encourage the use of sustainable transport methods to travel to and from the site a condition has been attached seeking that travel plan measures are introduced prior to first use of the building and kept up-to date so that visitors are proactively informed of how they can travel to the site sustainably.
- 9.29. The proposals include cycle parking to the Elm Grove frontage and internal space for cycle parking, while provision is welcomed the Transport Officer has concerns about the proposal to include upright stand in the internal provision. This is not considered genuinely accessible. Therefore, a condition is recommended to seek details of a new cycle parking design.
- 9.30. Overall, subject to the conditions discussed above, the proposals would accord with policies CP9 of the City Plan Part One and policies DM33 and DM35 of the City Plan Part Two.

Sustainability:

- 9.31. The application proposes demolition of the existing building. The views of our Sustainability Officer were sought, they have reviewed the proposals and noted that while the Whole Life Embodied Carbon Assessment has not compared the proposals to a retrofit design, it is noted that the assessment does make suggestions which would help to reduce the embodied carbon in the new building by reusing brick, concrete and slate materials and the use of lower carbon materials. Such details will be required to be submitted as part of the samples/details of materials condition referred to above. The Sustainability Officer has also recommended that the building achieve a minimum BREEAM rating of 'Very Good' and that the EPC rating is a minimum of B. Both of these aspects will be secured by condition. The proposed design includes solar panels and air source heat pumps (ASHPs) which will help the building meet the necessary sustainability targets.

Other Considerations:

- 9.32. It is noted that the proposal is close to the listed Church which the new facilities would in part serve and that the Valley Gardens Conservation Area boundary to the south of the site. It is not considered that the proposal impacts on the setting of the Conservation Area or the setting or significance of the Grade II* listed St Joseph's Church, as they are both sited some distance from the site.
- 9.33. Currently the site benefits from a private rear garden which is largely hard landscaped with a few raised beds. The garden is being upgraded as part of the

works and will include the Air Source Heat Pumps alongside space for the Church and community to use for a variety of activities. The plans only include limited details of the landscaping intentions; therefore, a condition is recommended to ensure that the proposal can make a positive contribution to the biodiversity of the site. Conditions requiring bee bricks and swift bricks/boxes to be incorporated in the build are also proposed.

- 9.34. One of the neighbour responses raises a concern that birds may be disturbed by the works, an informative is added to the decision notice to remind the applicant that nesting birds are protected under the Wildlife and Countryside Act 1981.

10. EQUALITIES

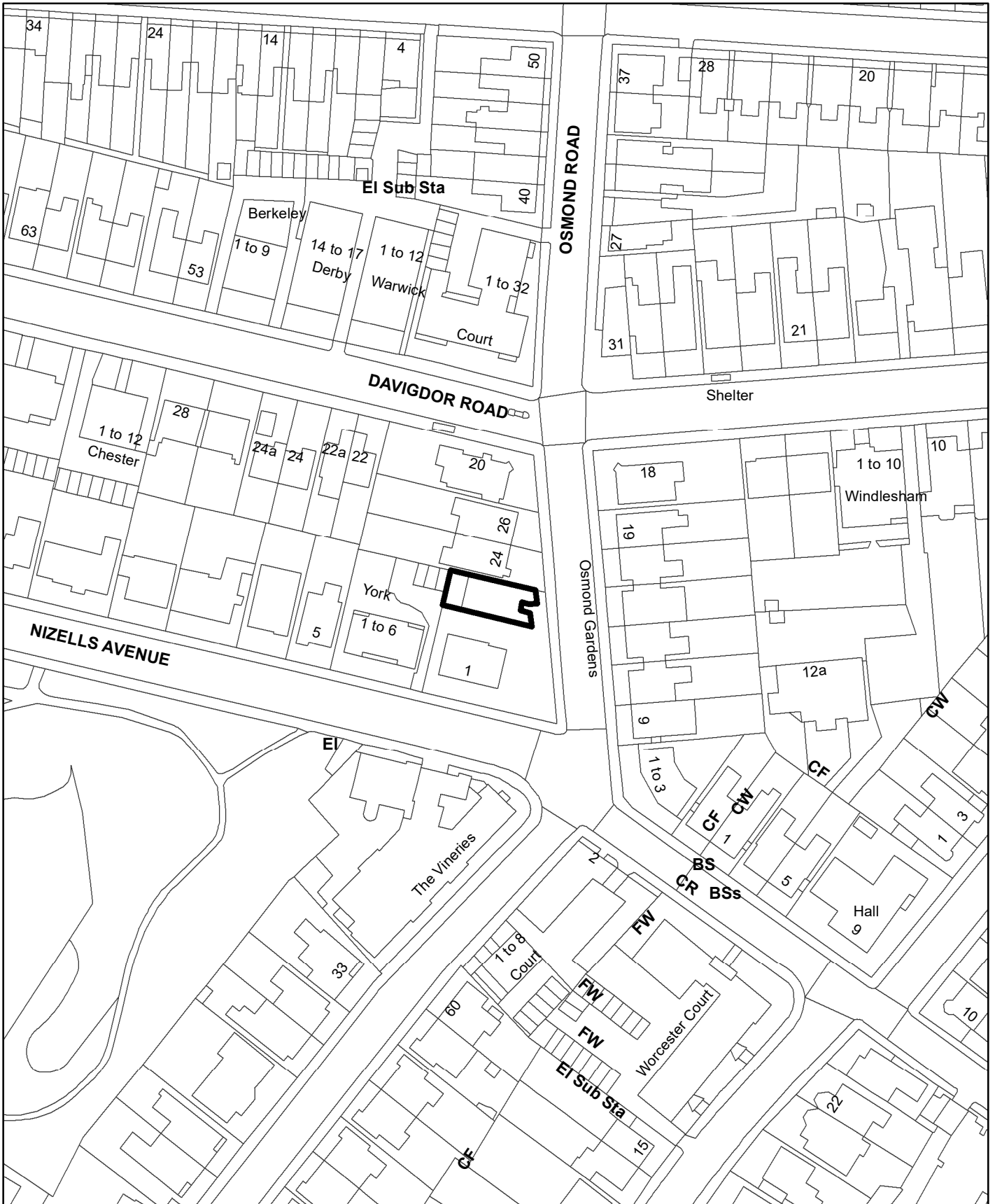
- 10.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy 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 new building has been designed with accessibility in mind, it includes a lift for access to the upper floors and an accessible toilet (ground floor). The ground floor is not completely accessible due to the topography of the site as there are stairs within the layout and stairs to the rear garden, however accessibility to these aspects could be provided through temporary adaptations. The proposal is more accessible to those with disabilities than the existing building.

ITEM F

**22 Osmond Road
BH2023/03090
Householder Planning Consent**

DATE OF COMMITTEE: 6th March 2024

BH2023 03090 - 22 Osmond Road



N



Scale: 1:1,250

<u>No:</u>	BH2023/03090	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	22 Osmond Road Hove BN3 1TE		
<u>Proposal:</u>	Erection of part single storey and part two storey side extension, addition of roof store at second floor level and revision of a side elevation window (part retrospective).		
<u>Officer:</u>	Alice Johnson, tel: 296568	<u>Valid Date:</u>	28.11.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	23.01.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.03.2024
<u>Agent:</u>	Mr Ben Harvey 24 Windlesham Road Brighton BN1 3AG United Kingdom		
<u>Applicant:</u>	Mr Simeon Arthur 22 Osmond Road Hove Brighton & Hove BN3 1TE		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2186-PA-011	C	25 January 2024
Location and block plan	2186-PA-001		22 November 2023
Proposed Drawing	2186-PA-002	B	22 February 2023
Proposed Drawing	2186-PA-003	B	22 February 2023
Proposed Drawing	2186-PA-004	B	22 February 2023
Proposed Drawing	2186-PA-005	B	22 February 2023
Proposed Drawing	2186-PA-010	B	25 January 2024
Report/Statement	Tree Protection Plan		12 February 2024
Report/Statement	Tree Survey		22 February 2023

2. Prior to occupation of the side extension hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design,

use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

3. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall be carried out in accordance with the tree protection measures identified in the approved Arboricultural Method Statement received on the 12th of February 2024 which shall be retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, 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.

5. The external finishes of the development other than the roof store 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.

6. Notwithstanding any details shown on the approved plans, the external finish of the roof store is to be aluminium.
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.
7. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and for visual amenity, to comply with Policies DM18, DM20 and DM21 of Brighton & Hove City Plan Part 2.
9. The ground floor and first floor windows in the northern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. 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. This application relates to no.22 Osmond Road which is a modern dwellinghouse located on the western side of the road, with a block of flats to the north, and semi-detached dwellings to the south and opposite.
- 2.2. The dwellinghouse is one of two three-bed houses erected on the site, alongside seven flats, in a building which was granted permission in 2015. The area is primarily residential with semi-detached and terraced houses being the common housing type. St Ann's Well Gardens lies beyond Nizells Avenue to the south west. The immediate area has a verdant, green character through the use of street trees.
- 2.3. The site is not within any conservation areas or otherwise subject to any designations or restrictions but during the course of the previous application (ref. BH2023/01637) the County Archaeologist deemed the site to not be within an Archaeological Notification Area.

3. RELEVANT HISTORY

- 3.1. **PRE2023/00159** Erection of a two storey side extension and roof storage. Response suggested amendments required to the proposal's materials and size
- 3.2. **BH2022/01791** Erection of part single storey and part two storey side extension and revision of a side elevation window. Approved 13.01.2023
- 3.3. **BH2017/03047** Application for variation of condition 8 of application BH2017/02296 allowed on appeal (Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works.) to permit alterations to the approved materials. Approved 30.11.2017
- 3.4. **BH2017/02296** Application for variation of condition 2 of application BH2016/01985 allowed on appeal (Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works) to permit material amendments to the approved scheme including a side facing window to the west elevation. Condition Number(s): 2 Conditions(s) Removal: Design amendments. Accept revisions to Y0113 - 114, Y0113 - 121 & Y0113 - 250 Approved 31.08.2017
- 3.5. **BH2016/01985** Application for variation of conditions 2, 13 and 14 of application BH2014/03311 allowed on appeal (Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works) to permit material amendments to the approved scheme including alterations to layout of car parking and cycle stands. Approved 28.07.2016

- 3.6. **BH2014/03311** (1 Nizells Avenue) Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works. Refused 19.02.2015, Appeal Allowed

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought part retrospectively for the erection of a part single storey and part two storey side extension, the addition of a roof store at second floor level and the revision of a side elevation window.
- 4.2. Revisions to the materials have been made during the course of the application so that the materials on the extension, other than that of the roof store, would match the existing.
- 4.3. The application is part retrospective because the most recent permission (ref. BH2022/01791) has been implemented but the development slightly amended from that approved in that a roof store and side window have been added and materials changed.
- 4.4. The retrospective nature of the application is not a material consideration. Seeking planning permission retrospectively is a valid course of action.

5. CONSULTATIONS

- 5.1. **Arboriculture:** Verbal
- The trees on the site would not fulfil the criteria for a preservation order to be defensible.
 - Considering the changes that have been made to the movement of materials to the site we don't need the protection to the trees to the front. If the Local Authority are notified about damage to the trees on the street an investigation will be carried out.
 - There isn't space to provide significant protection for T2, however, physical protection has been provided. Decline of these trees is expected in the future.
 - If T1 is to be replaced it should be with a replacement birch tree with a minimum stem diameter of 12-14cm nursery standard stock size.

6. REPRESENTATIONS

- 6.1. **Seven** (7) representations have been received, objecting to the proposal on the following grounds:
- Detrimental impact on property value;
 - Poor design which is out of keeping with the street;
 - Inappropriate height of development;
 - Overdevelopment;
 - Overshadowing;

- Restriction of view;
- Too close to the boundary;
- Concerns about the removal of trees at the site;
- Impact on residential amenity;
- Concerns about the accuracy of what has been built.

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
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban design
CP13	Public Streets and Spaces

Brighton & Hove City Plan Part Two

DM1	Housing quality choice and mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents

SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development; the potential impacts on the amenities of local residents and business-users; and impact on trees.
- 9.2. A site visit has been undertaken for this application, and impacts of the proposal can be clearly assessed from the site visit, as well from plans provided and recently taken aerial imagery of the site.

Principle of proposed works

- 9.3. Planning permission was granted in December 2022 (ref. BH2022/01791) by the Planning Committee for the erection of a part single, part two storey side extension, as well as the revision of a side elevation window.
- 9.4. The differences between that scheme and the present application are that a roof store is proposed to the extension and a roof light is proposed to the roof of the dwelling. The material below the ground floor window has been altered from grey metal to red brick which matches the existing property. The finish to the rear has also been altered to red brick to match the existing property.
- 9.5. No additional material considerations have been identified since the approval and the development plan remains the same. As such this previous approval holds significant weight in the decision-making process.
- 9.6. For the reasons previously stated above, the proposal is part retrospective.

Design and Appearance

- 9.7. The part one- and part two-storey extension, other than minor changes to the materials, have already been approved through the grant of a previous permission (ref. BH2022/01791). The extensions are set back from the front façade at ground floor level to match the depth of the porch at no. 24. Two side (north) elevation windows are proposed which are to be obscure glazed. While altered from the original permission (ref. BH2022/01791) the materials other than the roof storage match the existing property.
- 9.8. At the extension's roof level (second floor level when compared with the host property) a roof store is now proposed. This would be constructed from aluminium, sited well within the roof, set back from the front elevation of the two-storey element. The roof store would rise in height from approximately 1.0m at the front elevation to 1.3m at the rear. The roof store would be a suitably subservient addition to the roofslope, when compared to the existing property.
- 9.9. The store would follow the pattern of setback set by the previously approved extensions (ref. BH2022/01791).
- 9.10. At street level, the extension would be set back significantly within the plot, so the main impact would be the addition at first floor level. However, even at this level the setback from the front boundary would be considerable, being

approximately 9.3m, with the roof store set back a further 0.5m. The setback would ensure the first-floor element and roof store do not extend any further forward than the neighbouring property's porch, and thus would maintain the established building line of this side of the remainder of the street. The setback ensures the extension and roof store has a more subservient appearance and prevents it from being unduly overbearing or cramped or out of character in the streetscene.

- 9.11. The store would cover part of the existing side (north) elevation window. This relationship would appear awkward, however, it is set back into the site and would only be visible when approaching no.22 from the north. The setback combined with the limited views ensures the design is not detrimental to the appearance of the property or streetscene.
- 9.12. The proposed rooflight to the main dwelling would not be visible from the streetscene. Its addition would not be detrimental to the appearance of the property or streetscene.
- 9.13. The materials for the extension elements still match the existing, a requirement of the previously approved application. The aluminium of the roof store would vary from the existing design; however, it would be a modern material, in keeping with the modern design of the host dwelling. The use of aluminium is not considered to be detrimental to the appearance of the area or streetscene.
- 9.14. On this basis the scheme is considered acceptable in design and in keeping with the appearance of the dwelling and streetscene, in accordance with Policy DM21 of City Plan Part 2.

Impact on Amenities

- 9.15. Policy DM20 of Brighton and Hove City Plan Part 2 states that planning permission for any development will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.16. As noted above, the development has been previously approved so is considered acceptable in all regards, with minor changes now proposed including the roof store and revisions to the materials. These changes are not considered to result in significant impacts on neighbouring amenity.
- 9.17. The rooflight proposed to the roof of the existing dwelling would be high level and would not provide any additional views, other than skywards.
- 9.18. The works would not encroach closer to the boundaries than the development that has been previously approved.
- 9.19. The location and orientation of the extension is likely to result in some loss of light and overshadowing for no.24 Osmond Road but this has already been accepted in the grant of the previous permission. The additional bulk of the roof store would not be of such a size that it would cause significant further loss of light or overshadowing for no.24.

- 9.20. The side windows are to remain obscure glazed in accordance with the previously granted permission. The changes are not considered to impact neighbouring privacy or outlook over that accepted in the previous approval.
- 9.21. The scheme is therefore considered acceptable in terms of its impact on the amenity of neighbouring residents, in accordance with Policy DM20 of Cit Plan Part 2.

Impact on Trees

- 9.22. Following amendments with regards to access to the site, an updated arboricultural method statement has been submitted, adherence to which has been secured by condition. The Arboriculture Officer has confirmed the acceptability of the report and the removal of the need to protect the street trees. If the Local Authority are notified of damage to the street trees an investigation will be carried out.
- 9.23. It is noted that a tree to the rear previously to be retained under BH2022/01791 has been felled. A replacement tree would be secured through a landscaping condition.

Standard of Accommodation

- 9.24. The roof store would partially cover the side (north) elevation second floor window. This serves a hallway/staircase, a rooflight has been added above this room in the roof area. Restricting the outlook of this room is considered acceptable as it is a transient space.
- 9.25. Bedroom four would not provide the floor space required to comply with a double bedroom. It is noted that there are a number of other bedrooms within the property as well as amenity space. The bedroom is considered acceptable on these grounds.

Other Matters

- 9.26. Matters such as loss of property value, structural safety, and the impact of construction works are not material planning considerations.
- 9.27. Concerns have been raised in objections about the built form not matching the previously approved plans. If there are concerns that elements have not been built not in accordance with the planning permissions granted a planning enforcement investigation can be requested.

Conclusion

- 9.28. The proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents. External materials, biodiversity improvements, tree protection and limiting access to the flat roof for amenity purposes shall be secured by condition.

- 9.29. As such the proposal is considered to be in accordance with policies CP12 of City Plan Part One and DM18, DM20, DM21 and DM22 of City Plan Part Two.

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 site previously was accessed via steps from the street. This is retained.

11. COMMUNITY INFRASTRUCTURE LEVY

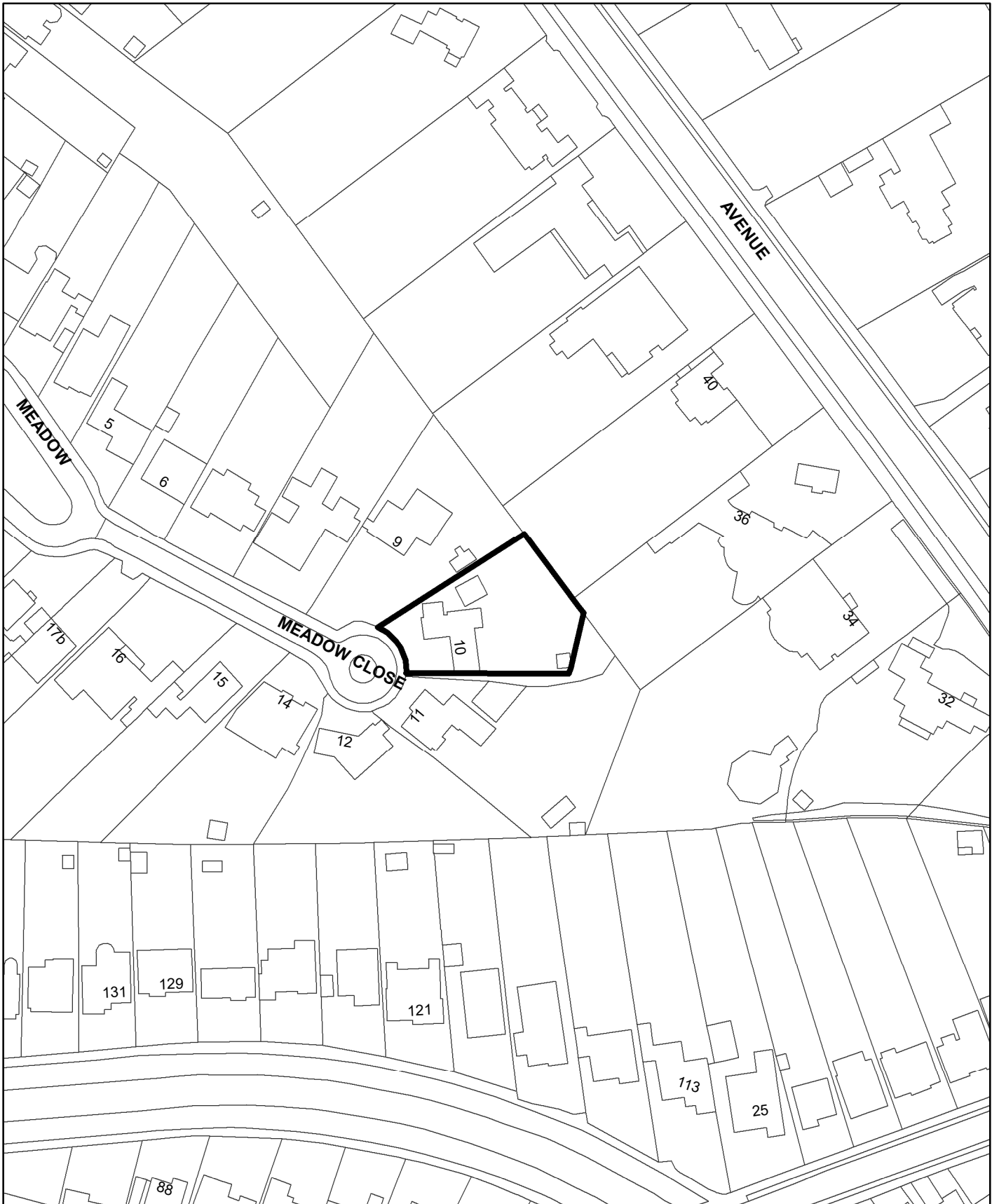
- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice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

ITEM G

**10 Meadow Close
BH2023/02789
Full Planning**

DATE OF COMMITTEE: 6th March 2024

BH2023 02789 - 10 Meadow Close



N



Scale: 1:1,250

<u>No:</u>	BH2023/02789	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	10 Meadow Close Hove BN3 6QQ		
<u>Proposal:</u>	Demolition of the existing dwellinghouse (C3) and erection of a replacement two-storey dwellinghouse (C3) with parking provision, refuse storage and soft landscaping. (Amended Plans)		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	17.10.2023
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	12.12.2023
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	13.03.2024
<u>Agent:</u>	Wilbury Planning Ltd Flat 5 61 - 63 Wilbury Road Hove BN3 3PB		
<u>Applicant:</u>	Ruth Byrne C/o Wilbury Planning Ltd Flat 5 61 - 63 Wilbury Road Hove BN3 3PB		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	519-000	-	2 November 2023
Proposed Drawing	519-100	G	5 February 2024
Proposed Drawing	519-101	F	5 February 2024
Proposed Drawing	519-102	F	5 February 2024
Proposed Drawing	519-103	D	5 February 2024
Proposed Drawing	519-201	F	5 February 2024
Proposed Drawing	519-202	E	5 February 2024
Proposed Drawing	519-203	D	5 February 2024
Proposed Drawing	519-204	C	5 February 2024
Proposed Drawing	519-301	B	5 February 2024
Arboricultural Impact Assessment and Method Statement	3170 AIA AMS Meadow Close	1	5 February 2024
Ecological Impact Assessment	LD2926-ECO-REP-002-00-EcIA	01	15 September 2023

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

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

3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.
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.
4. Access to areas of flat roof, including the biodiverse green roof upon the dwelling hereby approved shall be for maintenance or emergency purposes only and said areas shall not be used as a terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
5. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies CP12 of the Brighton & Hove City Plan Part One, and DM18, DM20 and DM21 of the Brighton & Hove City Plan Part Two.
6. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). 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.
The dwelling shall be retained in compliance with the requirement thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of the Brighton & Hove City Plan Part Two.
7. Prior to the occupation of the dwellinghouse hereby permitted, and notwithstanding the approved drawings, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;

- b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;
- d) details of measures that have been taken to ensure the building is accessible for persons of all abilities;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area; to safeguard the residential amenities of local residents; to ensure that the development is accessible for all persons; and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One; and DM1, DM18, DM20, DM22, DM37 and DM43 of the Brighton & Hove City Plan Part Two.

8. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in section 4 of the approved Arboricultural Impact Assessment and Method Statement (by St Aubyn Tree Consultancy received on the 5th February 2024) are in place. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

9. The ecological mitigation and compensation measures set out in sections 5 and 6 of the approved Ecological Impact Assessment (Lizard Landscape Design and Ecology, received on 15th September 2023) shall be implemented in full prior to the occupation of the development hereby approved, and maintained as such thereafter.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to provide a net gain for biodiversity as required by paragraphs 180 and 186 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006, and to comply with policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two.

10. No development shall take place until an Ecological Design Strategy (EDS) addressing biodiversity compensation and enhancement measures, to include

those recommended in the approved Ecological Impact Assessment (Lizard Landscape Design and Ecology, received on 15th September 2023), the design of the biodiverse green roof, and a minimum of three swift nesting cavities and one bee brick, 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, where relevant;
- i) details for monitoring and remedial measures, where relevant;
- j) details for disposal of any wastes arising from works.

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

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the NPPF, and to comply with policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two.

11. Other than demolition works, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The development shall subsequently be implemented in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two.

12. Other than demolition works, the development hereby permitted shall not be commenced until a foul water drainage strategy, including details of existing and proposed methods of foul water management, has been submitted to and approved in writing by the Local Planning Authority.

The development shall subsequently be implemented in accordance with the approved details.

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

disposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two.

13. Piling or other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority.
The development shall be carried out in accordance with the approved details.
Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework (NPPF) and Position Statement N6 of the 'The Environment Agency's approach to groundwater protection', and to comply with policy DM42 of the Brighton & Hove City Plan Part Two.
14. No development shall take place until a Contamination Risk Management Plan (CRMP) has been submitted to and approved in writing by the Local Planning Authority.
The CRMP shall include:
 - a) A scheme for the storage of hazardous substances required on site during the delivery and construction period;
 - b) A scheme for the refuelling of plant machinery and vehicles on site during the delivery and construction period;
 - c) Confirmation that the contractor(s) will carry out the development in accordance with best practice guidance with regards to environmental contamination.The construction shall be carried out in accordance with the approved CRMP.
Reason: As this matter is fundamental to the protection of groundwater from the risks of contamination associated with the development, and to comply with policies DM40 and DM42 of the Brighton & Hove City Plan Part Two.
15. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
16. The development hereby approved should achieve 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.
17. The development 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 water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

18. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

19. The development hereby permitted shall not be occupied until a dropped kerb has been created in front of the proposed driveway linking the dwellinghouse with the carriageway of Meadow Close, as shown on the Proposed Site Plan 519-100-G.

Reason: In the interests of highway safety and to comply with policies CP13 of the Brighton & Hove City Plan Part One and DM33 of the Brighton & Hove City Plan Part Two.

20. The development hereby permitted shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. 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, DM20 of the Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a

competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.

4. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against persecution under these Regulations or this Act.
5. The applicant is advised to refer to the information in Supplementary Planning Document 11: Biodiversity and Nature Conservation on how best to achieve a biodiverse roof. Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the Defra Biodiversity Metric. Brown roofs, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.
6. 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.
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. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Council from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

9. 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
10. 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>
11. 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.
12. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
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 applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
15. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head

of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

16. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or www.southernwater.co.uk.
17. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
18. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.

2. SITE LOCATION

- 2.1. The application site contains a single storey detached dwellinghouse at the eastern end of the Meadow Close cul-de-sac. The building is flanked by no.9, a dormer bungalow set far back in its plot, and no.11, a larger two-storey dwelling. The rear of the site abuts the southwestern boundary of the Tongdean Conservation Area. The site is within a groundwater source protection zone.
- 2.2. At the time of the site visit the land had been cleared of vegetation and the dwelling was unoccupied. The site has been physically subdivided from a collection of land parcels known as the 'Land Adjoining 11 Meadow Close' and '36 Tongdean Avenue' by close-boarded timber fencing. This land falls outside the application site and does not form part of the proposed development.

3. RELEVANT HISTORY

- 3.1. **M/2454/53** Detached semi-bungalow. Approved

4. RELEVANT HISTORY AT OTHER SITES

- 4.1. **BH2023/02742 - no.17B Meadow Close** Demolition of existing dwellinghouse (C3) and erection of a new detached two-storey plus lower ground-floor dwellinghouse (C3), with associated landscaping and access. Under Consideration

- 4.2. **BH2018/03707 - no.3 Meadow Close** Demolition of existing three bedroom bungalow (C3) and erection of 4 bedroom two storey dwelling (C3). Approved
- 4.3. **BH2018/02359 - no.3 Meadow Close** Demolition of existing three bedroom bungalow (C3) and erection of 4 bedroom two storey dwelling (C3). Refused - Appeal Allowed
- 4.4. **BH2017/01594 - no.17B Meadow Close** Demolition of existing bungalow and erection of a two storey three bedroom house (C3). Approved
- 4.5. **BH2017/00767 - no.7 Meadow Close** Erection of additional storey with associated alterations and single storey rear extension. Approved

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought to demolish the existing bungalow and erect a two storey five bedroom detached dwellinghouse, with associated landscaping.
- 5.2. The main section of the dwelling is two storeys and features a crown roof-form. There is a centrally spaced main entrance under a porch on the front elevation, and a feature gable to either side. There is a single-storey wing to the side/rear of the building running along the shared boundary with no.9, that features a biodiverse green roof. The dwelling is placed closer to the front of the site, behind a front garden and driveway, with a larger rear garden taking up the rest of the land.
- 5.3. The design of the dwelling has been amended during the lifetime of the application due to concerns for the amenity of residents of no.9, overdevelopment of the plot, and an inadequate provision of soft landscaping. The height and length of the rear (northern) wing has been reduced, and the front hardstanding has been partially replaced with a landscaped garden. The site boundary adjacent to no.9 has also been corrected in response to concerns raised through the public consultation.

6. REPRESENTATIONS

- 6.1. **Six (6)** representations have been received, **objecting** to the proposal on the following grounds:
- Overdevelopment
 - Too close to, and too tall in relation to the boundary with no.9
 - Detrimental impact on amenity due to loss of light/overshadowing from single storey rear wing.
 - Could set a harmful precedent.
 - Unsuitable subdivision of land to create driveway access to adjacent plot.
 - Detrimental impact on property value
 - Inaccuracies in the site boundary
 - Inaccuracies in the 3D imagery

- 6.2. **Four (4)** representations have been received, **supporting** the proposal on the following grounds:
- Replacement of the poorly maintained dwelling with a new well-designed family dwelling
 - Traditional design
 - Generous plot
 - Positive addition to the streetscene

7. CONSULTATIONS

7.1. **Arboriculture:** No objection subject to condition.

The proposed mitigation in the form of landscaping is considered to be insufficient to offset the loss to biodiversity that has occurred; a robust landscaping scheme should be secured by condition that shows planting more significant than is shown on the proposed site plan.

- 7.2. The tree protection measures for off-site trees are acceptable and should be secured by condition.

7.3. **Ecology:** No objection subject to conditions.

The information provided is satisfactory and enables the Local Planning Authority to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions requiring development in compliance with the details with the Ecological Impact Assessment; and requiring the submission and approval of an Ecological Design Strategy.

7.4. **Heritage:** No objection.

The proposed development is anticipated to have a neutral impact on the Tongdean Conservation Area.

7.5. **Policy:** No Comment

7.6. **Southern Water:** No objection subject to conditions/informative.

- Foundation to be designed as shallow as practicably possible. Piling is prohibited.
- Any hazardous substances required on site to be stored in a bunded and impermeable area to ensure no accidental spills to ground.
- Contractor to use spill trays when re-fuelling plant and/or vehicles at all times.
- Contractor to follow best practice guidance with regards to environmental contamination.

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

7.8. **Sustainable Drainage:** No objection subject to condition.

No Objection subject to the submission of the following information, which may be secured through one or more conditions:

- A surface water drainage strategy
- A foul water drainage strategy
- Proof that the foul water connection to be used can accept peak discharge rates
- Evidence that a formal application for foul water discharge has been made to Southern Water

7.9. **Transport:** No objection subject to conditions.

No Objection subject to conditions securing the new vehicle crossover, boundary treatments, a car park layout plan, and surface water drainage details.

8. MATERIAL CONSIDERATIONS

8.1. 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.

8.2. 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.

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

SA6 Sustainable Neighbourhoods

CP1 Housing Delivery

CP8 Sustainable Buildings

CP9 Sustainable Transport

CP10 Biodiversity

CP11 Flood Risk

CP12 Urban Design

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
DM18 High quality design and places
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
DM42 Protecting the Water Environment
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

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

WMP3 Implementing the Waste Hierarchy

Supplementary Planning Documents

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban Design Framework

Conservation Area Character Statements

Tongdean (2008)

10. CONSIDERATIONS & ASSESSMENT

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

10.2. A visit was undertaken in November 2023 to the application site itself and the garden of the adjacent property, no.9.

Principle of Development

10.3. The proposed development to replace the existing dwelling with a larger dwelling is considered to be acceptable in principle.

10.4. The physical subdivision of the land with close-board timber fencing has reduced the usable area of the site; however, it still remains large and has a negligible impact on urban density or the character of the area; there are no concerns in this regard.

Design and Appearance

- 10.5. The proposed dwellinghouse would be a substantial enlargement in scale over the existing bungalow; however, it would still be comparable to other dwellings in the streetscene and is considered to be appropriate. The proposed streetscene elevation demonstrates that the overall height and scale of the dwelling would be comparable to both adjacent dwellings. The proposed dwelling makes use of traditional design features such as gable ends, a chimney, and a pitched roof form. Such features are in keeping with the character of the wider area. Permissions have been granted historically along Meadow Close for the erection of two storey dwellings, or for the conversion of bungalows into two storey dwellings, at nos. 3, 7 and 17B.
- 10.6. The single storey rear wing of the building follows the shared boundary with no.9 Meadow Close; the design has been limited in depth to approximately 12m (from the rear of the main body of the dwelling) so that it appears as a more subservient addition to the dwelling and not an overdevelopment of the land. It would be roofed with a biodiverse green roof that could contribute to the biodiversity of the site and would appear more attractive than a grey GRP (or similar) material; this is considered to be important as it would be highly visible from the adjacent property.
- 10.7. At the front of the dwelling would be a hard surfaced driveway and path to the dwelling, and also a landscaped garden; this latter feature was required by the Local Planning Authority and is considered to be important for softening the appearance of the dwelling and achieving a more attractive development within the streetscene. Front gardens contribute positively to the character of the area along the streetscene, and instances where they have been entirely replaced with hardstanding demonstrate why such development is visually unsuitable.
- 10.8. The walls of the dwelling would be finished in a mix of red brickwork, with exposed timber beams, stucco and horizontal timber cladding at first floor level; fenestration is a mix of aluminium and timber framed units; the roof would be finished in clay roof tiles. It is considered that these materials are acceptable in principle, achieving a high quality and traditional design in keeping with the wider streetscene; further details will be secured by condition.
- 10.9. The site backs onto the rear gardens of properties within the Tongdean Conservation Area. The Tongdean Conservation Area Statement (2008) states that: *"The character of the area is that of a well-to-do residential suburb with impressive individual large houses, imposing boundary walls and extensive mature greenery. Its special interest derives from the grouping of individually-designed large houses dating mainly from early 20th century on generous plots, with mature street trees and dense garden and boundary planting."*
- 10.10. It is considered that the development of a dwelling which is of a traditional form and larger scale would preserve the historic significance of the conservation area.

- 10.11. On this basis, the scheme is considered acceptable in design, and in keeping with the appearance of the area, including the heritage features of the adjacent Conservation Area.

Impact on Amenities

- 10.12. The proposed dwelling sits closer to the shared boundary with no.9 and has a greater height than the existing so it is anticipated that the two-storey element would cause some overshadowing of the front/side garden of the neighbouring property. However, given the layout of both plots (taking into account the siting of the garage and driveway on the neighbouring property, and the orientation meaning that most afternoon sunlight would be unaffected) it is not considered that this would lead to significant harm.
- 10.13. Concerns have been raised that the single-storey element of the design, which follows the shared boundary with no.9, would cause harm due to its height and the anticipated loss of sunlight. Spot heights have been taken showing that the ground levels within each curtilage are (approximately) 82.05m above ordnance datum (AOD) in the application site, and between 82.30m AOD and 82.55m AOD in the garden of no.9. The boundary wall height rises from 82.60m AOD to 83.50m AOD. The proposed close board timber fence would have a steady height of 83.50m AOD. The single storey wing has a maximum height of 84.50m AOD, meaning that it would project above the boundary wall and timber fence by 1.00 metre. It is considered that this impact would be less than significant and would not warrant refusal of planning permission.
- 10.14. The plot of no.9 features a rear garden with an area of approximately 450m², and the majority of this would be unaffected by the single-storey element of the proposed development. It is considered that the development would impact upon only a small area of the neighbouring land and is not tall enough to cause significant shadowing. The inclusion of a biodiverse roof will soften and improve the appearance of the development where it would be visible from within the curtilage of no.9.
- 10.15. The proposed dwelling does not include any side-facing windows at first floor level; front and rear-facing windows should not provide any views into neighbouring land therefore the impact on privacy is considered to be acceptable. The guest bedroom window facing onto the garden of no.9 is noted, but views should be prevented by the proposed timber fencing. A condition will be attached restricting access to areas of flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in adjacent properties.
- 10.16. The proposed development is not anticipated to have any significant detrimental impact on the amenity of residents of no.11 Meadow Close. As abovementioned, there are no side-facing high level windows that might provide harmful views. In addition, the development is directly north of no.11, removing the risk of overshadowing. The development is also separated from the boundary of no.11 by the new access down the south side of the site, meaning the building would not be proximal to any windows or sensitive locations. The amenity space of

no.11 is located behind a large garage and rear extension, meaning the new dwelling would be unlikely to be highly visible from within the site.

- 10.17. The inclusion of plant machinery is noted in the design, so it is considered necessary for permission to be granted subject to a condition requiring said machinery to operate within certain noise parameters in the interest of safeguarding the amenities of occupants of the proposed dwelling and nearby properties. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 10.18. It is considered essential that certain permitted development rights for single dwellings be removed in the interest of safeguarding the amenities of local residents, in particular occupants of no.9 which the new dwelling is in close proximity to. Some amendments required to the original design that have resulted in a more sustainable form of development could be undone in the future through permitted development rights, such as extending and enlarging the property which could cause overshadowing to the adjacent properties. The Local Planning Authority would wish to remove permitted development rights so that future development would be managed and in accordance with the local development plan; it is considered that this meets the clear justification required by paragraph 54 of the NPPF.
- 10.19. On this basis the scheme is considered acceptable in terms of its impact on the amenity of neighbouring residents.

Impact on the Public Highway

- 10.20. The proposed development would have an insignificant impact on highway safety or capacity. The Local Highway Authority has requested details of front boundary treatments, to ensure that vehicles exiting the site have adequate sightlines. The proposed street elevation shows that the front boundary wall is low and would not impact on highway safety. The proposed development would replace the existing bungalow with a larger dwelling and would likely result in a more intensive occupation of the land; however, this is not anticipated to translate to an impactful increase in trip generation affecting highway safety. The hardstanding provides parking space for at least one vehicle and is considered to be sufficient for a single dwelling.
- 10.21. Permission would be granted only subject to a condition requiring the details of secure cycle parking to be submitted to the LPA for approval prior to occupation, to encourage trips to and from the site by sustainable means and comply with the guidance in SPD14: Parking Standards. It is likely that the garage can provide satisfactory space for an adequate number of cycles.
- 10.22. The proposed dwellinghouse would require a new dropped kerb which would be secured by condition.

Standard of Accommodation

- 10.23. The 'Nationally Described Space Standard' (NDSS) was introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. This standard has

been formally adopted into policy DM1 of the CPP2 and can now be given full weight.

- 10.24. The new residential unit is laid out as a five bedroom ten person dwelling over two floors and would provide a gross internal area (GIA) (discounting the garage space and staircase) of approximately 336m²; this is in accordance with the NDSS. The dwelling would also maintain a large garden area which would provide ample outside amenity space for residents.
- 10.25. The new dwellinghouse will be required by condition to be built in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings); this will ensure that the dwelling is equally accessible for all.

Biodiversity

- 10.26. As noted in the submitted Ecological Impact Assessment (EIA), the site has been cleared of most vegetation prior to the submission of the application, and now offers limited biodiversity value. Google satellite data shows trees and shrubs abundant in the rear garden, and the removal of these is considered likely to have had a detrimental effect on local biodiversity. As such, the proposed development should be granted permission only if it can deliver a net improvement for biodiversity over what was previously on site, in accordance with policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation. This would be secured by condition requiring the submission of an Ecological Design Strategy (EDS) to include details of all landscaping and how it contributes to biodiversity; details of the biodiverse roof atop the single storey wing; and features such as bee/bird/bat bricks/boxes, hedgehog holes, and other such habitat enhancements.

Other Matters

- 10.27. The submitted tree protection measures (for third party trees outside the application site) are considered to be acceptable; compliance with these details would be secured by condition in the interest of safeguarding said trees. Several of these trees lie within the Tongdean Conservation Area and as such benefit from statutory protections.
- 10.28. The site lies within a groundwater source protection zone, and it is important that the proposed development does not have an adverse impact on groundwater or result in increased flood risk. As requested by the Local Highway Authority and Sustainable Drainage team, a sustainable drainage system (SuDS) would be required in the design, secured within the landscaping condition, to ensure that the development is sustainable in this regard. The Sustainable Drainage Team has also requested confirmation of the method of foul water disposal since this information has not been fully clarified within the application. A strategy would be secured by condition.
- 10.29. The team has also requested evidence to be secured by condition that an application for foul water discharge has been submitted by the developer to Southern Water. This is considered to lie outside the remit of planning and would

be addressed through other legislative regimes; therefore, it is not considered necessary for this to be secured by condition.

- 10.30. Southern Water has requested some protective measures to safeguard groundwater due to the fact that the site lies within a groundwater source protection zone; it is considered necessary to restrict the use of piledriving in the construction of the dwelling without the approval of the Local Planning Authority due to the risk of groundwater contamination. A Contamination Risk Management Plan will also be secured by condition to ensure that groundwater is protected during the delivery and construction period.
- 10.31. 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.
- 10.32. Refuse and recycling bins are shown tucked away at the side of the dwelling where they will be easily accessible, and adequate for the needs of a single dwelling; this is in accordance with the guidance in SPD17: Urban Design.
- 10.33. Concerns have been raised that by granting permission for the proposed development a harmful precedent could be established. Each planning application is assessed on its own merits and the decision made in this regard to this application would not automatically set a precedent either for or against similar development in the area.
- 10.34. Concerns have been raised that the 3D images submitted in support of the application are inaccurate in terms of landscaping. These documents are illustrative only and will not form part of the approved documents, and further details on the landscaping itself will be required by condition; therefore, this should not be reason to refuse planning permission.

Conclusion

- 10.35. The proposed development is considered to be acceptable in principle in terms of appearance, the standard of accommodation that would be offered to future residents, and the impacts it is anticipated to have on the amenities of local residents, highway safety, and the Tongdean Conservation Area. Conditions are considered to be necessary with regards to visual and residential amenity; accessibility; highway safety; sustainability; sustainable drainage; biodiversity and ecology; and contamination.
- 10.36. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP8, CP10, CP11, CP12, CP13, CP14 and CP15 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM20, DM21, DM22, DM29, DM33, DM35, DM36, DM37, DM40, DM42, DM43 and DM44 of the City Plan Part Two.

11. EQUALITIES

- 11.1. During the determination of this application, due regard has been given to the impact of the 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 characteristic would be disadvantaged by this development.
- 11.2. The new dwellinghouse will be required by condition to be built in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings); this will ensure that the dwelling is equally accessible for all.

12. COMMUNITY INFRASTRUCTURE LEVY

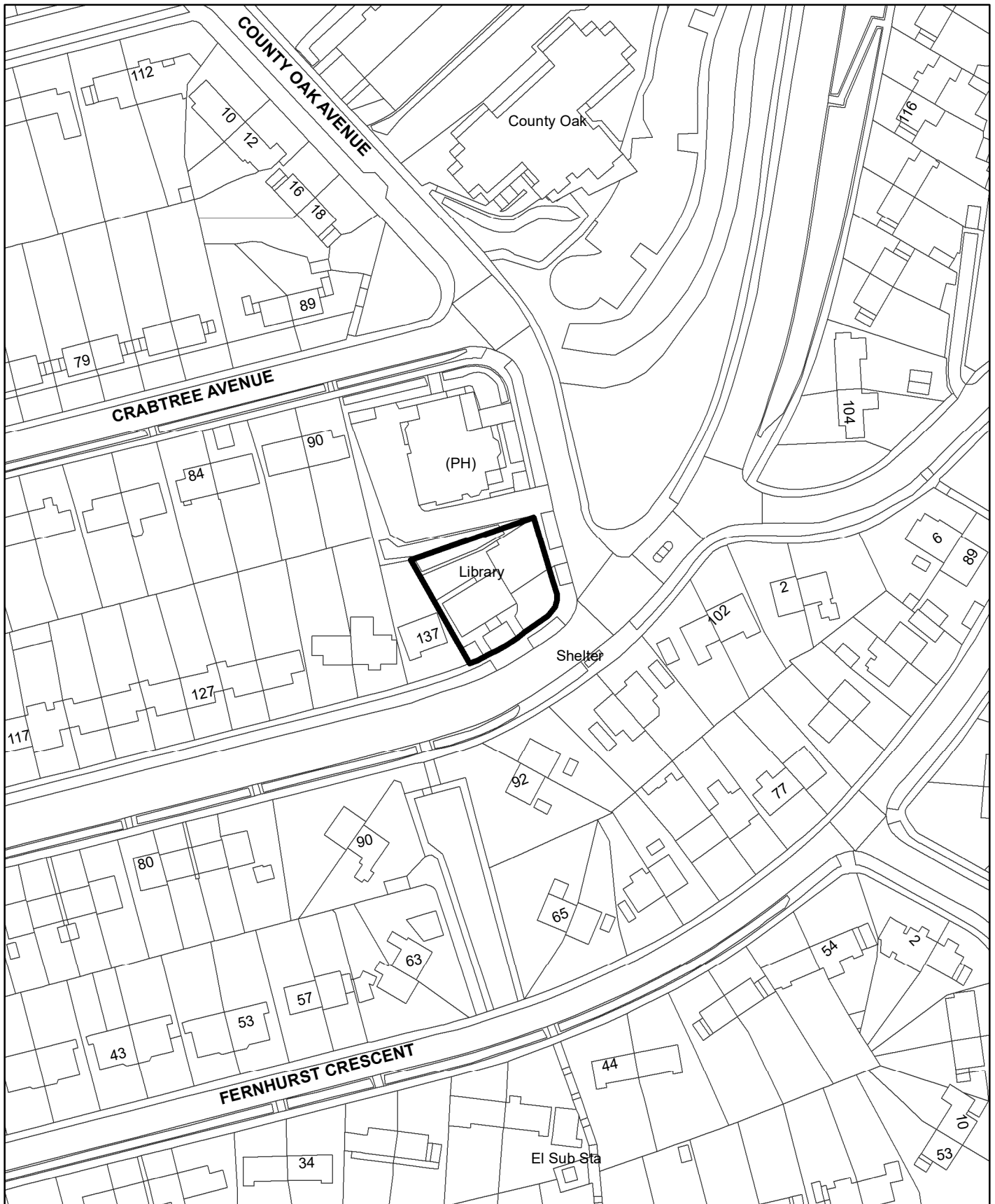
- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £20,532.93. 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 H

**Hollingbury Library, Carden Hill
BH2023/03253
Full Planning**

DATE OF COMMITTEE: 6th March 2024

BH2023 03253 - Hollingbury Library, Carden Hill



N



Scale: 1:1,250

<u>No:</u>	BH2023/03253	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hollingbury Library Carden Hill Brighton BN1 8DA		
<u>Proposal:</u>	Demolition of existing two storey prefabricated former Library building and the construction of a part three, part four storey residential building providing 9no. flats (C3) with bin and cycle store, Car Club parking and amenity space.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	12.12.2023
<u>Con Area:</u>	None	<u>Expiry Date:</u>	06.02.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.03.2024
<u>Agent:</u>	MH Architects Limited Ground Floor Bicentennial Building Southern Gate Chichester PO19 8EZ		
<u>Applicant:</u>	Brighton And Hove City Council First Floor Hove Town Hall Hove BN3 3BQ		

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, SAVE THAT should the s106 Planning Obligation not be completed on or before the **6 September 2024** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.3 of this report:

Head of terms

Affordable Housing

- Provision of 20% of the dwellings on site as affordable housing.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	22-155-HBL-MHA-ZZ-XX-DR-A-0105	P04	6 December 2023
Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0101	P07	6 December 2023
Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0102	P08	6 December 2023
Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0103	P07	6 December 2023

Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0108	P04	6 December 2023
Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0109	P04	6 December 2023
Report/Statement	Asbestos demolition survey		6 December 2023
Report/Statement	Biodiversity net gain assessment		6 December 2023
Report/Statement	Combined Geotechnical and Quantative Ground Contaminated Risk Assessment		6 December 2023
Report/Statement	Daylight/Sunlight analysis		6 December 2023
Report/Statement	Ecological Impact Assessment		6 December 2023
Proposed Drawing	Existing tree schedule		6 December 2023
Report/Statement	Flood risk assessment and drainage strategy		6 December 2023
Report/Statement	Landscape design strategy		6 December 2023
Report/Statement	Noise impact assessment		6 December 2023
Report/Statement	Transport statement		6 December 2023
Proposed Drawing	Tree constraints plan		6 December 2023
Proposed Drawing	Tree retention and protection plan		6 December 2023
Proposed Drawing	Landscape masterplan		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 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.

4. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted

shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12, CP15 of the Brighton & Hove City Plan Part One.

5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

6. Prior to the commencement of the development hereby approved an assessment is carried out of areas in the building that were previously inaccessible to ascertain the extent and location of Asbestos Containing Materials and the level of risk to the end user. If any ACMs are discovered, then these materials shall be removed and disposed of appropriately.

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.

7. Prior to the commencement of the development hereby approved the applicant submits a detailed remediation strategy which details the works and precautionary measures to be undertaken to avoid risk from, potentially hazardous materials, contaminants and/or gases when the site is developed, in accordance with the Combined Geotechnical and Quantitative Ground Contamination Risk Assessment, dated 2nd September 2019 and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

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.

8. 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 suitably qualified person that any remediation works required and approved in the submitted scheme 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 re mediation works in progress ;
 - c) certificates demonstrating that imported and/or material left in situ is suitable for use .
 - d) documentation to s how that recommendations regarding suitable water pipe material, made by the local water supply company, have been incorporate d a t the development.
 - e) evidence to show that all asbestos containing mate ria ls have been removed from the premises and taken to a suitably licensed waste deposit site .

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

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

9. The works hereby permitted shall not be commenced until the building to be demolished has been fully recorded by scaled drawing and photographs, and these records along with any historic photos or other records of the building, especially as a public house, should be passed to the Local Planning Authority prior to its demolition.

Reason: In order to provide a reasonable opportunity to record the history of the building and to comply with policies DM28 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

10. No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for roosting bats, breeding birds, reptiles and terrestrial mammals (including badgers and hedgehogs), has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

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

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

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

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

11. No development shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, to include the measures identified in the Ecological Impact Assessment (EclA, Lizard Landscape Design and Ecology, 18/07/2022) and Biodiversity Net Gain Assessment (Lizard Landscape Design and Ecology, 07/11/2023) and the provision of a minimum of 9 bee bricks and 18 swift bricks, 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 ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the NPPF, and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Two, respectively.

12. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;

- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

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

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

13. The applicant shall implement mitigation measures that are in strict accordance with the acoustic design criteria, approved details, and recommendations detailed in the submitted ACCON UK Ltd Report, Brighton and Hove City Council Former Hollingbury Library, Brighton Noise Impact Assessment, dated 28th November 2023 prior to the first occupation of the development and these measures shall be maintained thereafter.

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

14. Post completion, but prior to any occupation of the newly created residential units, an additional noise survey will be carried out in order to demonstrate the achievement of internal and external sound levels as described in the document produced by ACCON UK Ltd, Brighton and Hove City Council Former Hollingbury Library, Brighton Noise Impact Assessment, dated 28th November 2023.

The results shall be communicated to the local planning authority in writing and if a standard is not met, a report shall demonstrate what additional measures are needed, when these will be implemented, and a further test carried out to demonstrate compliance.

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

15. Any plant or machinery associated with the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level equal to or below the existing LA90 background noise level. Rating and existing background noise levels shall be determined as per the guidance provided in BS 4142: 2014.

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

16. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the site as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on (6th December 2023) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.
17. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a CCTV survey has been undertaken confirming that all existing pipes which are proposed to be used are in adequate condition, and also confirming the route of the existing sewer connection has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.
18. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (iv) Details of hours of construction/demolition including all associated vehicular movements
 - (v) Details of the construction compound
 - (vi) A plan showing construction traffic routes
- The demolition and construction shall be carried out in accordance with the approved CEMP.
Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

19. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on County Oak Avenue back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies CP9 of the City Plan Part One and DM33 of City Plan Part Two.
20. 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 the Brighton & Hove City Plan Part Two.
21. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.
22. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
23. 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.

24. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

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

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with 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.

26. Notwithstanding the details on the drawings hereby approved, the second floor balcony on the eastern elevation hereby approved shall not be first brought into use until a privacy screens of 1.8 metres in height have been installed adjacent to the communal roof terrace. The screen shall thereafter be retained.

Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

3. 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.
4. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.

2. SITE LOCATION

- 2.1. This application relates to the former Hollingbury Library which sits on the junction of Carden Hill and County Oak Avenue. The site is bounded to the north by The New Oak Public House, to the east by the road junction and green bank beyond and to the south and west by two storey residential accommodation. The topography of the area is such that land levels slope from the south down to the north.
- 2.2. The site comprises a derelict 2 storey building fronting Carden Hill with a small area of hardstanding towards the north-east corner of the site which has vehicular access from County Oak Avenue.
- 2.3. The application site is not located within a conservation area; however the existing building is a locally listed heritage asset.

3. RELEVANT HISTORY

- 3.1. **PRE2023/00030:** The redevelopment of the former Hollingbury Library to demolish the existing building and provide a new, modern block providing new General Needs Affordable Housing units. Written response provided July 2023
- 3.2. **PRE2020/00073** Proposed New Build Development Options for 13 Unit Move On Scheme on the site for Hollingbury Library. The scheme is for 13 x 1b 1p move on accommodation on the former Hollingbury Library site. Written response provided July 2020
- 3.3. **PRE2019/00115** Demolition of existing library & erection of a three storey 13 residential unit Move On Scheme. Response issued October 2019
- 3.4. **PRE2017/00097** The redevelopment of the former Hollingbury Library to provide 12no single person 'move on' studios. Written response provided June 2017

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing former library building and the erection of a part three-, part four-storey building. The proposed development will provide 9no residential units, comprising 5 x one-bedroom flats

and 4 x two-bedroom flats. This application is a council development through the New Homes for Neighbourhoods programme. All the homes to be provided will be available to those on the 'general needs' housing register for rent.

5. REPRESENTATIONS

- 5.1. Six (6) letters of representation have been received objecting to the proposed development on the following grounds:
- Inappropriate height of development
 - Overshadowing
 - Highways impact
 - Overlooking from balconies
 - Overdevelopment of the plot
 - Development is too close to the boundaries
 - Lack of parking
 - Loss of view
 - Flats are not in keeping with the area
 - The development is too dense
 - Disruption during construction
 - Loss of light
 - Loss of existing tree
 - Impacts on nature

6. CONSULTATIONS

- 6.1. **Arboriculture** No objection
The existing Cherry tree is not of good quality and therefore no objection is had to its removal.
- 6.2. **Ecology** No objection subject to condition
Confirmation is required over whether the roof vents offer potential bat roosting features and that the proposed biodiversity net gain for trees is achievable within the proposals.
- 6.3. **Environmental Health** No objection subject to conditions
- 6.4. **Heritage** Objection
Applicant states that conversion of the building would require extensions or cloaking/wrapping of the structure that could not be delivered on the site, and costs which included the removal of asbestos that would make the project financially unviable. In addition, it is stated that the refurbishment and extension of the existing building to appropriate standards would have involved works that would alter the existing construction, facades and roof treatments, resulting in substantial change to the overall appearance and construction of the heritage asset from its original form, such that its identified significance would be considerably reduced or lost.

- 6.5. This information is considered sufficient to comply with the requirements of City Plan policy DM28, however it remains that the planning benefits from the submitted scheme need to be found to outweigh the harm from loss of the heritage asset.
- 6.6. **Housing Strategy No objection**
This is a council development through the New Homes For Neighbourhoods programme. All of the homes will be provided at social rent levels and will be owned and managed by the council.
- 6.7. **Planning policy No objection**
The site is allocated in CPP2 policy H1 for residential use; the principle of residential development has therefore been established and the loss of any community uses on site has been accepted through the allocation process.
- 6.8. Although the proposal will result in a net loss of open space it is recognised that the footprint of the building allows for retention of some open space and provision of communal open space on site.
- 6.9. 9 dwellings would make a welcome contribution to the housing target; the proposed amount is considered acceptable for this site.
- 6.10. **Private Sector Housing No comment**
- 6.11. **Sustainability No objection subject to conditions**
- 6.12. **Sustainable drainage No objection subject to conditions**
- 6.13. **Sustainable transport No objection subject to conditions**

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2

H1 Housing sites and mixed use sites
DM1 Housing Quality, Choice and Mix
DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM22 Landscape Design and Trees
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health - Pollution and Nuisance
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 the development, impacts on character and appearance, impact on neighbouring amenity, standard of accommodation of the units provided, ecology impacts and highways impacts.

Principle of development

- 9.2. 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.

- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). As such, the development would make an important, but minor contribution to the city's housing supply.
- 9.5. The site currently consists of a vacant two storey building with hardstanding and some designated open space of the amenity typology. Hollingbury Library was previously accommodated on the site but was relocated in 2017 to the Old Boat Community Centre.
- 9.6. As of March 2023, the existing building on the site has been designated as a locally listed heritage asset. The Hollingbury Library building was originally built as the County Oak public house in 1950. The building was subsequently converted to a library in 1962 after a new pub had been constructed adjacent to the north. The building is therefore an example of a prefabricated building and consideration must be had to the loss of this heritage asset in line with policy DM28 of the Brighton and Hove City Plan Part 2.
- 9.7. Information submitted as part of this application notes the poor condition of the existing building with asbestos which poses a health hazard. Further information has been submitted during the lifetime of the application which provides background information in relation to the decision to demolish the building rather than re-developing the existing building for housing.
- 9.8. The on-going use of the library was considered to be unsustainable and as such the conversion of the building for residential use was considered. These works were found to require extensions that could not be delivered on the site and costs which included the removal of asbestos which would make the project unviable. Further, the refurbishment works and extensions to the existing building to bring it to appropriate standards would involve works which would alter the existing construction, facades and roof treatments, resulting in substantial change to the overall appearance and construction of the heritage asset from its original form and as such its identified significance would be considerably reduced. It is considered that the information provided in light of the heritage listing is sufficient to comply with the requirements of policy DM28 of the City Plan Part Two.
- 9.9. The site is allocated under policy H1 of the City Plan Part 2 for an indicative 10 dwellings. Through the allocation of the site under policy H1, the principle of the re-development of the site for residential use has been established. The

application therefore does not need to justify the loss of the community floor space nor the net loss of open space.

- 9.10. The provision of 9 units would make a welcome contribution to meeting the city's housing target as identified in policy CP1 of the Brighton and Hove City Plan Part One. It is acknowledged that policy H1 allocates the site for an indicative 10 units. Options have been explored previously on this site, including during at pre-application stage for the provision of 11 units. However, at officer's request, the level of development was reduced to 9 units following concerns relating to the footprint of the building on this relatively small site.
- 9.11. It is acknowledged that the proposals would result in the loss of the existing building; however it is considered that the application is supported by appropriate justification for the demolition of this building and demonstrates that exploration of its retention has been considered. Further, the site is allocated for housing and the planning benefits of 9 additional residential units is considered to outweigh the harm from the loss of this building.

Character, Design and Appearance

- 9.12. Planning permission is sought for a new part three-, part four-storey building on this corner plot to include amenity space.
- 9.13. Prior to application stage, design officers have worked closely with the applicant during pre-app which resulted in a number of changes to the scheme which are incorporated into the current proposals. This has included a reduction in height of the development to two storeys with accommodation within the roof fronting Carden Hill extending up to 4 storeys facing County Oak Avenue, stepping down to 3 storeys adjacent to the public house to the north. The scale of development is considered to respond positively to the topography of the streetscene, particular the steep slope down to The New Oak public house. Further, a reduction in units from 11 (as proposed at pre-application stage) to 9 has addressed previous officer concerns with regards to the ration of built footprint to unbuilt footprint.
- 9.14. The pitched mansard roof to the south is considered to respond positively to the street scene along Carden Hill and reflecting the form along County Oak Avenue with shallower eaves is considered to respond positively to the change in topography down towards the pub next door. Overall, the form is considered to present a strong design concept. Whilst the building would be of a contemporary design it would remain sympathetic to its more traditional surroundings.
- 9.15. Given the corner plot location of this site, greater flexibility can be afforded to the aesthetics of the scheme. The scheme includes two front dormers fronting Carden Hill. Given that the site is a standalone development, the addition of well-designed dormers is considered acceptable. The dormers contribute to the overall design precedent of the scheme which was welcomed at pre-app stage by design officers.

- 9.16. The use of brick as the primary elevational treatment is supported. The contextual images incorporate playful brickwork which is welcomed to add visual interest to the scheme.
- 9.17. Given the corner plot nature of the site, the proposals have sought to address both street frontages and have achieved this through an active frontage on both Carden Hill and County Oak Avenue. This is achieved by main entrances and windows for habitable rooms to both street scenes.
- 9.18. Advice given at pre-application stage has been followed with regards to the proposed building line. The building is appropriately set back within the plot to ensure the building line to Carden Hill is respected. The boundary frontage to include low-level and soft boundary treatments is considered to respond well to the established streetscene here.
- 9.19. In response to the topography of the site, the scheme incorporates a lower ground floor area fronting Carden Hill to house the plant bin and cycle storage. This has enabled an area of soft landscaping fronting Carden Hill.
- 9.20. The development is also set back from County Oak Avenue, allowing for an area of soft landscaping in the North-east corners of the site. The existing grass bank to the north of the site is also to be retained and enhanced, softening the appearance of the development and ensuring it is set back from all boundaries.
- 9.21. The proposals are considered to result in a development that responds positively to the character and appearance of the surrounding street scenes. The proposed development is therefore considered to accord with policies CP12 of the City Plan Part One and DM18 of the City Plan Part Two, in addition to The Urban Design Framework (SPD17).

Standard of Accommodation

- 9.22. The development provides nine residential units. Each of the units proposed would meet or exceed the nationally described space standards as set out within policy DM1 of the Brighton and Hove City Plan Part 2. In addition, each of the bedrooms across the development also meet the minimum required space standard.
- 9.23. It is noted that a single bedroom within unit 8 would be served only by a roof light. Given that all other bedrooms across the development feature windows, the exception of one is considered acceptable. Further, the room meets minimum standards and the rooflight would still allow for light and outlook to this bedroom and therefore is deemed acceptable.
- 9.24. When making a qualitative assessment of the units proposed, it is considered that each unit has sufficient floorspace for circulation and also the placing of furniture items likely to be required by future occupiers.
- 9.25. The development has been designed to ensure that there are no single aspect north facing units which is supported. Whilst the bedrooms in units 1, 2 and 5 face the north, the primary living spaces for these units have light and outlook to

both the north and east. Owing to the relatively deep plan form of these rooms, the dual aspect proposed is welcomed.

- 9.26. A sunlight and daylight report has been submitted as part of this application. The level of daylight received by future occupiers has been measured using both the vertical sky component (VSC) and illuminance method. Across the development a total of 85 windows were assessed, 36 of these achieved less than the minimum VSC criteria. However, those windows that fell below this criterion were then assessed against the illuminance method criteria for daylighting, which all windows passed. Therefore, all windows/rooms within the proposed development meet the daylight criteria in line with BR209 guidance and would receive adequate daylighting. It is considered likely that the proposed balconies will have had some knock-on effect to the levels of daylight hours received however, the balconies also provide protection from overheating so on balance their presence is considered acceptable. All windows assessed meet the minimum sunlight hours.
- 9.27. In line with Policy DM1, which requires new developments to provide external amenity space for future occupiers, seven of the nine residential units proposed have access to a private balcony. It is regrettable that 2 of the units do not have this provision, however it was considered that the provision of balconies at first and second floor level, fronting Carden Hill, would be visually detrimental to the scheme.
- 9.28. To compensate however, all occupiers will have access to a communal garden at roof level. The landscaping masterplan submitted indicates that this space will provide raised beds for food growth and fixed seating areas.
- 9.29. It is acknowledged through the lighting report that some of the balconies and the roof top communal garden receive levels of sunlight below that stated within the BR209 guidance. This is in large due to the orientation of these spaces and in the case of the roof top garden, the surrounding wall to the south. The landscape areas to the south and east of the site would however receive sufficient sunlight levels.
- 9.30. Owing to the proximity of the site to The New Oak public house to the north, a noise report has been submitted to demonstrate that future occupiers would not be adversely impacted by potential noise impacts from the pub and beer garden on the north facing units. In addition, noise impacts from road traffic has been assessed.
- 9.31. In order to ensure that the new dwellings would achieve compliant internal sound levels, mitigation measures such as high-performance glazing, walls with effective sound reduction and acoustically treated trickle vents will be implemented and secured by condition.
- 9.32. External noise levels have been assessed at the locations of the proposed amenity areas. Purpose-built acoustic screens have been recommended at the edges of all proposed private terrace and balcony areas, in order to reduce noise levels in these areas as far as practicable.

- 9.33. The noise impact assessment has considered the potential adverse effects on future residents of the proposed development due to patrons outside in the adjacent pub garden of The New Oak public house. It has been concluded that noise from the beer garden would not result in an adverse noise impact within habitable rooms of the proposed development.
- 9.34. The mitigation measures identified within the noise report will be secured by condition.
- 9.35. It is therefore considered that the proposed development would provide an acceptable standard of accommodation for future occupiers in accordance with policies DM1 and DM20 of the City Plan Part 2.

Impact on Amenity

- 9.36. A sunlight daylight report accompanies this application which has assessed the impact of the development upon neighbouring properties.
- 9.37. The report has assessed the impact of the development upon daylight levels received to 94 Carden Hill and 96-98 Carden Hill located opposite the site and 137 Carden Hill located immediately west of the site.
- 9.38. The results identify 100% of the windows assessed within the properties opposite the site would achieve the VSC performance criteria stipulated in BR209. However, 2 of the windows within 137 Carden Hill would not meet the criteria. The two affected windows are positioned within the side elevation of No.137 directly facing the development. These windows are considered likely to be secondary or serve non-habitable rooms. As such, the impact on these side windows is not considered to be so significant to warrant the refusal of the application.
- 9.39. The impacts of the development upon the front garden spaces of these neighbouring properties were also assessed with no resulting impact from the development.
- 9.40. The footprint of the development has been designed such that it steps away from the shared boundary with No.137 beyond the rear wall of this neighbouring property. Beyond the stair core, the development is set approximately 6.5m off the shared boundary with this adjoining neighbour. This is considered sufficient to avoid significant overbearing impact and sense of enclosure.
- 9.41. Whilst a number of side (west) facing windows are proposed these windows are positioned within the front portion of the development and therefore would allow for views of the side elevation of No.137 but not beyond into the neighbouring rear garden.
- 9.42. It was noted during an officer site visit that the two existing side windows within this adjacent neighbouring property are obscurely glazed. The proposed development would have a total of 5 windows facing westwards. These windows would serve the kitchen/living areas within the new units proposed. The outlook

from these windows is considered secondary to the southerly aspect of these units. As such the level of overlooking between the development and No.137 is considered to be minimal and would not amount to significantly harmful levels of loss of privacy or overlooking.

- 9.43. The roof top communal terrace has been designed so that the majority of the floor area is set behind the stair core to the rear of the development, thus reducing the potential for views towards No.137. This coupled with the set back of the terrace towards the east of the site will ensure that no harmful levels of overlooking would result to neighbouring occupiers.
- 9.44. The development is sufficiently separated from those neighbouring properties opposite by the public highway. The outlook from the new residential units proposed would be no different to the relationship of other neighbouring properties within the streetscene. The development would also increase the number of windows facing onto the public house to the rear of the site. Given the commercial nature of this site, this neighbouring property is considered to be less sensitive. The retained grassed bank ensures that sufficient separation between the two properties remains. Any views had are likely to be similar to that of No.137 and would largely be of the car park to the public house.
- 9.45. The proposed development is therefore not considered to result in significant harmful impact to the amenities of neighbouring occupiers and as such is in accordance with policy DM20 of the Brighton and Hove City Plan Part 2.

Affordable Housing

- 9.46. 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."*
- 9.47. The development is required to provide 20% of the housing as affordable housing on site or as a commuted sum to comply with policy CP20 Affordable Housing. This would equate to two homes. As a council development, the proposals will exceed this requirement by providing 100% affordable housing (9 homes) but this would not be secured by legal agreement as this is not justified by policy.
- 9.48. The homes will be provided at social rent levels and will be owned and managed by the council. This is welcomed and will be secured by Section 106 agreement.

Housing mix

- 9.49. The proposal would provide 4no one-bedroom flats and 5no two-bedroom flats equivalent to a 44% and 56% mix. The two-bedroom flats proposed would

provide a range of sizes to accommodate either 3 or 4 people which is welcomed.

- 9.50. The supporting text of Policy CP19 states that local evidence identifies that the majority of the requirement for affordable housing is for one and two bedroom homes (46% and 33% respectively). The proposed mix of units within the development therefore meets the greatest demand.

Ecology and landscaping

- 9.51. Policies CP10 and DM37 state that development should conserve biodiversity, protecting it from the negative indirect effects of development. Applications should therefore provide net gains for biodiversity wherever possible to enhance biodiversity on site.
- 9.52. An Ecological Impact Assessment and Biodiversity net gain assessment have been provided as part of the application. This demonstrates a 19.9% gain in habitat units and a gain in hedgerow units. The site includes an area of land along the northern boundary of the site. This area of grassland will be retained and enhanced within the proposals. Biodiversity net gain across the site is in excess of 10%.
- 9.53. The proposals will also incorporate bird boxes/bricks and bee bricks in line with planning policy.
- 9.54. The application is supported by an Arboricultural Impact assessment and Method statement. As part of the proposals an existing Cherry tree, situated towards the northwest corner of the site is to be removed to facilitate the development. The Arboriculturalist has confirmed that this tree is of low quality and whilst its loss is regrettable, subject to mitigation planting, the removal of this tree is accepted. All other existing trees on site are to be retained.
- 9.55. The proposed landscaping plan indicates that 9 new native trees are proposed. Further details of the size and species to be provided are sought by condition.
- 9.56. The proposals are therefore considered to be in accordance with policies CP10 of the City Plan Part One and DM22 and DM37 of the City Plan Part 2 and Supplementary Planning Document 11.

Sustainable transport

Site access

- 9.57. Pedestrian and cycle access into the site will be from both Carden Hill and County Oak Avenue. This is considered acceptable.
- 9.58. The site is proposed to be car free and as such it is deemed that the crossover on County Oak Avenue is no longer required. A condition is sought to remove the crossover and reinstate the footway and grass verge.

Cycle parking

- 9.59. The development of 9 units would require the provision of 12 cycle parking spaces (1 long stay space per flat and 3 short stay for visitors).

- 9.60. The application proposes an internal bike store with six Sheffield stands and a further Sheffield stand at both entrances to the development, providing a total of 16 cycle parking which exceeds the levels required under SPD14.

Car Parking

- 9.61. The application does not propose any car parking on site. The development site is located outside of the controlled parking zones. SPD14 states that in locations such as this, applicants are required to demonstrate the likely parking demand associated with the proposed development.
- 9.62. A parking survey accompanies the application which indicates that there is adequate space overnight in the area for associated parking.
- 9.63. The applicant has expressed willingness to fund a car club bay/vehicle on County Oak Avenue. Evidence has been provided that discussions have taken place with car club regarding this provision. This is considered to be a benefit to the scheme.
- 9.64. Blue badge holder parking is not proposed however, there are no accessible units proposed within the scheme.

Trip generation

- 9.65. The applicant has provided a forecast of trip generation and travel mode that is likely to occur, and it is not considered that the associated travel will be significant enough to have a severe impact on the public highway and surrounding transport network.

Sustainability

- 9.66. A building performance report has been submitted which shows a saving in carbon emissions of well over 19%. The development is therefore likely to exceed the requirements of CP8 of the CPP1.
- 9.67. An analysis of potential overheating in the dwellings is provided which shows that the level of overheating risk is very low.
- 9.68. A circularity statement has been provided, with a preliminary assessment of the potential re-use of materials.
- 9.69. Subject to conditions requiring the dwellings meeting a minimum EPC rating of 'B', water usage and details of any solar panels, no objection is had to this development.

Other considerations

- 9.70. Information has been provided to demonstrate the proposed surface water and foul water drainage strategy. Further information is sought by condition regarding the location of all proposed pipes, a CCTV survey of all existing pipes and a maintenance and management plan for each drainage element.

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. All of the homes at this development will be 'Mobility 2' units, making them suitable for residents who do not need fully adapted accommodation, but require some assistance. These units will be built to Building Regs M4(2) but will include Level Access Showers for less ambulant residents.

S106 Agreement

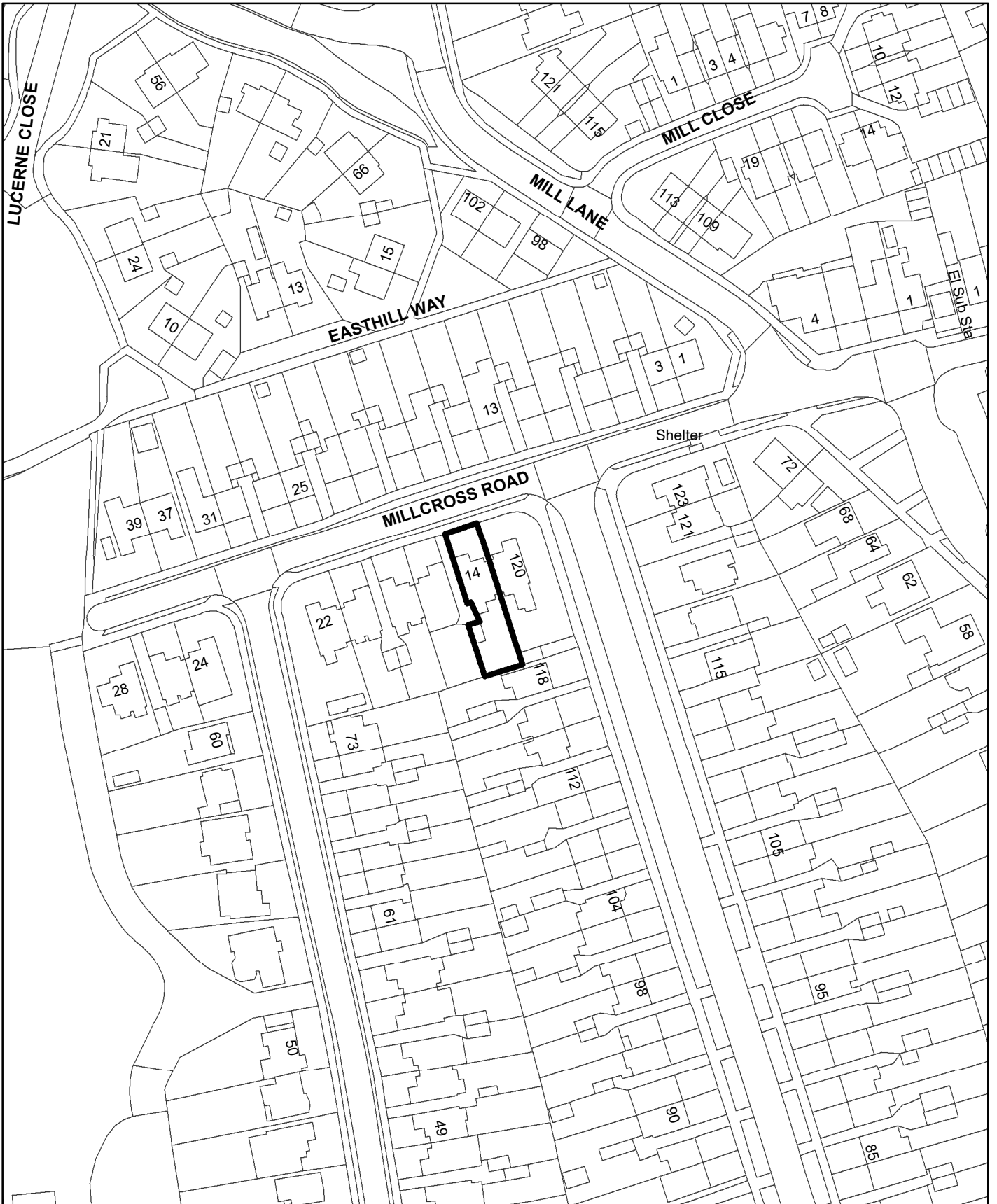
- 10.3. In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reason:
1. The proposed development fails to provide a mechanism by which to secure affordable housing, or a financial contribution towards it in the city, in case of the viability situation changing, contrary to Policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

ITEM I

**14 Millcross Road
BH2023/03224
Full Planning**

DATE OF COMMITTEE: 6th March 2024

BH2023 03224 - 14 Millcross Road



N



Scale: 1:1,250

<u>No:</u>	BH2023/03224	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	14 Millcross Road Portslade BN41 2BG		
<u>Proposal:</u>	Erection of a single storey rear extension with raised rooflights, hip to gable and rear dormer (retrospective).		
<u>Officer:</u>	Charlotte Tovey, 202138	tel: <u>Valid Date:</u>	05.01.2024
<u>Con Area:</u>	None	<u>Expiry Date:</u>	01.03.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.03.2024
Agent:			
Applicant:	Mrs Jane Hobbs Kingdom	14 Millcross Road HOVE	BN41 2BG United Kingdom

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	1191-11991-1	C	26 January 2024
Location Plan			5 December 2023
Block Plan			5 December 2023

2. Access to the flat roof over the ground floor rear extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

3. The first floor windows in the west side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

Informatives:

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

2. SITE LOCATION

- 2.1. The application site at 14 Millcross Road is part of a semi-detached pair with no. 120 Foredown Drive. The property is a converted bungalow situated on the southern side of the street, between Foredown Drive and Fairfield Gardens. The street scene is residential and a number of rear extensions are present in the area, including at the adjoining properties no. 120 Foredown Drive and 16 Millcross Road. No. 22 Millcross to the west has a gable end roof extension and rear dormer and there are further gable roof forms present on the north side of the street.
- 2.2. The site is not within a conservation area and there are no Article 4 Directions covering the site affecting alterations and extensions.

3. APPLICATION DESCRIPTION

- 3.1. Permission is sought retrospectively for the erection of a single storey rear extension with raised rooflights, hip to gable loft extension and the fitment of a rear dormer and new fenestration.
- 3.2. Whilst it is preferable for planning permission to be granted prior to any works commencing, the principle of applying for these works retrospectively is permissible in law and the application remains subject to the material planning considerations listed below.

4. RELEVANT HISTORY

- 4.1. **BH2022/00447:** Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.25m, for which the maximum height would be 3.356m, and for which the height of the eaves would be 2.8m. Approved Committee 06.04.2022
- 4.2. **Q/52/35** semi-detached bungalow Granted 14/05/2952 (Permission: unconditional)

5. RELEVANT HISTORY AT OTHER SITES

- 5.1. **BH2019/01064** 22 Millcross Road - Certificate of Lawfulness for the proposed erection of a gable-end roof extension and rear dormer, with associated works. Approved 31.07.2019
- 5.2. **BH2005/05461** 16 Millcross Road - Certificate of Lawfulness for proposed single storey rear extension. Approved 30.09.2005

6. REPRESENTATIONS

- 6.1. In response to publicity, responses were received from one (1) individual, objecting to the application and raising the following material planning issues:
- The development would be out of keeping with the area
 - Loss of accommodation for mobility restricted occupants
 - Scale of the development is inappropriate and overbearing
 - Poor Design
 - Overshadowing
 - Overlooking and loss of privacy
 - Concerns that the use of the bungalow is not for residential purposes
 - Impact during construction (now complete).
- 6.2. Full details of representations received can be found online on the planning register.

7. CONSULTATIONS

None received.

8. MATERIAL CONSIDERATIONS

- 8.1. 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.
- 8.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

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

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

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

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact on the street scene and the impact on neighbouring amenity.
- 10.2. Initially the application sought retrospective permission for the fitment of two rear roof lanterns to the single storey rear extension. A rear dormer had been installed but the applicant considered it would fall under 'permitted development' rights so did not need to form part of the application.
- 10.3. Upon reviewing the drawings the applicant was notified that because the dormer was attached to the single storey extension, neither would benefit from 'permitted development' rights and would therefore require a planning application. It was recommended that the plans were updated to request retrospective permission for all of the recent development at the site. Upon receipt of updated plans, neighbours were reconsulted.
- 10.4. The applicant is the relative of a member of staff from the Planning Department, therefore the scheme cannot be decided under delegated powers.
- 10.5. A site visit has been undertaken in this instance and the impacts of the proposal can be clearly assessed from the plans, site visit and from recently taken aerial imagery of the site.

Design and Appearance

- 10.6. Concerns have been raised during neighbour consultation that the alterations to the bungalow are of poor design and cause harm to the appearance of the building and street scene, appearing out of keeping.

Hip to gable roof extension and 2no. rooflights to the front roof slope

- 10.7. No. 14 Millcross Road has no restrictive planning conditions and the hip-to-gable loft enlargement and fitment of 2no. front rooflights could be carried out without planning permission. Therefore, whilst the gable roof would un-balance the site from its adjoining neighbour, given the legitimate permitted development fallback position and the proliferation of other similar extensions in the locality, it is considered acceptable in this instance.
- 10.8. The presence of the gable at no. 14 would not appear as a dominant addition to the building or street scene as the site is adequately set back from the public footpath, its proximity to no. 16 and the presence of the gable above the ground floor bay mitigates its appearance. There is already a presence of this roof form within the immediate vicinity of the site, most notably at no. 22, no. 24 to the west and no.19 and no. 21 directly opposite the site. There are further examples of gable roof forms in the surrounding streets.
- 10.9. There are a number of rooflights visible within the street scene on Millcross Road. The number and position of the rooflights are considered to be proportionate and well placed, they would not appear visually cluttered on the roofslope.
- 10.10. Therefore, taking into account the permitted development fallback position and context of the street scene, the gable end roof enlargement is considered to be an acceptable alteration to the roof that would not cause harm to the buildings appearance or character of the street scene that would warrant refusal.

Rear Dormer

- 10.11. The scale of the rear dormer is adequately set up from the eaves and down from the ridge to be a clear addition rather than a second storey, and is constructed in concrete tiles with a flat roof. As noted above, if it was not attached to the single storey extension it could be undertaken under permitted development rights.
- 10.12. Whilst the flat roof design would not accord with the pitched roof of the host building, due to its orientation at the rear it is considered acceptable. The dormer is not highly visible from Foredown Drive or Fairfield Gardens and its presence does not appear incongruous with others present at other nearby dwellings.
- 10.13. The new windows fitted to the dormer are an appropriate size and relate well to the new fenestration of the ground floor rear extension. The site is not within a conservation area therefore there is no objection to the colour of the new units in dark grey.
- 10.14. Taking into consideration the permitted development fallback position and the surrounding context of the street scene, the scale of the rear dormer is not considered to result in in harm to the appearance of the building or wider area that would warrant refusal of the application.

Ground Floor Rear Extension

- 10.15. Planning permission BH2022/00447 was granted at committee in April 2022 for a 'prior approval application' to constructed a single storey rear extension up to 3.25m deep and 3.356m in height. This was therefore considered to be an acceptable addition to the dwelling. However, because the dormer above attaches to it, it would exceed the limits allowed under permitted development rights and an application is required to retain it. Further, two roof lanterns have been installed which require planning permission.
- 10.16. The site visit demonstrated that the extension has been built in accordance with the approved plans. It spans the width of the rear elevation with adequate set back from the shared boundary with no. 120. The extension does not extend beyond the western side elevation of the host building, providing adequate separation from both neighbours. The roof is a false pitched tiled roof with a flat section with 2no. roof lanterns.
- 10.17. The overall scale of the rear extension is subordinate to the host building, retaining adequate outside garden space for the occupiers. The site is not considered to appear overdeveloped. It would not result in a detrimentally tall addition given the context and size of its neighbours flat roofed extensions. The extension is constructed in brick, sympathetic to the host building and fitted with new bi-folding doors and window to the rear elevation. Whilst the new bi-folding doors would result in a larger volume of glazing this is considered acceptable at ground floor level and the roof lanterns are considered an acceptable addition in keeping with the site. The material finish of the extension is in keeping with those on the rear dormer.
- 10.18. The extension has taken place on an area that was already hard surfaced therefore there is no biodiversity concerns. The previous prior approval took into consideration the impact of the development on third party trees which are a civil matter outside of the boundary of the site.
- 10.19. Overall the alterations proposed to the host building are considered to result in a subordinate and sympathetic addition that would not cause harm to its appearance or the street scene. The proposal would accord with DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One.

Impact on Amenities

- 10.20. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 10.21. The impact of the ground floor rear extension upon neighbouring amenity was assessed under application BH2022/00447 with the Officer Report concluding: *“The proposed ground floor rear extension would be in close proximity to no. 120 Foredown Drive. No. 120 Foredown Drive currently has a rear extension of a considerable depth which limits the amount of light the property receives in places. The proximity of the proposed extension with no.120 means that it is likely the proposal will lead to some loss of light and overshadowing for the occupants of no. 120 Foredown Drive.*

At the boundary with no.120 Foredown Drive the proposed eaves height would be relatively low at 2.8m. This low eaves height is unlikely to cause significant loss of light or overshadowing, particularly considering the extension's orientation and location to the west of no.120. The overshadowing and loss of light would not occur consistently throughout the day and the harm is therefore not considered substantial enough to warrant refusal.

No.16 Millcross Road is separated from the application site by a driveway No.118 Foredown Drive is separated from the application site by a considerable distance due to the length of the garden at no.14. These distances are considered sufficient enough that neither property is expected to experience any amenity impact.

The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation.”

- 10.22. Concerns were raised during neighbour consultation relating to the present application that the proposed alterations would result in a detrimental level of overshadowing, loss of privacy and be overbearing to the neighbours amenity.
- 10.23. There would be some impact on no. 16 Millcross Road in the early morning from the extensions due to the orientation of the site. A site visit was conducted on the 16.02.2024 at 9.20am to assess the level of overshadowing which concluded that the majority of the overshadowing to no. 16 fell onto the shared access between the two houses with some impact on the lower half of their side elevation. One window that is obscured glazed is overshadowed, with some light being retained in the top section, and the second window had a small amount of overshadowing. The neighbour's rear fenestration and corner window was not impacted by the development. Taking into account that this is winter sun and that the level of overshadowing will be only be for a small portion of the day, the impact on this neighbour is not considered to be so detrimentally harmful that it would warrant refusal of the application. They will retain uninterrupted light for the majority of the day.
- 10.24. Using recently taken aerial imagery of the site the level of overshadowing from the rear dormer would likely be confined to the neighbour's roof. There is adequate separation from the closest rooflight that it is unlikely to detrimentally overshadow this window as no. 120 sits higher than no. 14. As the neighbour would retain uninterrupted light for the majority of the day from the rear dormer, the level of overshadowing is not considered to warrant refusal of the application.
- 10.25. As the ground floor rear extension has been built in accordance with the depth and height of the previous application approved, the extension is not considered to further impact the adjoining neighbour's amenity. The position of the 2no. roof lanterns within the flat roof of the extension are adequately set away from the boundary and given their transparent materials is not considered to result in a detrimental level of overshadowing to the neighbour.

- 10.26. The 2no. new rooflights fitted to the front roof slope are not considered to create harmful views north to Millcross Road due to their fitment within the slope of the roof and the separation of the dwellings by the front gardens and the public highway.
- 10.27. The new windows fitted to the rear elevation of the extension would not create any harmful views beyond the pre-existing fenestration. The new window fitted to the west side elevation of the gable would not create any harmful views due to its position and the neighbours roof slope has no fenestration. A condition is attached requiring that it is obscured glazed and non opening over 1.7m.
- 10.28. The 2no. new windows fitted to the rear dormer do create new views at first floor level. However, the windows are not overly large and adequately set in from the sides of the rear dormer. There is adequate separation between the new windows and the neighbours amenity at no. 118 Foredown Drive. They are therefore not considered to result in a loss of privacy to the neighbours that would warrant refusal of the application.
- 10.29. Concerns were raised that the scale of the development would be overbearing to the neighbours amenity. The previously approved prior approval application took into consideration the impact of the development to no. 120 and that the height of the eaves, depth of the extension and separation from the neighbour would not result in an overbearing or unneighbourly form of development. The rear extension is adequately separated from no. 16 by the shared access between the two sites.
- 10.30. The rear dormer is adequately set up from the eaves and away from the shared boundary with no. 120. Due to its permitted development fallback position, the scale of the dormer is not considered to be overbearing or enclosing to the neighbour that would warrant refusal of the application.
- 10.31. Overall the proposal would unlikely cause significant harm to the adjoining neighbours amenity and it would accord with policy DM20 of City Plan Part Two.

Standard of Accommodation

- 10.32. The alterations to the loft would provide an additional double bedroom that would meet the minimum floorspace standards of 11.5msq and minimum width. It would also provide an additional shower room.
- 10.33. Concerns were raised that the use of the site is not for the occupant's principal residence and that the enlargement of the loft would result in a loss of accommodation for residents with mobility difficulties.
- 10.34. The plans show that two bedrooms would be retained on the ground floor and continue to provide sleeping facilities/ accommodation for occupiers with mobility difficulties.
- 10.35. The use of the dwelling is for residential purposes of the applicant and no change of use is being sought. The resultant accommodation would provide a 3 bedroom

dwellinghouse over 2 storeys which is in keeping with other buildings on Millcross Road.

10.36. The alterations would comply with policy DM1 of City Plan Part Two.

Other Matters

10.37. Matters such as loss of property value and the impact of construction works are not material planning considerations.

11. EQUALITIES

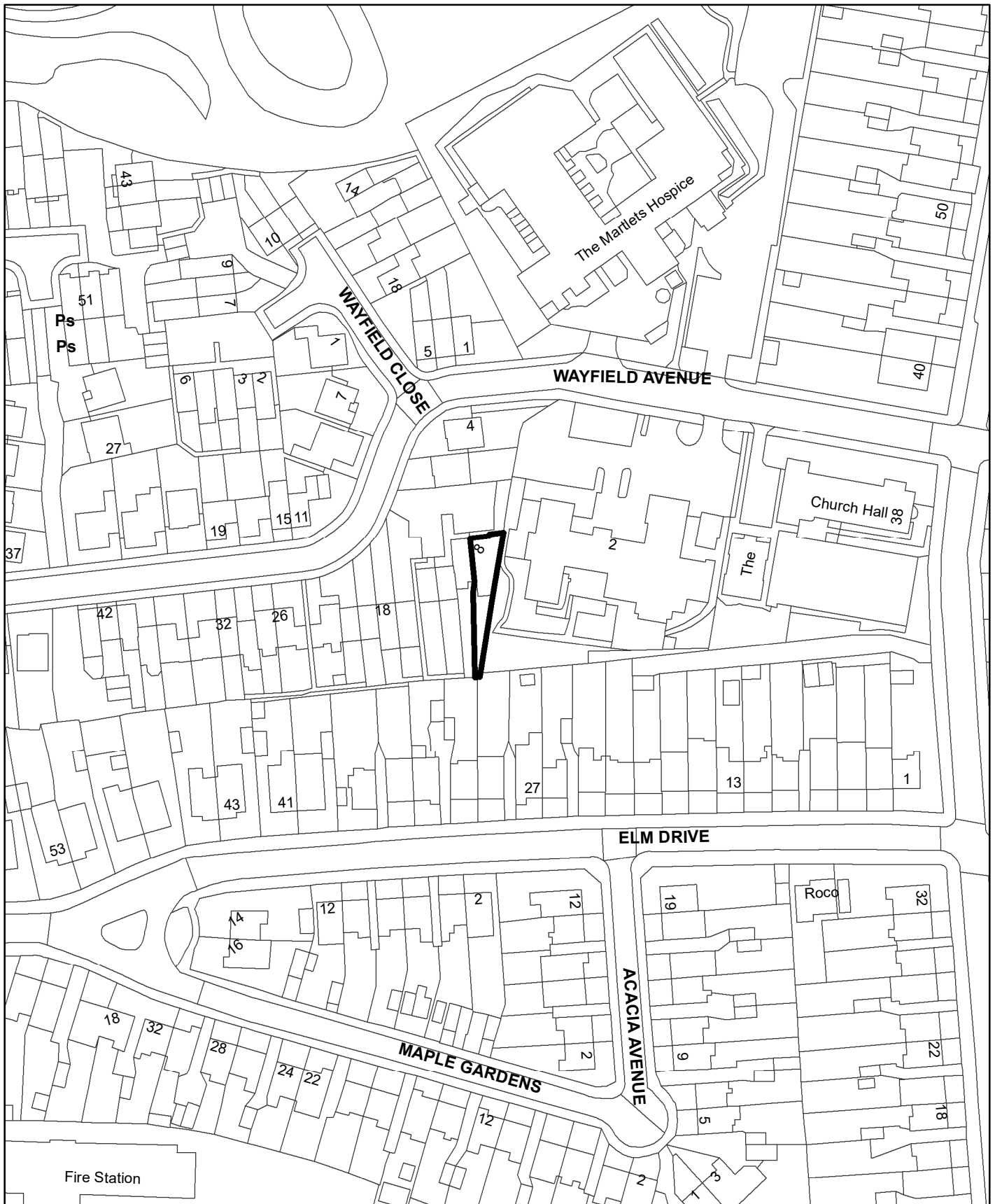
11.1. During the determination of this application, due regard has been given to the impact of the scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics, namely age, disability, gender reassignment, marriage and civil partnership, pregnancy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

ITEM J

**8 Wayfield Avenue
BH2023/03245
Householder Planning Consent**

DATE OF COMMITTEE: 6th March 2024

BH2023 03245 - 8 Wayfield Avenue



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Scale: 1:1,250

<u>No:</u>	BH2023/03245	<u>Ward:</u>	Hangleton & Knoll Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	8 Wayfield Avenue Hove BN3 7LW		
<u>Proposal:</u>	Erection of a single storey Rear and Side Extension.		
<u>Officer:</u>	James Ing, tel: 290485	<u>Valid Date:</u>	22.01.2024
<u>Con Area:</u>	None	<u>Expiry Date:</u>	18.03.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:			
Applicant:	Mr Wayne Nee 8 Wayfield Avenue Hove Brighton & Hove BN3 7LW United Kingdom		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	11939-1		5 December 2023
Location Plan	LOCATION PLAN		5 December 2023
Block Plan	BLOCK PLAN		5 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 development hereby permitted shall be as follows:
- External walls to be finished with facing brick or render to match the existing dwelling.

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

4. Access to the roof over the extension hereby approved shall be for maintenance or emergency purposes only and the roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
4. 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. The application relates to No. 8 Wayfield Avenue, which is a two storey (plus habitable loft space) semi-detached dwellinghouse located in the Hangleton and Knoll ward, on the southern side of Wayfield Avenue.
- 2.2. The application site features a white painted render finish to the front elevation, and a facing brick finish to the rear and side walls. The rear elevation benefits from a conservatory that leads on to a rear extension, and the side elevation benefits from a sheltered walkway.
- 2.3. Adjoining the western side of the application site is No. 10 Wayfield Avenue, whilst to the north is the side elevation of No. 6 Wayfield Avenue. To the east is No. 2 Wayfield Avenue, also known as 'Wayfield Avenue Resource Centre', which is a care home. To the south of the site is Nos. 29 and 31 Elm Drive. Tall

and dense foliage separates the application site and buildings to the south and east.

- 2.4. Wayfield Avenue largely consists of two storey terraced and semi-detached dwellings that share a similar design and character, resulting in a cohesive streetscene.
- 2.5. A site visit has not been undertaken in this instance; however, the impacts of the proposal can be clearly assessed from the plans provided by the applicants, and from recently taken aerial imagery of the site.

3. RELEVANT HISTORY

No relevant history.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the replacement of the existing rear conservatory and rear extension with a single storey flat roofed rear and side extension. The extension would be finished with facing brick to match the existing, and would feature rear facing bi-fold doors, 2no. high level west facing side windows, and a roof lantern. The side portion of the extension would also feature a front facing door.
- 4.2. It should be noted that this application is being brought before the Planning Committee because the applicant is an employee of the Local Planning Authority.

5. REPRESENTATIONS

None.

6. CONSULTATIONS

None.

7. MATERIAL CONSIDERATIONS

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

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban Design

Brighton & Hove City Plan Part Two

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents:

SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the host building and the wider area, and the amenities of adjacent occupiers and future occupiers of the application site.

Design and Appearance:

- 9.2. The proposed extension would align with the design guidance of SPD12 by complementing the host dwelling with exterior walls that would match the existing; and by ensuring the proposed extension would be subservient to the host building.
- 9.3. The resulting footprint of the extension would not be dramatically different from the existing footprint, and would project the same distance from the original building as the existing additions.
- 9.4. The extension would not be readily visible from the public realm. Whilst the side portion of the extension would be visible from the front elevation, it would only be visible from the public realm when viewed head on, and the context of the site means this would be a view rarely afforded for anyone who is not intending to enter the application site. The side portion of the extension would also be set

back a notable distance from the front elevation. The extension would therefore have a negligible impact on Wayfield Avenue's streetscene, and is considered to be acceptable.

- 9.5. The proposed extension is considered to be a suitable addition to the application site that would not harm its appearance or that of the wider area, in accordance with policy DM18 and DM21 of City Plan Part 2 and SPD12 guidance.

Impact on Amenities:

- 9.6. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.7. The proposed fenestration would be appropriately placed, with minimal harm from overlooking or loss of privacy anticipated. The views resulting from the proposed alterations would be similar to those afforded by the existing situation. The proposed south facing fenestration would afford views of the rear of the application site's garden, the north facing door would face the public realm, and the west facing fenestration would be at a high level, only offering oblique views towards neighbours. The proposed roof lantern would largely only afford skyward views, and no east facing fenestration is proposed.
- 9.8. The flanking neighbours of the application site (Nos. 2 and 10 Wayfield Avenue) would not suffer from any notable loss of light as a result of the proposed extension, by virtue of the fact that the proposed extension is similar in scale to the existing. Furthermore, all three properties benefit from south facing gardens, which would continue to receive unimpeded natural light for much of the day.
- 9.9. The increase in footprint width may result in a slightly increased sense of enclosure for the occupants of No. 10, but not to a degree that would warrant refusal. No. 2 would be generally unaffected by any sense of enclosure, as tall and dense vegetation separates this property from the application site.
- 9.10. Nos. 29 and 31 Elm Drive would also be shielded from view by tall and dense vegetation, whilst the notable distance between them and the proposed extension would prevent any impact relating to light loss.
- 9.11. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified.

Other Matters:

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

Conclusion:

- 9.13. The proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of neighbours. For the foregoing reasons the proposal is considered to be in accordance with policies SS1 and CP12 of the Brighton and Hove City Plan Part One, and DM18, DM20 and DM21 of the City Plan Part Two, along with SPD12 guidance.

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 of money owed, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

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 its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

PLANNING COMMITTEE

Agenda Item 92 Brighton & Hove City Council

NEW APPEALS RECEIVED 11/01/2024 - 07/02/2024.

WARD**BRUNSWICK AND ADELAIDE****APPEALAPPNUMBER**

BH2022/02836

ADDRESS

57-59 Brunswick Street West Hove BN3 1EL

DEVELOPMENT DESCRIPTION

Demolition of existing buildings and erection of two to three storey terrace of 4no residential units (C3) and 1no office suite (E).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

26/01/2024

APPLICATION DECISION LEVEL

Delegated

WARD**CENTRAL HOVE****APPEALAPPNUMBER**

BH2023/01101

ADDRESS

126 Church Road Hove BN3 2EA

DEVELOPMENT DESCRIPTION

Change of use of first and second floors from self-contained residential maisonette (Use Class C3) to restaurant on first floor and residential accommodation ancillary to the restaurant on the second floor (Use Class E) and erection of a first floor rear extension. (Part retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

06/02/2024

APPLICATION DECISION LEVEL

Delegated

WARD**REGENCY****APPEALAPPNUMBER**

BH2023/01123

ADDRESS

Basement Flat 3 Vernon Terrace Brighton BN1 3JG

DEVELOPMENT DESCRIPTION

Removal of internal staircase.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

15/01/2024

APPLICATION DECISION LEVEL

Delegated

WARD**ROTTINGDEAN & WEST SALTDEAN****APPEALAPPNUMBER**

BH2023/02551

ADDRESS

The Nutshell 1 Romney Road Rottingdean Brighton BN2 7GG

DEVELOPMENT DESCRIPTION

Conversion and pitched roof rear extension with rooflights to existing garage to form an annex, roof alterations and extension to include installation of side dormer, erection of single storey side extension with rooflights, installation of front roof terraces, revised fenestration and associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

24/01/2024

APPLICATION DECISION LEVEL

Delegated

WARD

WISH

APPEALAPPNUMBER

BH2021/04068

ADDRESS

Saxon Works, Land to The Rear Of 303-305
Portland Road Portland Road Hove BN3 5SE

DEVELOPMENT DESCRIPTION

Demolition of existing buildings and erection of 2 to 5 storey residential building (C3) including basement vehicle parking and 3 storey commercial building comprising flexible Class E floorspace, with associated cycle and bin storage, landscaping and associated works. (For information: proposal is for 26no. residential units and 219sqm of commercial floorspace). (Revised description and drawings)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

25/01/2024

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

WISH

APPEALAPPNUMBER

BH2023/00413

ADDRESS

49 Glebe Villas Hove BN3 5SL

DEVELOPMENT DESCRIPTION

Erection of first floor side extension.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

26/01/2024

APPLICATION DECISION LEVEL

Delegated

PLANNING COMMITTEE

Agenda Item 93

Brighton & Hove City Council



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

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

PLANNING COMMITTEE

Agenda Item 94

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 24/01/2024 AND 20/02/2024

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

CENTRAL HOVE

APL2022/00092

Paris Wine Bar 119 Church Road Hove BN3
2AF

Appeal against

Against Enforcement Notice

APPEAL DISMISSED

Not Assigned

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

CENTRAL HOVE

APL2023/00092

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)

Against Refusal

APPEAL DISMISSED

BH2023/00562

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

HANGLETON & KNOLL

APL2023/00075

93 Applesham Avenue Hove BN3 8JN

Conversion of detached rear annexe to create
1no. one-bedroom dwellinghouse (C3) including
erection of a single-storey front extension,
creation of garden with cycle and bin store, new
boundary treatment and associated alterations.
Demolition of existing garage.

Against Refusal

APPEAL DISMISSED

BH2022/02654

Delegated

WARD

HANOVER AND ELM GROVE

APPEAL APPLICATION NUMBER APL2023/00070
ADDRESS Enterprise Point And 16-18 Melbourne Street
Brighton BN2 3LH

DEVELOPMENT DESCRIPTION Demolition of the existing buildings and erection of a new development of 6 and 8 storeys, comprising co-working business floor space (use class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens, living rooms and gym and external landscaped amenity courtyard, gardens, roof terrace, access, cycle and car parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street. (For information: proposal is for 269 co-living studio flats and 941 sqm coworking business floor space).

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2022/01490
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **MOULSECOOMB & BEVENDEAN**

APPEAL APPLICATION NUMBER APL2023/00073
ADDRESS Willingdon Road, Opposite Sunnyside 67
Eastbourne Road Brighton
DEVELOPMENT DESCRIPTION Installation of 15m high telecommunications monopole supporting 6no antennas, with wraparound equipment cabinet at base, 2no equipment cabinets, 1no electric meter cabinet and ancillary development thereto.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2022/03526
APPLICATION DECISION LEVEL Delegated

WARD **PATCHAM**
APPEAL APPLICATION NUMBER APL2023/00061
ADDRESS 109 Rotherfield Crescent Brighton BN1 8FH
DEVELOPMENT DESCRIPTION Appeal against
APPEAL TYPE Against Enforcement Notice

<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	QUEEN'S PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00083
<u>ADDRESS</u>	41A George Street Brighton BN2 1RJ
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from office with garage (Use Class E) to a two-bedroom flat (C3), with fenestration alterations.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/00733
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00080
<u>ADDRESS</u>	39 Upper North Street Brighton BN1 3FH
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from a residential dwelling (C3) to a holiday let (sui generis) (retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2023/00225
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00091
<u>ADDRESS</u>	123-126 Kings Road Brighton BN1 2FA
<u>DEVELOPMENT DESCRIPTION</u>	Display of temporary non-illuminated three-sided wrap-around scaffolding shroud (retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2023/02058
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN & WEST SALTDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2023/00090
<u>ADDRESS</u>	43 Rowan Way Rottingdean Brighton BN2 7FP
<u>DEVELOPMENT DESCRIPTION</u>	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.
<u>APPEAL TYPE</u>	Against Refusal

APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2023/01903
APPLICATION DECISION LEVEL Delegated

WARD

SOUTH PORTSLADE

APPEAL APPLICATION NUMBER

APL2023/00085

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 TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2023/00731

APPLICATION DECISION LEVEL

Delegated

WARD

ST. PETER'S AND NORTH LAINE

APPEAL APPLICATION NUMBER

APL2023/00062

ADDRESS

44 Trafalgar Street Brighton BN1 4ED

DEVELOPMENT DESCRIPTION

Display of internally illuminated digital hoarding
sign to replace existing hoarding sign.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2022/03726

APPLICATION DECISION LEVEL

Delegated

WARD

WESTDENE & HOVE PARK

APPEAL APPLICATION NUMBER

APL2023/00094

ADDRESS

Lancing Preparatory School at Mowden The
Droeway Hove BN3 6LU

DEVELOPMENT DESCRIPTION

Appeal against EN

APPEAL TYPE

Against Enforcement Notice

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

Not Assigned

WARD

WEST HILL & NORTH LAINE

APPEAL APPLICATION NUMBER

APL2023/00084

ADDRESS

18 Guildford Road Brighton BN1 3LU

DEVELOPMENT DESCRIPTION

Installation of air conditioning unit at first floor front
elevation. (Retrospective)

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2023/00112
APPLICATION DECISION LEVEL Delegated

WARD

APPEAL APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

WISH

APL2023/00087
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 TYPE
APPEAL DECISION
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL

Against Refusal
APPEAL ALLOWED
BH2023/00481
Planning (Applications) Committee

WARD

APPEAL APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

WITHDEAN

APL2023/00081
Garages Rear Of 10 Bavant Road Brighton BN1 6RD
Erection of 2no. two storey two bedroom dwellings (C3) with associated landscaping and cycle parking to replace existing garage block.

APPEAL TYPE
APPEAL DECISION
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL

Against Refusal
APPEAL DISMISSED
BH2022/03434
Delegated
