





**Brighton & Hove
City Council**

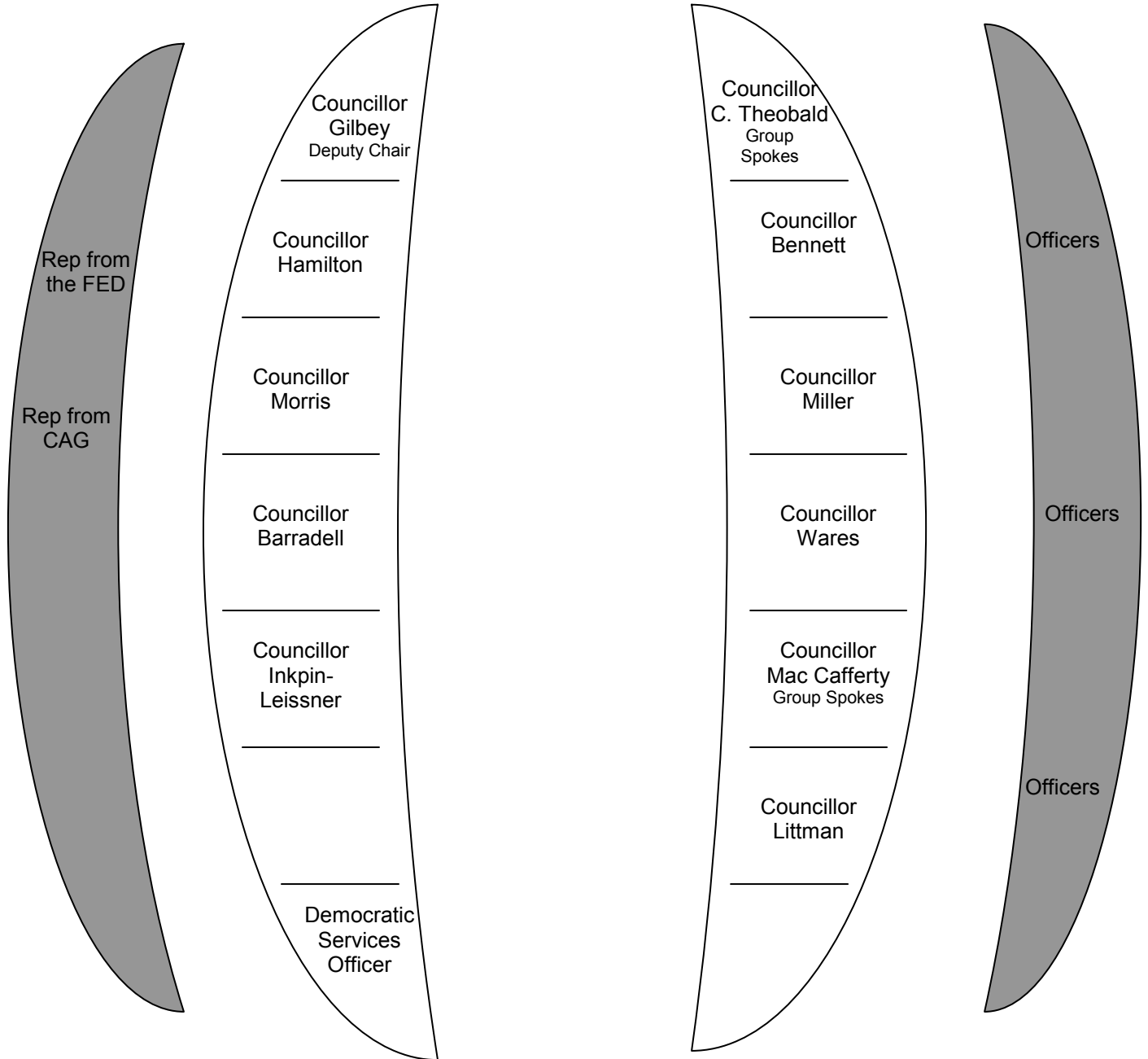
Planning Committee

Title:	Planning Committee
Date:	27 January 2016
Time:	2.00pm
Venue	The Ronuk Hall, Portslade Town Hall
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Ross Keatley Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

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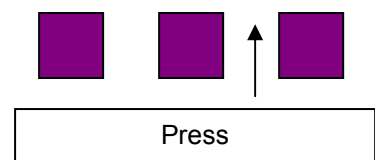
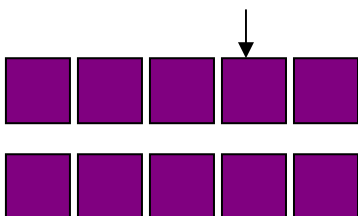
Democratic Services: Planning Committee

Senior Solicitor	Councillor Cattell Chair	Head of Development Control	Presenting Officer
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Public Speaker	Public Speaker
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Public Seating



AGENDA

125 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.

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

PLANNING COMMITTEE

126 MINUTES OF THE PREVIOUS MEETING 1 - 24

Minutes of the meeting held on 9 December 2015 (copy attached).

127 CHAIR'S COMMUNICATIONS

128 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 20 January 2016.

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

130 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.

MAJOR APPLICATIONS

A BH2014/03394 - Land adjacent 6 Falmer Avenue Saltdean Brighton - Full Planning 25 - 120

Demolition of existing house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Rottingdean Coastal

B BH2015/01471 - The Astoria 10-14 - Gloucester Place Brighton - Full Planning 121 - 148

Demolition of existing Grade II listed building (approved under BH2013/03927) and construction of a new part 3/part 7 storey building (plus basement) to form 70 no one, two, three and four bedroom self-contained residential units (C3) and incorporating commercial units (A1/A2/B1) in the basement and on the ground floor fronting Gloucester Place, a community room (D1) on the ground floor fronting Blenheim Place together with refuse/recycling facilities, cycle storage and other associated works.

RECOMMENDATION – REFUSE

Ward Affected: St Peter's & North Laine

**C BH2014/03715 - Aldi Stores Ltd 7 Carlton Terrace, Portslade 149 - 158
- Full Planning**

Application for variation of condition 1 of application BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 to 16:00 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 09:30 to 17:30 on Sundays and Bank Holidays.

RECOMMENDATION – GRANT

Ward Affected: South Portslade

MINOR APPLICATIONS

**D BH2015/01745 - 107 Marine Drive, Rottingdean, Brighton - 159 - 180
Full Planning**

Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Rottingdean Coastal

**E BH2015/03422 - 18 McWilliam Road, Brighton - Householder 181 - 190
Planning Consent**

Hip to gable roof extensions, creation of rear dormers and insertion of front rooflights.

RECOMMENDATION – REFUSE

Ward Affected: Woodingdean

**F BH2015/02881 - 37 Preston Drove, Brighton - Removal or 191 - 202
Variation of Condition**

Variation of condition 2 of application of BH2004/03648/FP (Change of use from house (C3) and Doctor's Surgery (D1) to children's nursery for 60 children and bedsit. Erection of part single storey/part two storey rear extension) to state the number of children using the day nursery at any time shall not exceed 80 without the prior approval of the Local Planning Authority.

RECOMMENDATION – GRANT

Ward Affected: Preston Park

PLANNING COMMITTEE

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

INFORMATION ITEMS

- 132 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** 203 - 206
(copy attached).
- 133 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** 207 - 244
(copy attached)
- 134 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** 245 - 248
(copy attached).
- 135 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** 249 - 250
(copy attached).
- 136 APPEAL DECISIONS** 251 - 282
(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at:

<http://www.brighton-hove.gov.uk/index.cfm?request=c1199915>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through www.moderngov.co.uk

PLANNING COMMITTEE

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If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Ross Keatley, (01273 29-1064/5, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 19 January 2016

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 9 DECEMBER 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager), Nicola Hurley (Planning Manager: Applications); Sue Dubberley (Principal Planning Officer, Major Applications); Adrian Smith (Principal Planning Officer, Applications) Lesley Johnston (Principal Planning Officer, Major Projects, Heritage & Design); Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE

113 PROCEDURAL BUSINESS

113a Declarations of substitutes

113.1 There were none.

113b Declarations of interests

113.2 Councillor Littman referred to Application (F), BH2014/03742, Hove Business Centre, Fonthill Road, Hove. He had received e mail correspondence in respect of this application but had not expressed an opinion, remained of a neutral mind and would therefore remain present during consideration and voting on this application.

113.3 Councillor Miller referred to Application (C), BH2015/03586, Clarendon House, Conway Court, Ellen House, Livingstone House and Goldstone House, Clarendon Road, Hove stating that although he had attended the meeting of the Housing Committee at which the carrying out of remedial works had been agreed in principle, he had not pre-determined the application before the Planning Committee. He would therefore remain present during consideration and determination of this application.

113.4 Councillor Morris referred to Application (A), BH2015/02443, Units 2-8, The Terraces, Madeira Drive, Brighton and to comments which he had tweeted in response to

comments by others. He wished to set this matter into context. The Chair, Councillor Cattell, considered that a lengthy explanation was not required, notwithstanding that it was important to ascertain whether or not Councillor Morris had predetermined the application. The Legal Adviser to the Committee, Hilary Woodward sought confirmation whether Councillor Morris remained of a neutral mind and he confirmed that he did and would therefore remain present during its consideration and would take part in discussion and voting on the application. Cllr Inkpin-Leissner stated that he had attended a Civil Partnership Reception at this location but remained of a neutral mind confirming that he would therefore remain present during its consideration and would take part in discussion and voting on the application. The Chair, Councillor Cattell, explained that she had worked with Ian Coomber, the applicant's agent in the past confirming however, that she remained of a neutral mind and would therefore remain present during its consideration and would take part in discussion and voting on the application.

113.5 Councillor Bennett referred to Application (G), BH2015/03341, 46 Tongdean Avenue, Hove. As the site was located in her Ward she had received e mail correspondence in respect of it. However, she remained of a neutral mind and would therefore remain present and take part in any discussion and voting thereon.

113c Exclusion of the press and public

113.6 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.

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

113d Use of mobile phones and tablets

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

114 MINUTES OF THE PREVIOUS MEETING

114.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 18 November 2015 as a correct record subject to the following amendment:

Paragraph (26) Councillor Miller proposed the reasons for refusal which were seconded by Councillor Littman.

115 CHAIR'S COMMUNICATIONS

115.1 There were none.

116 PUBLIC QUESTIONS

116.1 There were none.

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

117.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2015/03422, 18 McWilliam Road, Woodingdean, Brighton	Councillor Miller

118 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A BH2015/02443 - Units 2-8, The Terraces, Madeira Drive, Brighton - Full Planning Permission

Demolition and replacement of existing oval glass pavilion on lower tier level to form new café (A3). Demolition of existing circular building on upper tier level. Change of use of units 6-8 on lower tier level from restaurants (A3) to Members Club (SG) together with construction of two new pavilions above at upper tier level consisting of restaurant and bar (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) at lower tier units 2-5 including revised fenestration. Other associated works including the external and internal refurbishment of the existing 1920s pavilion.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Sue Dubberley introduced the application and gave a presentation by reference to plans, elevational drawings and photographs, showing the site as existing and on completion of the proposed scheme. Details of additional representations and a petition received and set out in the Additional Representations List were given, although it was noted that no new/additional planning considerations had been raised. In addition to representations received from local residents, a representation including visuals had been received from a resident of the Van Alen Building, from two local businesses, Legends Hotel (including visuals) and Melhor Massage Therapies and the Kingscliffe Society. The application site lay within the East Cliff Conservation Area within the setting of a number of listed buildings, notably the Aquarium, and was bounded on the north side by listed cast iron seafront railings, and on the South side by the walls piers railings and lamps associated with the Aquarium.
- (3) Planning permission was sought for the demolition and replacement of the existing oval glass pavilion on lower tier level to form new café (A3). Demolition of existing circular building on upper tier level. Change of use of units 6-8 on lower tier level from restaurants (A3) to Members Club (SG) together with construction of two new pavilions

above at upper tier level consisting of restaurant and bar (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) at lower tier units 2-5 including revised fenestration. The existing historic pavilions, balustrading and iron railings would be retained in the scheme and repairs and the reinstatement of elements of these was included in the proposals. The new buildings on the upper tier would be in the form of two single storey flat roofed curved pavilions with large areas of glazing on the south elevation, with open air terraces in front of the buildings and a plunge pool. A glass balustrade was proposed. The north elevation would be more solid in appearance with render punctuated by windows. A green roof was proposed on both buildings. Refurbishment of the existing units on the lower tier would consist of the replacement of the current windows and doors with a more simplified glazing pattern to give a more modern appearance. The surrounding stonework which was currently damaged and badly weathered would be repaired and refurbished.

- (5) The main considerations in determining this application related to the proposed use, design, impact on the East Cliff Conservation Area, impact on adjoining listed buildings and railings, impact upon neighbouring amenity, transport and sustainability. It was considered that the proposed development on the site would provide two modern buildings of an acceptable scale, mass and design and the refurbishment of existing restaurant units. The proposed use was considered to be appropriate for the location and consistent with Development Plan policies. The proposed new structures on the site would have an impact on its current openness and this would affect the identified character of the conservation area at that point. However it is considered that the harm that would be caused to the character of the conservation area as experienced from Marine Parade was less than substantial, and that there would be no harm to the conservation area as viewed from Madeira Drive. Due to its relative scale it is not considered that the new building will have a harmful impact on the setting of the buildings on the north side of Marine Parade. Paragraph 134 of the NPPF requires that if the harm was less than substantial the public benefits of the scheme should be considered to outweigh the harm in order for a proposal to be acceptable. The heritage benefits to the public from the development of this underused and deteriorated structure are the repairs to the historic masonry balustrade, the filling of the gap in the railings and improvements to the façade treatment of units 2 – 5 and the existing lower level of units 6-8. 9.3 There was not considered to be any significant impact on residential amenity. The traffic impact of the development was acceptable and the building would meet BREEAM 'very good'; minded to grant approval was therefore recommended.

Public Speakers & Questions

- (6) Professor Watts and Mr Davis spoke on behalf of the applicants setting out their objections to the proposed scheme. Mr Davis spoke on behalf of residents of the Van Alen building and on behalf of other objectors including the Kingscliffe Society stating that the proposed scheme would completely compromise views from that building and others towards the sea and was contrary to Policy QD4. Local Ward Councillors and all of the amenity societies had objected to the proposal which did not respect the sensitivity of this prominent location. Professor Watts spoke on behalf of the neighbouring hotels stating that this scheme would result in serious loss of amenity

and trade, their prime location offering sea views for which customers paid a premium would be compromised. The existing line of Marine Parade would be interrupted and would have a detrimental impact on that part of the sea front.

- (8) Councillors Barradell and Miller asked questions in respect of the visuals provided by the objectors in order to reference them in respect of the submitted plans and drawings, particularly with reference to views across the site and towards the sea from the neighbouring vicinity, the height of the constituent elements of the scheme and angles of the roof slopes.
- (9) Mr Coomber spoke on behalf of the applicants in support of their scheme. He explained that the earlier application had been withdrawn in order to address objections to the scheme and to engage actively in a further consultation process. The existing policy in relation to the seafront supported appropriate development and this scheme accorded with that. Some of information submitted by the objectors was misleading as it indicated that the buildings on site would be higher than would be the case. The existing historic pavilions, balustrading and iron railings would be retained including repair and re-instatement of some of these elements. This scheme differed from that previously submitted in that a gap had been created between the two upper pavilions in order to provide a partial view through to the seafront.

Questions for Officers

- (10) Councillor Miller enquired regarding the distance of the gap between the two buildings on the upper terraces and in respect of the landscaping arrangements to be put into place. Also, whether there was any "right to a view" and it was confirmed that there was not.
- (11) In response to questions by Councillor Gilbey regarding the proposed landscaping arrangements it was explained that these would form part of the conditions and that details would need to be submitted and approved prior to commencement of the works.
- (12) Councillor Inkpin-Leissner sought further clarification of the differences between the previously withdrawn scheme and that currently submitted.
- (13) Councillor Barradell inquired regarding the height of the new structures from pavement level.
- (14) Councillor Morris stated that he did not consider the proposed "grass" roof would be practical especially bearing in mind the marine location, considering that precise details needed to be submitted, particularly as this material could impact significantly on views, especially if they could be seen from some distance away in views along the sea front.
- (15) Councillor C Theobald sought clarification of the distance from the site and the neighbouring hotels and the nearest domestic dwellings and also, details of renovations to the railings and the other restoration works proposed. The Principal Planning Officer, Sue Dubberley, confirmed that the distance between the roadway and the application site varied between 1m and 4m.

- (16) Councillor Gilbey referred to the East Cliff Conservation Study and enquired whether the submitted scheme complied with that. The Heritage Officer, Lesley Johnson, explained that on the basis that two separate smaller buildings were now proposed, as was the 10m gap between the two buildings, these matters as well as the fact that the new buildings set into the site had now been moved away from the listed buildings in Marine Parade, and that the refurbishment of units 2-5 had now been included in the application meant that it was considered that any harm was considered less than substantial and was outweighed by the benefits and so the proposed development was considered acceptable in regard to its impact on the East Cliff Conservation Area and the setting of the listed buildings.
- (17) Councillor Mac Cafferty referred to the Proposed Heads of Terms, further and south information regarding submitted samples, also regarding transport and access arrangements to the site. The Principal Transport Officer, Steven Shaw, confirmed that although the pedestrian route in front of the terraces would be closed, this was located on private land and was not adopted highway, although the public had been allowed access over recent years. Although this reduced pedestrian permeability, alternative routes were available and access would be enhanced via a lift. Furthermore, the applicant had indicated that they were willing to accept a condition requiring further details of the proposed lifts to provide access between the two different tiers.

Debate and Decision Making Process

- (18) Mr Gowans spoke on behalf of the CAG, stating that the group's views remained that the application should be refused on the grounds that the proposal would cause a loss of views of the sea and Brighton Pier from Marine Parade.
- (19) Councillor Gilbey stated that she could not support approval of the application as she considered that it would be detrimental to the setting of the neighbouring listed buildings and views along the sea front.
- (20) Councillor Morris stated that there were a number of issues in relation to the level of deterioration of existing buildings on site and other aspects of the scheme which had not been addressed.
- (21) Councillor Barradell stated that she considered that there were a number of finely balanced issues to be considered and that she did have concerns regarding the appropriateness of the scheme overall.
- (22) Councillor Inkipin-Leissner stated that notwithstanding the concerns expressed regarding impact on strategic views he considered that overall the scheme was acceptable. He enquired whether it would be possible to attach additional conditions to ensure that two lifts were provided. The Legal Adviser to the Committee, Hilary Woodward, explained that there were constraints on what could be required and the Committee needed to form a view on that.
- (23) Councillor Miller stated that he considered the scheme was acceptable, considering however that conditions attached to any planning permission should ensure that the 10m gap between buildings referred to should be respected and that final details of landscaping, and materials etc., should be agreed by the Building and Development

Control Manager in consultation with the Chair, Deputy Chair and both Opposition Spokespersons.

- (24) Councillor C Theobald noted that she stated she noted that the scheme had been amended in order to address earlier concerns and that it would provide significant investment which would result in improvements to the existing 1920's pavilions and to the railings.
- (25) Councillor Wares stated that having considered the germane issues on balance he considered the application to be acceptable. If the application was refused, the timescale within which another application would be submitted was not known and in the interim the buildings on site would continue to deteriorate.
- (27) Councillor Bennett stated that she considered the proposed scheme would effect improvements and she supported it.
- (28) Councillor Cattell, the Chair, stated that she was minded to support the officer recommendation as approval of the scheme would result in the tidying up of a down at heel site in a prominent location.
- (29) A vote was taken and on a vote of 7 to 4 with 1 abstention Members agreed that minded to grant planning permission be given.

118.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11. The following additional conditions and informative to be added:

Additional Conditions:

There is to be an Archaeological Investigation
 Submission and implementation of landscaping scheme
 There to be a visual gap of 10metres between the two permitted built structure to remain free of any visual obstruction.

Additional Informative:

The applicant is advised that the details required by the materials condition are to be delegated to the Planning & Building Control Applications Manager in consultation with the Chair, Deputy Chair and Opposition Spokesperson.

B BH2015/02917 - 121-123 Davigdor Road, Hove - Full Planning

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

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.

- (2) The Principal Planning Officer, Adrian Smith, introduced the application and gave a presentation by reference to plans, elevational drawings and photographs taken across the site. He explained that it was proposed that an additional condition be added to any permission granted referring to the fact that this was set out in the "Additional Representations List."
- (3) The application site related to a modern three storey plus basement building located on the north side of Davigdor Road at the junction with Lyon Close. The building included adjacent car parking for 26 vehicles, part of which was occupied by a hand car wash business. Access was via Lyon Close to the rear. The building was occupied by a charity and comprised a series of basement studios for fitness classes with 26 bedrooms to the upper floors, all of which shared basement communal facilities. The units were let on a short term emergency accommodation basis. The site was bordered to the east by a two storey office building and car park which had planning permission to be redeveloped into a mixed use building comprising 68 flats and 700sqm of office space. Further to the east there was the seven storey P&H office building and three storey Preece House.
- (4) The main considerations in determining the application related to the principle of development, the design of the proposed building and its impacts on the surrounding area, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, and transport, ecology and sustainability issues. At present, there was no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 was adopted, with an agreed housing provision target, appeal Inspectors were likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position. Overall, it was considered that the proposed development was of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide a suitable mix of additional housing, including affordable housing without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Subject to conditions and the s106 agreement the development would accord with development plan policies and minded to grant approval was therefore recommended.

Questions for Officers

- (5) Councillor Inkpen-Leissner referred to the poor appearance of some timber clad developments in the city, requesting whether it would be possible to require details of the materials proposed to be submitted. A sample provided by the applicants was circulated and it was confirmed that details of the materials to be used would be required.
- (6) Councillor Littman enquired whether any independent assessment of the level of affordable rent/shared ownership units had been sought. It was confirmed by the District Valuer's report that the proposal would maximise the affordable rent provision.
- (7) Councillor Mac Cafferty referred to comments made regarding the height of the proposed development and it was confirmed that this was considered acceptable. The resultant development would not be overbearing in the street scene, nor would it damage strategic views towards the sea.

Debate and Decision Making Process

- (8) Councillor C Theobald stated that notwithstanding that she often had concerns regarding the level of on-site parking proposed in respect of developments across the city in this instance she considered it to be acceptable and supported the officer recommendation.
 - (9) Councillor Barradell referred to predominance of red brick facades nearby confirming that she hoped all materials were approved prior to construction commencing on site. It was confirmed that would be the case.
 - (10) Councillor Miller confirmed that welcomed the design and housing mix proposed and supported the officer recommendation.
 - (11) A vote was taken and Members voted unanimously that minded to grant planning permission be given.
- 118.2 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11 and to the additional condition set out below.

Additional condition:

Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason:

To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policy TR18 and SPG4.

MINOR APPLICATIONS

- C BH2015/03586 - Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road, Hove - Council Development**
Replacement of existing windows and doors with double glazed UPVC units to residential dwellings.
- (1) The Planning Manager, Applications, Nicola Hurley, gave a presentation by reference to photographs, plans and elevational drawings. Reference was made to the earlier refused application which had included installation of insulated rendering to all elevations, new coverings to the roof and replacement of existing windows and doors with double glazed UPVC units. The current application sought permission to replacement of external doors and windows and doors to the blocks across the site. The proposed replacement windows and doors would be white UPVC framed units. It was noted that further representations had been received and had been set out in the "Additional Representations List", but that no new matters were raised.

- (2) The main considerations in determining the application related to the resultant appearance of the proposed development (visual impact) and impact upon the setting of the heritage assets in the vicinity of the site, impact on amenity, and environmental sustainability. The proposed works would consist of the replacement of windows and balcony doors to Conway Court, Clarendon House, Ellen House, Goldstone House and Livingstone House. Integral ventilation systems were proposed to the kitchen window units.
- (3) At the time of the previous applications external insulation and rendering of all of the buildings on site had been proposed. It had been considered that this would have resulted in an unduly prominent appearance with a negative impact on the setting of heritage assets in the vicinity of the site (St Barnabus Church, Hove Station and the Hove Station Conservation Area). The current proposal would have a much less significant visual impact. It was proposed that, in conjunction with repair works which were underway at present, the UPVC windows and balcony doors to the five main blocks would be replaced with new units, of a similar design and appearance. It was considered that the replacement doors would result in a similar appearance to the existing and that there would be no significant harm to the heritage assets in the vicinity or to amenity. Protection of trees and planted areas could be secured by planning condition, therefore, the application was recommended for approval.

Public Speakers and Questions

- (4) Ms Belogaska and Mr Croydon spoke on behalf of objectors to the scheme. Ms Belogaska stated that she was concerned that full surveys had not been carried out on all of the blocks, no one had visited her and in fact her own windows and a number of others had been replaced relatively recently and did not require replacement. It was of great concern that scaffolding had been erected and porta cabins had appeared on site in advance of this planning application being considered by the Committee. These works were not necessary and should be refused, a compelling case had not been made, nor had details of the specification or life expectancy been submitted. Mr Croydon concurred with all that had been said by Ms Belogaska, he was aware of a tenant whose windows had been replaced, only 5 years or so previously, those works had not been carried out to a high standard, the windows had been fitted badly and had given rise to drafts. He had visited several flats recently with his surveyor and none of them had faulty windows. There seemed to be a determination to carry on with replacement of the windows to all flats regardless, this would be a waste of materials and money from the housing budget.
- (5) Councillor O'Quinn spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed works. There seemed to be confusion regarding works carried out to date and regarding when those works had been carried out. A number of her constituents had contacted her expressing concern that works were not required to all of the blocks, also in relation to the level of consultation that had taken place and the cost implications.
- (6) Ms Thompson spoke on behalf of the applicants, (the council) in support of its application. It was confirmed that surveys had been carried out across the site and had indicated that the existing windows had reached the end of their useful lives and were

in a poor state of repair; even in instances where the windows appeared to be in a good condition internally cracks in the external rendering and around the sills had been identified and would give rise to damp/water penetration if that was not already the case. Photographs were circulated, showing the level of works identified as a result of the surveys carried out.

Questions for Officers

- (7) Councillor Wares stated that there seemed to be confusion regarding any works previously carried out, when those works had been carried out, enquiring whether it was intended that all of the window units would be replaced and also the status of any works already commenced onsite. It was explained that with the exception of 5 flats which had leases which precluded this it was intended to replace the windows to the remaining 292 flats across the blocks on site.
- (8) It was clarified that none of the work currently being undertaken on site required planning permission. Scaffolding and portacabins had been erected on site and were being utilised in association with repair and maintenance works on site which were already under way and were not the subject of the current application. If however, permission was granted for this application this equipment would also be utilised for those works too.
- (9) Councillor Wares referred to the five properties to which the windows would not be replaced enquiring whether their appearance would then be at variance with the other properties on site. It was explained that those five properties were located across the site and would not stand-out from the other units to which replacement windows had been fitted.
- (10) Councillor Littman asked how it had been ascertained that all of the properties required work if surveys had not been undertaken, also the standard of windows to be used, work could last long beyond its quoted "lifetime" dependent on the materials, used quality of fittings and finishes etc.
- (11) Ms Thompson explained that significant problems had been identified to all of the windows surveyed across the estate, which indicated that problems with the existing windows were widespread. The surveys undertaken had indicated that the existing windows had been in situ for over twenty years although it had not proved possible to ascertain the precise date at which they had been replaced. The windows would be third generation product manufactured and fitted to a high specification.
- (12) In answer to questions by Councillor C Theobald regarding the life of the proposed windows and their external appearance it was explained that they would have a like for like appearance with the existing but as technology had moved forward in the interim it was anticipated that they would have a lifetime of 30 years plus, although that was indicative rather than being absolutely guaranteed.
- (13) Councillor Inkipin-Leissner asked regarding the level of feedback obtained, expressing concern that a number of tenants had indicated that their windows had been replaced/did not require further works. It was indicated that in addition to the surveys carried out, a great deal of feedback had also been received. Councillor Inkipin-

Leissner referred to the earlier decision of the Housing Committee, enquiring whether it would be appropriate for that to be revisited.

- (14) Councillor Cattell, the Chair stated that it would not be appropriate to consider the decision of another Committee, Councillor Miller stated that the earlier decisions of the Housing Committee had related to on-going maintenance works being undertaken on site and not to the specific detail of the application before the Committee that day.
- (15) Councillor Morris queried whether the application was invalid in consequence of the works that had commenced on site. The Planning and Building Control Applications Manager confirmed that it was understood that the equipment already on site related to works already being under taken, did not require planning permission and did not relate to the application before the Committee that day. The Planning Manager, Applications, Nicola Hurley, responded in answer to further questions that she was unable to provide further details in relation to the current works.
- (16) Councillor Wares referred to works being undertaken and sought confirmation that measures were in place to ensure that the works were completed. The Senior Solicitor, Hilary Woodward, explained she understood the works were to be completed as one project. If tenants/leaseholders had any issues regarding works that would be a matter for recourse under their tenancy agreements/leases.

Debate and Decision Making Process

- (17) Councillor Barradell whether fewer works would be carried out if subsequent surveys indicated that works were not required to all of the units. It was confirmed this lay outside the remit of this application which was for all of the units, with the exception of the five units referred to.
- (18) Councillor C Theobald referred to comments made that the replacement windows would be smaller than the existing. It was confirmed that it was understood that they would be of the same dimensions as the existing.
- (19) Councillor Miller stated that reference had been made to rights of light issues, but in his view this would be no different than was currently the case.
- (20) Councillor Littman stated that based on the information provided it appeared that significant work was required and he therefore considered that the proposals were acceptable.
- (21) Councillor Hamilton stated that having heard regarding the level of work required he considered that these works were necessary and acceptable, given that even in those cases where superficially the windows appeared to be sound closer inspection had revealed they were not. He supported the officer recommendation.
- (22) A vote was taken and on a vote of 7 to 3 with 2 abstentions planning permission was granted.

118.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and

guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

D BH2015/01745 - 107 Marine Drive, Rottingdean, Brighton - Full Planning

Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.

- (1) The Planning Manager, Applications, Nicola Hurley, introduced the scheme gave a presentation by reference to plans, site plans, elevational drawings and photographs showing views across the site and in relation to neighbouring properties. During the process of the application amendments had been made to the scheme, these had included reduction of the width of the proposed building fronting onto Marine Drive, alterations to materials to the building and the boundary treatment and alterations to the proposed entry gate.
- (2) The main considerations in determining this application related to the principle of the development, the impact of the proposal on the character and appearance of the area, impact on the living conditions of neighbouring properties, the standard of accommodation proposed impact on the local highway network and sustainability issues. It had been concluded that the proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of the other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation to be provided was considered acceptable and adequate private useable amenity space would be provided. Subject to compliance with the proposed conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage In addition it was deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties and minded to grant approval was therefore recommended.

Speakers and Questions

- (3) Mrs Dunkling spoke as a neighbouring objector setting out her objections to the scheme. Mrs Dunkling explained that she had recently been notified regarding the need to complete a party wall negotiation. Prior notification of this had not been received although it was alleged that it had. The proposed development would have a devastating and detrimental impact on her amenity and privacy as she would be totally overlooked.
- (4) Mr Lap Chan spoke on behalf of the applicants in support of their application. He explained that the scheme had been developed following detailed discussions and proposed only one more unit than the scheme for which there was an extant permission. Amendments had been made to the scheme as originally submitted in order to address concerns raised.

Questions for Officers

- (5) Councillor Barradell sought confirmation of the location of the entrance to the objectors house in relation to the side elevations to the development and explained that the configuration of the site in relation to the property at 109 was unclear to her.
- (6) Councillor Littman also sought clarification of the manner in which the units would be configured across the site and the precise differences between the application as currently submitted and that for which there was an extant permission, as did Councillor Mac Cafferty.
- (7) Councillor Wares requested to see further elevational drawings showing the relationship between the site and the neighbouring plots.
- (8) Councillor Morris stated that he was confused and unclear in respect of the relationship between the three neighbouring plots. especially, that between the application site and 109a Marine Drive.
- (9) Councillor C Theobald enquired whether a sunlight/daylight survey to assess the impact of the proposed form of development on its neighbours had been undertaken. It was confirmed that this had not been considered necessary.
- (10) Councillor Bennett proposed that further consideration of the application be deferred in order to enable a site visit to take place prior to the application being determined. This was seconded by Councillor C Theobald.
- (11) A vote was taken and on a vote of 7 with 5 abstentions it was agreed that the application would be deferred pending a site visit.

118.4 **RESOLVED** - That for the reasons set out above consideration of this application be deferred in order to enable a site visit to take place prior to the application being determined.

Note: It was noted that as the decision to defer determination of the application had been made after the objector and the Applicants representative had spoken that in accordance with the agreed protocol no further public speaking would be permitted in respect of this application.

E BH2015/01237 - Amber Court, 38 Salisbury Road, Hove - Full Planning

Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to the rear.

- (1) The Planning Manager, Applications, Nicola Hurley, introduced the application and gave a presentation by reference to plans and elevational drawings, detailing the proposals, including floor plans and photographs detailing the existing elevations and showing views across the site from the rear and from other perspectives.
- (2) It was explained that the application related to a flat-roofed purpose built three-storey block of 12 flats on the eastern side of Salisbury Road, with parking at basement level to the rear for up to 12 vehicles. The parking spaces to rear (excluding the garage spaces) and front were all used for commercial purposes (privately owned pay and display spaces). The building featured extensive brickwork with UPVC windows and

includes a small front extension with a stepped entrance and dated from the 1960's. The eastern side of Salisbury Road was predominantly of relatively recent flatted development. The western side of Salisbury Road was predominately historic semi-detached houses (some converted in to flats) which lay within the Willett Estate Conservation Area. The application site itself was not within a Conservation Area. Approval planning permission had been given for an identical scheme in 2011 and an updated sunlight and daylight study had accompanied the current application.

- (3) The main issues to be considered in determining the application were the impact of the additional storey on the character and appearance of the building and surrounding area including the adjacent Conservation Area and residential amenity for occupiers of adjoining properties; the standard of accommodation created by the development; and transport and sustainability issues. It was considered that the development would provide two additional residential units and would make efficient and effective use of land within the built up area boundary without detriment to the prevailing character and appearance of the site and wider surrounding area. The development would provide a good standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway safety; approval was therefore recommended.

Public Speakers and Questions

- (4) Mr Tanner spoke on behalf of neighbouring residents setting out their objections to the scheme. His property bordered the site and photographs were shown indicating views from his property into the site. As proposed these additional units would have a detrimental impact as use of the balconies would result in overlooking of all neighbouring properties and a resulting loss of privacy and amenity. If permission was granted he requesting that the scheme be amended to prevent use of the balconies.
- (5) Mr Boys spoke on behalf of the applicants in support of their scheme. He explained that this application was identical to that for which planning permission had been given in 2011. There had been no changes to planning policy and the scheme had addressed all relevant issues at that time. The only changes were that updated sunlight and had daylight surveys had been submitted.

Questions for Officers

- (6) Councillor Barradell considered that the Committees hands were tied in consequence of the earlier decision, requesting whether it would be possible to restrict use of the balconies by condition. Also regarding whether there would be access/overlooking from balconies of the development onto the "rectangular" garden area to the rear. This was not thought to be the case although that could not be confirmed. With regard to privacy it was confirmed that as previously a screen would be installed to the rear of the terrace to prevent overlooking and loss of privacy to the properties at the rear. The screen was considered to be of a sufficient height and to represent an acceptable approach in that locality. The proposed terraces at the rear of the building were also considered to be located at a sufficient distance to prevent significant noise and disturbance

- (7) Councillor Mac Cafferty raised the same issue enquiring whether addition of a condition relating to use of the balconies could be considered reasonable. The Legal Adviser to the Committee, Hilary Woodward confirmed that the applicant could appeal against any additional conditions and it needed to be borne in mind that this application would meet all of the conditions required by the original 2011 permission. There had been no material change in planning policy relating to this site since that time.
- (8) Councillor Morris sought confirmation that planning permission was being sought now because the previous permission had expired and it was confirmed that was the case.

Debate and Decision Making Process

- (9) Councillor Wares referred to the recent Inspector's decision in relation to a similar arrangement of rear terraces to the top floor of 39 Salisbury Road, which in refusing that application had acknowledged that that site and the application site were not directly comparable in terms of their visual impact. He asked whether this had influenced the officer recommendation and whether the previous decision had been taken by the Committee. It was confirmed that refusal to allow planning permission for balconies on 39 Salisbury Road was not considered to carry significant weight in the assessment of balconies on the application site. The previous decision had been taken by the Committee.
- (10) Councillor Miller stated that in view of the distances involved he considered that where the level of overlooking would be greatest this would be addressed by the provision of the privacy screen.
- (9) Councillor C Theobald stated that she had concerns that there could be a detrimental impact on the neighbouring properties to either side of the application site.
- (11) The Planning and Building Control Applications Manager, Jeanette Walsh, stated that it was important to acknowledge that the scheme was identical to that for which permission had been granted previously. Whilst some increased sense of enclosure would result by the additional storey to Amber Court it was not considered sufficient to warrant refusal, this relationship had been considered appropriate in the previous applications.
- (12) A vote was taken and on a vote of 8 to 4 Members voted that planning permission be granted.
- 118.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves **TO GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

F BH2014/03742 - Hove Business Centre, Fonthill Road, Hove - Full Planning
Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.

- (2) The Principal Planning Officer, Adrian Smith, introduced the scheme and gave a presentation by reference to plans, floorplans and elevational drawings. The application sought permission for the addition of nine residential flats at roof level accessed via an internal walkway along the rear of the roof. The additional floor would be metal/zinc clad with balconies to the south side.
- (3) The main considerations in the determination of this application related to the principle of adding an additional floor comprising residential flats to the locally listed building, its impact on the appearance of the building and the setting of the adjacent Hove Station Conservation Area, its impact on neighbouring amenity, the standard of accommodation to be provided, and sustainability and transport issues. Also relevant was the potential impact of the residential accommodation on the existing business units within the building. At present, there was no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 was adopted, with an agreed housing provision target, appeal Inspectors were likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.
- (4) On balance, the impact of the proposed additional storey on the appearance of this non-designated heritage asset was considered acceptable having regard to the nature of the significance of the building and the public benefits of providing additional housing units given the absence of a five year housing supply. Whilst the additional storey would impact on the amenities of residents to the rear along Newtown Road, the degree of loss of daylight and sunlight would not be sufficiently significant to warrant the refusal of permission. Subject to conditions the amenities of future occupiers would be sufficiently protected from existing activities in the building. Accordingly the development complied with development plan policies and minded to grant approval was therefore recommended.

Public Speakers and Questions

- (3) Mr Miller and Mr Kitcat spoke in their capacity as a neighbouring resident and business occupier of the building respectively setting out their objections to the scheme.
- (4) Mr Miller spoke on behalf of neighbouring residents and referred to the degree of additional noise and overlooking which would result. Mr KitKat spoke in his capacity as a business user of the building. He and other objectors questioned the credibility of the lighting report. The building was in a very poor condition of repair and it was questionable whether structurally it could carry the nine housing units proposed. The existing dance studio use did not sit well with the existing business uses and the additional housing units would be detrimental to all users of the building, including for those who would eventually occupy the flats. The scale of works which would need to be undertaken would be disruptive to the business users of the building who would have to move out for their duration. Overall, the impact of these works outweighed any benefits and the Committee were invited to refuse this application.
- (5) Councillor O'Quinn spoke in her capacity as a Local Ward Councillor setting out her objections to the proposals. Councillor O'Quinn stated that the building was iconic

example from its period and worthy of listing. She had been surprised to find that the building was not in fact listed and many she had spoken to had been under the mistaken impression that it was. In her view further consideration of the application should be deferred in order to enable that option to be actively pursued.

- (6) Mr McMillan spoke on behalf of the applicants in support of their application. He stated that the applicants had sought to address objections raised which had included concerns regarding loss of privacy and light. The roof extension would be well set back and would be subservient to the main building and it was considered that there had been a lot of misinformation about the scheme which would effect significant improvements to the building.

Questions for Officers

- (7) The Chair, Councillor Cattell, referred to the submitted light survey, seeking confirmation regarding the submitted data, as it was her understanding that light to neighbouring properties was compromised by the existing building, but that the proposed development would not give rise to increased detriment.
- (8) Councillor Barradell sought clarification regarding the noise survey carried out expressing surprise regarding the level of noise penetration from the dance school and also querying that the business occupiers would need to move for the duration of the work. A number of the existing windows had been replaced over time and replacement of others was intended as part of this scheme. The windows of the flats would be aligned with those of the floor below in order to ensure that the continuity of the building line was respected.
- (9) The Chair, Councillor Cattell, stated that she had some concerns regarding the potential for noise penetration, particularly in relation to the operation of the dance school. It was explained that only 10 noise complaints had been received since 2001, any complaints received would be investigated and could also be taken up with the dance school in the first instance.

Debate and Decision Making Process

- (10) Councillor Morris stated that he queried whether the level of consultation and liaison with residents had been adequate. It was explained that whilst this was encouraged it was not a material planning consideration and grant of permission could not be dependent on that.
- (11) Councillor Mac Cafferty referred to the consultation which had been undertaken by the applicants, noting that no reference had been made to discussion with the business users seeking confirmation that these had taken place and it was confirmed that they had.
- (12) Councillor Mac Cafferty stated that although spot listing could have been requested, it had not been. It was confirmed that this could be applied for by any individual, it did not need to be a Committee decision.

- (13) Councillor Littman stated that for him the benefits from the scheme did not outweigh the harm. He considered that the development at rooftop level would have a negative impact on residents in New Town Road and for that reason he did not feel he could support this scheme.
- (14) Councillor Gilbey stated that she had grave concerns in respect of the close proximity of the development to neighbouring residential dwellings considering that it could have a negative impact.
- (15) Councillor Inkpin-Leissner stated that he could not support the officer recommendation as in his view the proposed form of development would be detrimental to the host building. He was of the view that listing should be applied for and would have supported that option.
- (16) Councillor Barradell stated that she supported the scheme considering that the external appearance of the building would be unaltered and that it would enhance rather than detract from it.
- (17) Councillor Miller agreed stating that he considered that as the roof line of the development would be set back it was acceptable and would not have a detrimental impact. Overall, it would tidy up the existing building.
- (18) Councillor C Theobald stated that given the close proximity to Hove Station, train noise could give rise to as much noise in the vicinity as from uses within the building, noting the very small number of noise complaints received. Given the set back of the upper storey proposed, she did not consider that the proposed development would be too prominent in the street scene. She did not consider that it would be necessary for business users to move out during the works and supported the officer recommendation.
- (19) Councillor Wares concurred in that view stating that he considered the scheme to be acceptable and supported the officer recommendation.
- (20) A vote was taken and on a vote of 7 to 5 Members voted that minded to grant planning permission be given.

118.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11. Condition 8 to be amended to add the words “businesses and” after the word residents in condition 8.

G BH2015/03341 - 46 Tongdean Avenue, Hove - Full Planning

Demolition of existing single dwelling and erection of three storey six bedroom single dwelling.

- (1) The Planning Manager, Applications, Nicola Hurley, gave a presentation by reference to photographs and elevational drawings showing the existing and proposed scheme. Additional representations had been received and were detailed in the Later

Representations List but did not introduce any new matters. The current application followed refusal of a similar scheme and had been amended to address the three previous reasons for refusal relating to impact on neighbouring amenity and lack of information relating to impact on trees and the proposed front boundary treatment.

- (2) The main considerations in determining the application related to the design and appearance of the development and the impact on the character and appearance of the area and that of the Tongdean Conservation Area, the impact of the development on the residential amenity of neighbouring properties, the standard of accommodation, sustainability, transport and highway considerations and details of the potential impact on trees.
- (3) It was considered that the proposed dwelling would result in the acceptable loss of the existing much altered dwelling and replacement with a dwelling of an acceptable design, which with the imposition of conditions to secure appropriate details would have an acceptable impact on the character of the surrounding conservation area and would not give rise to adverse impacts on neighbouring amenity; approval was therefore recommended.

Speakers and Questions

- (4) Mr Borley spoke on behalf of neighbouring residents setting out their objections to the scheme. He stated that he considered that the form of development proposed would be overbearing, would result in overlooking, loss of privacy, daylight/sunlight and would result in overshadowing of the neighbouring properties. It would also impact negatively on and be contrary to the character of the Tongdean Conservation Area in which it was situated.
- (5) Mr Lap Chan spoke on behalf of the applicants in support of their scheme. He explained that the scheme had been redesigned to address the previous grounds for refusal, objections by neighbouring properties and to provide information regarding impact on the trees on site. From its frontage the building would be traditional in its design and would therefore have no impact on the street scene.

Debate and Decision Making Process

- (6) Councillor Bennett stated that given the proposed location of the development within a conservation area it was important that appropriate roofing materials were used, asking whether a condition specifying the materials to be used could be added. Councillor Miller concurred in that view.
- (7) Councillor C Theobald stated that she considered it regrettable that the existing building on site would be demolished as in her view it would have been preferable if the existing building had been refurbished. She also expressed concern that it was important to ensure that appropriate roofing materials were used, stating that she would support a condition in that respect. It was explained that this issue was covered by the proposed conditions.
- (8) Councillor Morris stated that he was unsure whether the proposed design would sit sympathetically within the existing street scene.

- (9) Councillor Mac Cafferty stated that in his view the street scene was varied in that location also noting that the previous reasons for refusal had been addressed.
- (10) The Legal Adviser to the Committee, Hilary Woodward, explained that the imposition of an additional condition could be appealed against by the applicant and was likely to be successful given that the previous reasons for refusal had been overcome.
- (11) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

118.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 and an additional condition to ensure that roof tiles were agreed as clay tiles.

H BH2015/03132 - 30 Aymer Road, Hove - Householder Planning Consent
Erection of detached garage to replace existing (Retrospective).

- (1) A vote was taken and with 11 Members present when the vote was taken planning permission was granted on a vote of 9 to 2 planning permission was granted.

118.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

Note: Councillor Hamilton was not present at the meeting during the discussion or when the vote was taken in respect of the above application.

I BH2015/03422 - 18 McWilliam Road, Brighton - Householder Planning Consent
Hip to gable roof extensions, creation of rear dormers and insertion of front roof lights.

It was noted that it had been agreed that consideration of the application would be deferred pending a site visit.

RESOLVED – That consideration of the above application be deferred in order for a site visit to take place prior to its determination.

J BH2014/03826 - The Wardley Hotel, 10 Somerhill Road, Hove - Full Planning
Internal alterations to facilitate increased number of bed spaces from 40 to 51 rooms (Part Retrospective).

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager, Applications, Nicola Hurley, gave a presentation showing the proposed changes to the internal layout of the building. In principle the expansion of the hotel to provide additional bedrooms was supported by existing and emerging

planning policy and the amenity and transport impacts of the proposal had been fully considered in the report. As part of the recent refurbishment works a ramped access to the hotel had been created off Somerhill Road and a lift, to all levels of the building had been installed. It was considered that the proposal would provide additional guest accommodation to an existing hotel without resulting in significant harm to neighbouring amenity or highway safety; approval was therefore recommended.

Questions for Officers

- (3) Councillor Barradell referred to the fact that when visiting the site the previous day she had noted that the kitchen area had been provided with microwaves rather than a cooker. As there was also no communal area she querying whether the building would still fall within the use class for a “hotel”. It was confirmed that it would.
- (4) A vote was taken and the 11 Members of the Committee who were present voted unanimously that planning permission be granted.

118.10 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

Note: Councillor Hamilton was not present at the meeting during the discussion or vote on the above application.

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

129.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2015/03422, 18 Mc William Road, Woodingdean, Brighton	Councillor Miller
BH2015/01745, 107 Marine Drive, Rottingdean, Brighton	Councillor Bennett

120 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

121 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)

- 121.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

122 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

123 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

124 APPEAL DECISIONS

- 124.1 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 7.35pm

Signed

Chair

Dated this

day of

**BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT, DEVELOPMENT & HOUSING**

APPLICATIONS FOR PLANNING COMMITTEE

Date: 27th January 2016

MAJOR APPLICATIONS

	Application Number	Ward	Address	Proposal	Recommendation
A	BH2014/03394 Full Planning	Rottingdean	Land adjacent 6 Falmer Avenue Saltdean Brighton	Demolition of existing house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath.	Minded to Grant
B	BH2015/01471 Full Planning	St Peter's & North Laine	The Astoria 10-14 Gloucester Place Brighton	Demolition of existing Grade II listed building (approved under BH2013/03927) and construction of a new part 3/part 7 storey building (plus basement) to form 70 no one, two, three and four bedroom self-contained residential units (C3) and incorporating commercial units (A1/A2/B1) in the basement and on the ground floor fronting Gloucester Place, a community room (D1) on the ground floor fronting Blenheim Place together with refuse/recycling facilities, cycle storage and other	Refuse

				associated works.	
C	BH2014/03715 Removal or Variation of Condition	South Portslade	Aldi Stores Ltd 7 Carlton Terrace, Portslade	Application for variation of condition 1 of application BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 to 16:00 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 09:30 to 17:30 on Sundays and Bank Holidays.	Minded to Grant

MINOR APPLICATIONS

	Application Number	Ward	Address	Proposal	Recommendation
D	BH2015/01745 Full Planning	Rottingdean Coastal	107 Marine Drive, Rottingdean, Brighton	Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.	Minded to Grant

E	BH2015/03422 Householder Planning Consent	Woodingdean	18 McWilliam Road, Brighton	Hip to gable roof extensions, creation of rear dormers and insertion of front rooflights.	Refuse
F	BH2015/02881 Full Planning	Preston Park	37 Preston Drove, Brighton	Variation of condition 2 of application of BH2004/03648/FP (Change of use from house (C3) and Doctor's Surgery (D1) to children's nursery for 60 children and bedsit. Erection of part single storey/part two storey rear extension) to state the number of children using the day nursery at any time shall not exceed 80 without the prior approval of the Local Planning Authority.	Grant

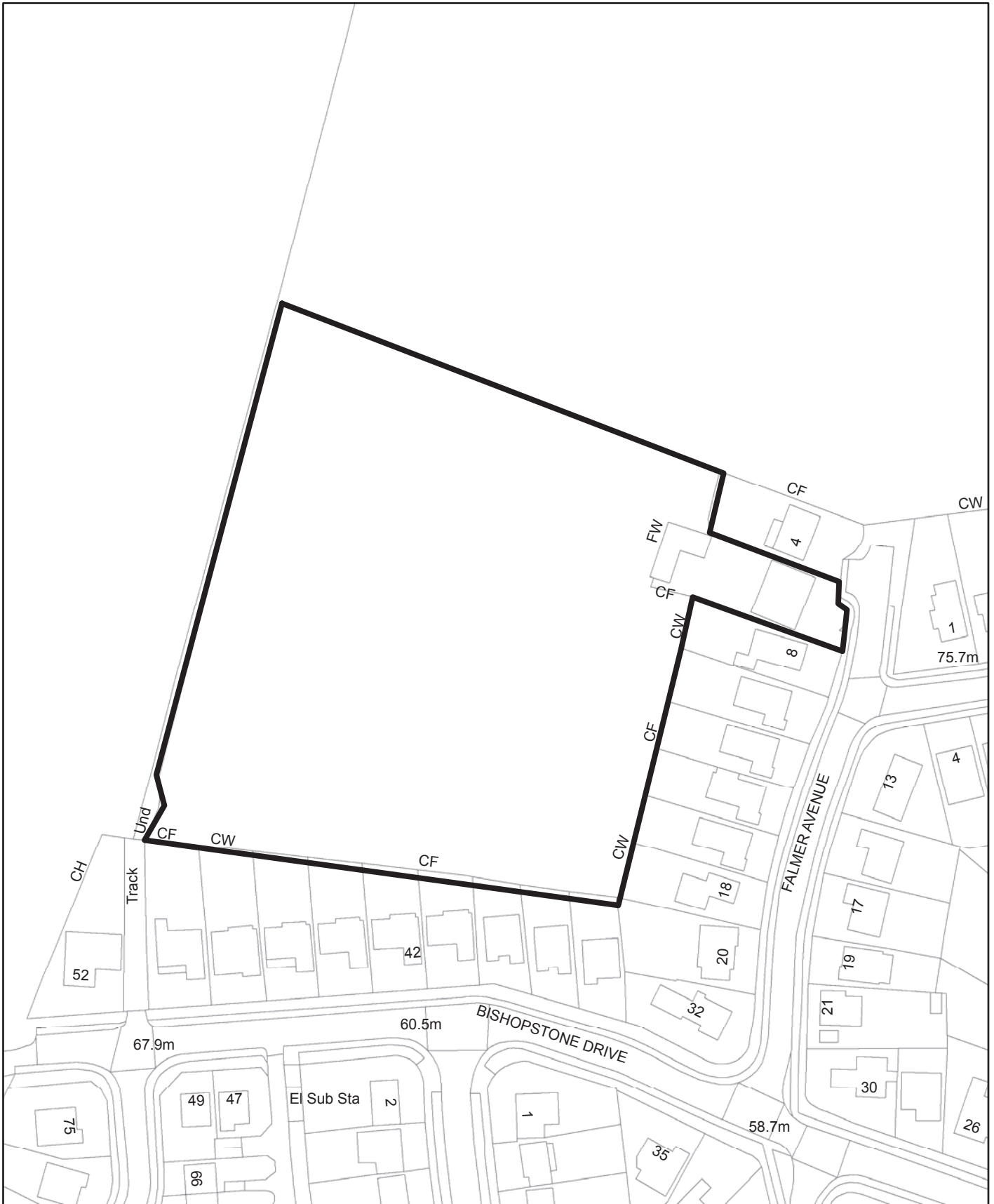
ITEM A

**Land Adjacent 6 Falmer Avenue, Saltdean,
Brighton BN2 8FH**

**BH2014 /03394
Full Planning**

27 January 2016

BH2014/03394 Land adjacent to 6 Falmer Avenue, Saltdean



**Brighton & Hove
City Council**



Scale: 1:1,250

	BH2014/03394	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	<i>Full Planning</i>		
<u>Address:</u>	<i>Land adjacent 6 Falmer Avenue Saltdean Brighton</i>		
<u>Proposal:</u>	<i>Demolition of exiting house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath.</i>		
<u>Officer:</u>	<i>Liz Arnold Tel 291709</i>	<u>Valid Date:</u>	27/10/2014
<u>Con Area:</u>	<i>N/A</i>	<u>Expiry Date:</u>	26 January 2015
<u>Listed Building Grade:</u>	<i>N/A</i>		
<u>Agent:</u>	<i>Lewis & Co Planning, 2 Port Hall Place Brighton BN1 5PD</i>		
<u>Applicant:</u>	<i>Hyde New Homes, C/O Lewis & Co Planning 2 Port Hall Place Brighton BN1 5PD</i>		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to an existing detached house located on the western side of Falmer Avenue, to the north of the junction with Bishopstone Drive. The site comprises the residential dwelling and an associated large paddock behind, with a stable block located on the eastern side of the paddock. The application site comprises approximately 1.36 hectares.
- 2.2 Boundaries of the South Downs National Park are located to the north and west of the site with a bridleway running just outside and parallel to the western site boundary. The parts of Falmer Avenue and Bishopstone Drive that adjoin the site comprise both detached bungalows and two storey dwellings.
- 2.3 The site is located in the north-west corner of the built urban area of Saltdean and provides a green buffer between the urban fringe of Saltdean and the South Downs National Park.
- 2.4 The site falls from the boundary of the South Downs National Park towards the surrounding houses in a fairly constant gradient from north-west to south-east

from approximately 76.66m (AOD) to 62.2m (AOD) and varies in gradient from east to west from approximately 64.05 (AOD) to 71.67 (AOD).

- 2.5 A public footpath/bridleway follows the western boundary of the site and provides a link from Bishopstone Drive into the South Downs National Park and beyond.
- 2.6 The application site is not covered by any designations, statutory or non-statutory, for nature conservation interest. However a Site of Nature Conservation Importance (SNCI) is located approximately 66m to the west of the site (Whiteway Lane). The site is also identified as an Archaeological sensitive site.
- 2.7 In terms of character the site is just outside of the area defined as forming part of Saltdean Oval, in the Council's Urban Characterisation Study. The Saltdean Oval is "a very low density suburban residential area in a shallow valley between the Downs and sea, developed between the 1920s and 1950s. Mainly detached bungalows and two storey houses in wide streets with grass verges that follow the contours, radiating out from the central green space. Unified scale and street pattern but mixed architectural styles with some community and commercial uses".

3 RELEVANT HISTORY

None identified.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing house (no. 6 Falmer Avenue) and associated stables and the construction of 32 no. dwellings, incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. The proposal also includes the creation of a new pedestrian link between Falmer Avenue and the South Downs Footpath.
- 4.2 The proposal would comprise the following residential units;
 - 2 bedroom flats x 4 (all affordable, including 2 wheelchair accessible),
 - 2 bedroom dwelling x 8 (all affordable),
 - 3 bedroom dwelling x 10 (1 affordable), and
 - 4 bedroom dwelling x 10.
- 4.3 At the time of submission the applicant sought permission for the construction of 36 two storey, two, three and four bed dwellings however since submission of the application the proposal has been amended including;
 - A reduction in the number of dwellings from 36 to 32 units,
 - The replacement of two pairs of semi-detached houses in the north-eastern corner of the site with a block of 4 flats,
 - A reduction in the number of parking spaces from 82 to 57,
 - The repositioning of units 24-29 (previously 31-36) further to the west in order to increase the separation distance to properties on Falmer Avenue,

PLANNING COMMITTEE LIST – 27 January 2016

- The reduction in number of dwellings located in the south-west corner reduced from 6 to 4 (units 11-14) and their repositioning further into the site to allow more space between the houses and a larger landscape buffer between the rear of the houses and site boundary,
- The replacement of former units 21 and 22 with a single detached dwelling (unit 15) to increase the amount of usable green space,
- A reduction in height by approximately 0.5m of units 2, 7 and 8,
- The widening of the footpath along the northern boundary from approximately 1m to approximately 1.5m,
- Improved pedestrian footpaths on the access road,
- The re-configuration of the access road to a one-way system,
- The introduction of landscape screening between the site entrance and nos. 4 and 8 Falmer Avenue,
- The provision cycle stands for visitors, and
- The provision of more planting to the parking areas.

Pre-Application Consultation

A proposal for the construction of 46 dwellings was the subject of public exhibition undertaken by the applicant on the 15th July 2014 in addition to the delivery of a flyer to 400 surrounding households and the display of a notice at the Saltdean Community Centre.

On the 17th July 2014 the scheme for 46 residential units was presented to Councillors and Officers of the Council. The feedback from this presentation was as follows;

- The Urban Fringe Assessment establishing the principle of developing part of the site for housing,
- The design of the development needing to better reflect the local architecture,
- Too many dwellings being proposed and housing density too high,
- Grey materials being inappropriate,
- The affordable units should be 'tenure blind',
- The timeframe for the City Plan modifications being agreed not presenting any prematurity issues for the submission of an application,
- Recreational open space could be included within the site,
- Demonstration that there would be no adverse impact in relation to landscape, archaeology and residential amenity,
- A new pedestrian link to the South Dows bridleway would enhance the scheme in terms of connectivity/permeability,
- Code for Sustainable Homes level required would be 4 or 5, and
- Whilst the site is unlikely to have any ecological important, the inclusion of biodiversity improvements would be welcomed.

- Following the pre-application feedback the proposed scheme was revised in order to address a number of the concerns raised by local residents, Councillors and Planning Officers. Such amendments included;
- A reduction in the number of dwellings from 46 to 36,
- The replacement of pitched roofs with flat roofs and parapets, to reduce the height of the dwellings,
- A landscaped area, suitable for informal play space, being introduced in the centre of the site,
- The provision of a pedestrian link to the South Downs bridleway,
- The design of the dwellings being altered to reflect the local architecture of Saltdean, and
- The omission of grey slate and brick materials.

5 PUBLICITY & CONSULTATIONS

External

Neighbours:

Two Hundred and Eighty Eight (288) representations of objection have been received from the addresses which are contained in full within **Appendix A** of this report. The following grounds of objection are stated:

Design/Visual Amenities/Landscape Impacts

- The application refers to part of the parish of Rottingdean, a buffer should exist between the City and the boundary of the parish, this proposal is in clear breach of this. Urban sprawl will lose separate village status,
- Over years Council has preserved the skylines of the Downs making the best of this superb amenity while building in the Deans between the hills, development is contrary to this principle. Site forms a pleasant open space on the edge of the downs. The Deans are a unique part of Brighton & Hove providing a special balance between urban living and access to countryside and it would be a great shame to lose this thorough a process of 'urban creep'.
- Development will represent an adverse precedent for other developments and would represent such a significant overdevelopment that a whole way of life appreciated by the residents of Saltdean and visitors alike would be forever lost,
- Should keep Conservation Areas intact,
- Boundary (outskirt) of Saltdean has been fixed since the 1960s, any development has taken place within this boundary or been small scale development next to an existing road which formed the boundary or as part of a development of existing disused farm buildings. Proposed development clearly breaches the boundary and would result in a 'free for all' in terms of planning application which is very undesirable,

PLANNING COMMITTEE LIST – 27 January 2016

- The existing stables are an intrinsic part of the area's character and provide facilities for families in the area that help to make this place their home,
- Oppose any major housing development on greenfield sites either within the City or on the fringe, once lost to concrete, bricks and mortar it will be lost forever,
- Appearance, materials, tone, style, height, architecture and property types proposed are totally out of keeping with the area. Houses look poorly designed and of low quality and will date very quickly. With white external walls and grey roofs the new buildings will be highly visible and one's eye will be drawn to them among the other brown roofs. Box style houses have clearly been conceived with the intension that the height should not obtrude above the ridge of the Downs, however there is no mention of any covenant being applied to prevent the height being raised at any future date. Difficult to see how the development is responding to local character or how it seeks to promote or reinforce local distinctiveness,
- Will harm existing Greenway network,
- New pedestrian access from the site to the bridleway/footpath will deface a section of the important SDNP (South Downs National Park) boundary and its country walk. Application states that there will be no creation of rights of way but this appears to be contrary to what is subsequently envisaged,
- Buildings of this 'Art Deco' style look fantastic and modern in the centre of cities but not on former agricultural land. Saltdean townscape is characterised by a mixture of house types. Art Deco or other white houses are generally located on their own or in small numbers amongst other houses built of fair faced brick. Design does not reflect a few of the beautiful Art Deco buildings already in Saltdean,
- Proposed materials are not suitable for marine environment such as the proposed white metal lampposts, single ply membrane roofing etc,
- Currently an unspoilt beauty spot where all the houses sweep curve in harmony with the hills and Downs, the proposed development would not. The surrounding houses are unique in that they are not even vaguely identical, Saltdean prides itself on this. There is a covenant in place in Saltdean that prevents any builder from building more than 5 identical houses in a block,
- Houses will be visible from many surrounding viewpoints, will be a blot on the land and will destroy views from and to the SDNP. No/minimal attempt has been made to conceal the properties on the crest of the hill which boards the well-used bridleway/footpath and the SDNP,
- Visual representations do not show how the development will actually appear when all the 81 parking spaces are occupied, therefore is misleading,
- Number of properties proposed is excessive, density not in keeping with local area. Small plot sizes do not address general living needs or recreation

areas for children. Over density would create over-crowding and slums of tomorrow. Plot sizes do not fit with the surrounding street pattern. Separation distances between existing and proposed dwellings is out of character with area and detrimental to existing properties,

- Developments of a smaller nature including extensions to existing homes are refused on grounds of design and being out of keeping,
- Great weight has not been given to conserving the landscape and scenic beauty of the National Park and this is contrary to NPPF 11 – conserving and enhancing the natural environment,
- The visual impact of the development on the very border of the National Park is highly detrimental and continues the disastrous piecemeal types of development that have done so much damage since the 1970s,
- Saltdean is an area of outstanding natural beauty and the proposal would detract from the specific qualities that makes it attractive,
- Site directly abuts the SDNP and should therefore be identified as National Park rather than Urban Fringe. Site was designated to be suitable for inclusion into the National Park but as excluded by way of 'procedural error'. The land has immense merit to be preserved for future generations to enjoy and complementing the National Park. Development will clearly be seen from the National Park footpath in Rottingdean. Will eliminate the view of the sea when viewed from the National Park, the inclusion of the sea as a backdrop to the National Park is an important aspect of the landscape of the eastern part of the park. There is no buffer zone planned and effective tree planting is unlikely to be successful given downland condition.
- Councils 2013 Urban Fringe Assessment (UFA) concluded site was unsuitable for residential development due to the close proximity to the National Park,
- Appreciate that there is pressure to build new houses but unless exert equal pressure on behalf of the countryside and green spaces they will continue to shrink and disappear. Hope the boundaries of the newly assigned National Park, designed to protect the countryside, are not seen as a green light by developer to build on every green space between the boundaries and nearby towns and villages, and
- Site is located only a short walk from the top end of Dean Court Road and will create an enclosed area to the south between two villages that will be a prime site for further 'infill' building projects.

Amenity Issues

- Health of local residents is being put at risk as would add to the air pollution in the centre of Rottingdean. The Air quality Management Area in the centre of Rottingdean already gives readings for nitrogen dioxide well in excess of national and European Standards, this implies health risks to local residents. Would be grossly irresponsible to allow a development that would increase

PLANNING COMMITTEE LIST – 27 January 2016

these levels of air pollution and thus further endanger the health of local residents,

- There comes a time when enough is enough and the quality of life of existing residents must be prioritised over the need to build. Proposal will reduce quality of life,
- Will ruin route for hikers from Saltdean to Lewes,
- Development is unnecessary for the existing residents of Saltdean. Site is an existing amenity area for the people of Saltdean, those beyond and visitors. Saltdean does not have many shops, restaurants etc. so existing green space is a place to relax and should not be taken away. Contravenes Human Rights Act which states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land,
- Loss of views, especially towards South Downs National Park,
- Will result in loss of privacy, overlooking, over-shadowing, light pollution, loss of sunlight/daylight, increased pollution, reduced air quality and additional noise and disturbance day and night,
- Lack of garages, layout of dwellings and flat roof design means there is no provision for storage within the dwellings, which is an example of minimal recognition of family life for maximum profits,
- Little or no garden areas, where are children expected to play?, and
- Proposal will cause the property at no. 4 Falmer Avenue to be isolated from the row of neighbouring properties. Nos. 4 and 8 currently enjoy safe and tranquil setting, new access road would breach human rights of these neighbours.

Transport/Highway/Access Issues

- The developer has very seriously underestimated the impact of additional traffic and stated that the development is not expected to have a material impact on the local highway network. Development will have a significant residual impact on the already severe local road congestion and air quality levels, this should be analysed and mitigation measures proposed. In areas of serious road congestion or close to areas exceeding air pollution limits the DfT specifies Transport Assessments may be required for traffic loans where normally a Transport Statement might suffice. Issues of traffic congestion along coast road have not been properly addressed,
- The access road is far too narrow by modern standards and has been clearly devised in order to facilitate maximum Return on Capital Investment, by accommodating more dwellings,
- It is already difficult to park near to local shops and services,
- The TRICS trip rate database has been interrogated to determine the anticipated trips generated by the proposed development, analysis has been taken on the basis of office development, private residential flats and rented residential flats. As development is for privately owned residential 4, 3 and 2 bedroom houses only this seems to indicate that analysis has been

PLANNING COMMITTEE LIST – 27 January 2016

undertaken on an invalid basis. If the data used to obtain vital trip estimations is based on flawed input, the integrity the whole statement appears to be suspect and a full evaluation should be required,

- The topographical positioning of the development and its access promotes continued car dependency; cycling and walking will not be popular. 2011 census for car ownership and methods of travel confirms that private car ownership and usage in BN2 8FH is higher than surrounding areas. Reliance on car ownership to get to and from site for leisure, work, school etc. will limit those properties only to those who can afford to buy and run a car. Limited public transport makes development unsuitable for the elderly and disabled. Most likely to be occupied by families which will significant increase the individual car use with consequent pollution issues,
- Existing roads in area cannot support new residents or construction traffic. Existing main roads are congested especially since the introduction of the bus lane on the A259. Access to the A259 from Saltdean is dangerous; development would only exacerbate road safety issues at this point. Saltdean residents only have coast road or road through Rottingdean and Woodingdean as means of access. Need to think about another road to link up Saltdean and Rottingdean or Woodingdean to allow the traffic in the Village to be bypassed by general commuters from other nearby towns,
- Proposal would generate enough extra trips to cause serious extra delays and queues at both Rottingdean and Woodingdean junctions as well as adding to pollution in the AQMA. No options to widening either road in Rottingdean especially where the High Street is very narrow and cannot be bypassed,
- Will not link directly with Wivelsfield Road (as on plans) thus providing a dangerous junction and no room to manoeuvre for site construction, delivery vehicles, emergency vehicles etc.,
- Shortest walk from site to Rottingdean Village is via an unlit track so will be dangerous especially at night,
- Top of Cranleigh Avenue is already a busy rat run at certain times of the day, particularly after school finish, can and has caused near misses for school children,
- Proposal includes 81 car parking spaces for 36 dwellings, this is inconsistent with plans to reduce air pollution, ease congestion and tackle the causes of climate change,
- 81 parking spaces are not enough given that most households have one car per adult in addition to the number required for visitors and disabled residents. Parking in new road will cause access difficulties for emergency vehicles,
- The cumulative effects of the proposed development on traffic congestion at in area especially at Rottingdean lights is to cause more misery to local

PLANNING COMMITTEE LIST – 27 January 2016

residents, journey times would increase especially at peak times and additional congestion could cause access issues/delays for emergency vehicles. Traffic surveys that seek to minimise the problem caused by new development are contradicted by the day-to-day grief suffered by local people trying to pass through Rottingdean traffic lights,

- Very steep access will be unsuitable for heavy construction traffic, emergency vehicles, refuse and recycling lorries, delivery vehicles, mothers with prams and pedestrians especially the elderly and disabled,
- Increase in traffic is completely inappropriate for the Bishopstone Drive/Falmer Avenue junction. Junction is extremely steep and many vehicles frequently get into difficulty at this junction and beyond. Access into site would be very narrow and increase in number of vehicles using route into and out of site will cause greater issues of safety especially in winter months (in ice/snow), throughout the year during heavy rainfall, for people crossing the access road and for children walking to school,
- Getting a car in and out of the garage related to no. 4 Falmer Avenue would mean they would have to back into two lanes of traffic, which would be dangerous,
- The personal injury/accident analysis on Road Safety presents a misleading picture as only considers some lightly loaded roads extremely close to the proposed development although some 90% of its additional morning traffic will make a potentially dangerous right turn at a notorious accident black spot less than a mile from the development. Transport Statement does not propose any mitigation for this,
- There is no information regarding construction traffic trips or the expected route during construction works,
- Local roads are used by horse owners to get to livery, development would impact on ability to access livery,
- Site is isolated and will be totally 'cut off' in winter's inclement weather, not only for residents but for access for emergency services etc.,
- Existing school bus service only runs to Longhill School. Public transport is already overcrowded during peak commuting periods with people in Saltdean and Rottingdean being unable to board on many occasions. Existing bus routes to Brighton go via the Marina so take a very long time so are not suitable for commuters. At present the buses have enough trouble navigating Westmeston and Bishopstone Drive without the increase of more cars parked on the roadside whether it be more residents or visitors,
- Proposed inner circular road within the site appears to be a single vehicle width at the two points on the near hairpin bends; will large vehicles be able to negotiate this?, and
- The application does not attempt to examine the traffic impact of the development in relation to the cumulative effects of other developments

committed or in progress which would also use the same road network both within the City boundaries and in East Sussex including Telscombe, Peacehaven and Newhaven. The transport statement covers only roads in the immediate vicinity as the catchment or study area does not take into account the impact of additional traffic on either the local infrastructure or the local road network. The statement does not include the impact of construction traffic either on local roads in the immediate area or the local road network.

- Ecology/Biodiversity/Tree Issues
- Will impact hugely on the SDNP particularly the wild flora and fauna which were abundant before the site was altered to grass,
- Site is a buffer zone for wildlife, has potential to support more wildlife. Existing chalk grassland is an important habitat for wildlife, fauna and flora with some plants and insects being unique to this habitat such as the Hill Blue butterfly or Adonis Blue butterfly,
- Submitted studies have been undertaken outside of the breeding and flowering periods, such studies should be ignored until a proper and concise study can be done,
- The ecological report is worrying ignorant of the actual wildlife (some protected) that inhabits the area immediately around the site such as badgers and bats. Whiteway Lane is only 0.07km from the site where Adders and Sand Lizards inhabit. The development will not conserve or enhance the natural environment,
- Pollution would have a detrimental effect on wildlife and plants which could lead to a serious loss in numbers and species, and
- The trees shown on the landscape plans will not survive the winter winds and salting. Trees/plants/shrubs cannot be grown to a sufficient height to offer screening. While the inclusion of a landscaped area with tree planting in the north-west corner of the site may improve screening of the site from the adjacent bridleway, the open downland adjoining the site is devoid of trees, therefore proposed tree planting would not fit in with the local landscape character.

Other Issues

- Local infrastructure does not allow for such a major development including with regards to over stretched doctor surgeries, emergency services, water supply, roads, nurseries, dentists, local drainage, sewerage capacity, few shops, rubbish/recycling collection, limited public transport, oversubscribed primary school (will be no additional capacity even after construction of new classrooms recently approved). Development will just further increase pressure on these services,
- Saltdean and area surrounding the land adjacent to the National Park and west of Falmer Avenue would ideally be protected for use as a public leisure

area in the City Plan. Saltdean has only one green park situated to the south and near the Lido, servicing the whole of Saltdean. The nearest alternative is the Tye in Peacehaven. The population of Saltdean has grown to tremendous proportion over the past 5 years and this area would be ideally positioned to service the leisure needs of a growing younger population providing for a playground and general green space to be used as a park,

- Will not be deemed as affordable homes especially for first time buyers, where the need is greatest, will have sea and downs views and will be at an expensive/ premium price. Past property developments have been unsuccessful, for example Ocean Flats, which resulted in negative impacts on the local area. Area is not attractive for first time buyers owing to the lack of amenities and nightlife opportunities,
- There are alternative, potential developments available to the west of the City that have reduced levels of pressure. Full use of Brownfield/vacant sites in the City is not being made or that the existing housing stock is not fully used. Two universities in the City result in students occupying houses for only two thirds of the year, many dwellings are used as second homes by the sea and also many dwellings are under occupied and owners should be encouraged to down-size. Excuse that greenfield sites are cheaper to develop should not be accepted,
- Proposed number of dwellings is inconsistent with finding of the UFA which found that only 38% of the site is suitable for development and that an indicative total of 12 low density dwellings are suitable. The UFA was accepted by the Council's Policy and resources Committee and is out for public comment at present; it would be premature to grant permission for 36 houses. UFA should be a material planning consideration in determining the application.
- Prior to the establishment of the National Park the Inspector found that the land at this site was worthy of National Park status and only due to a procedural discrepancy was this land omitted from the Park boundary. Park Authority only did not pursue this matter at the time because of the pressing timeframe to agree boundaries and establish the Park status,
- The development is only one of a sizeable number proposed for the area. It is therefore absolutely essential that the development is seen within the context of the over-all City Plan and its impact on the local area. The development should not be considered in isolation from the hundreds of other new build homes now being considered through Woodingdean, Rottingdean, Ovingdean, Saltdean and Peacehaven,
- With radial Council spending cuts who will pay for the huge costs of the infrastructure needed to support the development? The Council or the developer?,

PLANNING COMMITTEE LIST – 27 January 2016

- Whilst maybe not in a flood area the site is liable to flooding and the proposal would lead to increased flood and run-off risk to the area. Site has a surface water culvert to collect flood water which indicates area is at risk of flooding. Increases storage and surface water from the site may lead to overflow and contaminated water. There are no plans to deal with excess water, sewage and drainage on the site,
- Saltdean is one of the driest areas of the UK, susceptible to drought and water shortages, development has no measures in place to conserve or recycle water,
- In terms of energy, only measures in place are panels paced on the flat roofs, which will have a further negative impact on the vista from the South Downs National Park,
- Understand Council is under pressure from Planning Inspectorate to provide more housing but ask that the Council ensure that the local residents and community are consulted and take an active part in planning the way extra housing to be built or re-claimed from derelict sites already taking up precious space in the City and outlying areas. Urge Council to negotiate with the Government to identify more areas for home building, this has been granted to Rother. City with its exceptional student numbers is an exceptional case. All the thousands of students require accommodation none of which are registered with the Government housing figures,
- All of the documentation in the planning application implies that the building site is in Saltdean, in reality the proposed building land is within the boundary of Rottingdean. There has not been enough consultation between local residents and the Local Planning Authority, development has not been published enough. As site is in the Rottingdean parish boundary a greater level of consultation with Rottingdean residents should have been initiated. Doubt many residents are aware of the application which is unacceptable and undemocratic,
- Site is an Archaeological Notification Area,
- There is no real demand for such houses in the area. A demand or market assessment has not been provided with the application. One of its few characteristics which separates Saltdean from other areas is the absence of social housing, which means that there is certainly more equality among residents. Saltdean does not need any more social housing. Social housing is inappropriate in this location given that potential residents will need to travel to access employment, involving the expense of a vehicle or public transport.
- Fail to see who the proposed high density development incorporates any mitigating circumstances, suggest that the Planning Inspectorate reconsiders their definition of what constitutes mitigating circumstances,

PLANNING COMMITTEE LIST – 27 January 2016

- Houses planned are not of low carbon footprint and are not sustainable houses. A few solar panels are not enough to deem the development 'green'. No attempt to use eco or natural materials that are sensitive to the natural environment. Proposal offers little attempt to offer alternative power generation or water conservation suggesting only the installation of water butts and a few solar panels,
- Presumption in favour of sustainable development is not relevant to this application as the proposed development is not sustainable as per the accepted definition within either Resolution 42/187 of the United Nations General Assembly or The UK Sustainable Development Strategy Securing the Future's 'guiding principles. Of sustainable development,
- Application does not comply with Council policy or the NPPF. Site is an urban fringe site and therefore development is prohibited by policy NC6. Local Plan is still relevant and therefore paragraph 14 of NPPF is not the case here
- Development would cause a loss affecting innumerable people far outweighing the gain of 36 new houses,
- Saltdean has already made a major contribution towards increasing housing provision by creating so many new flats and apartments at the Ocean Hotel with the resulting pressure already showing on local services and increased traffic,
- To use the land for development and the methods used may be legally questionable,
- Stable built in site has never had horses in it and filed mowed to appear as a lawn rather than a meadow/paddock,
- Local shops are not 5 minutes away as stated especially on return journey if walking up steep hills,
- There is no local industrial, commercial or agricultural employment in the area and therefore residents will have to commute to work,
- Loss of existing residents housing value, but profit for developer,
- It is virtually impossible to get insurance cover for flat roofed properties,
- The City Plan that is to replace the 2005 Local Plan has yet to be adopted. It is accepted that Brighton & Hove City Council are under severe pressure to address the projected requirement of 18,000 to 24,000 dwellings over the 2010-20130 plan period. Seems the developers are exploiting this pressure and the lack of an adopted City Plan as a means to circumvent the strategic priorities and vision of the existing Draft City Plan,
- Access to site and limited public transport in area would result in the development actively discriminating against people with physical disabilities and would be in breach of any Equalities Policy,
- Population of Saltdean has increased significantly over the past years already and cannot continue to do so. Saltdean has already met 40% of the

PLANNING COMMITTEE LIST – 27 January 2016

City's extra housing requirements so why are Council expecting an already densely crowded area to absorb even more habitants,

- History of site should have given it some protection for our future generations,
- Developments of a smaller nature, including householder development have been refused on grounds of too much strain on local services. Council refused an application at 28-30 Longhill Road for same reason that this application should be refused,
- Tourists are attracted to the area because of its unique character, this would be lost,
- Play area will be completely surrounded by the access road resulting in a real risk of a child being run over, even a fence would not prevent this,
- Subsidence to number 4 as a result of the new access road,
- Plans show a pedestrian access from the plot between Falmer Avenue and the South Downs National Park footpath, this strip of land was a facility granted by the farmer or access for those who had brought land at the rear of Wivelsfield Road, not to the general public. Who has given this permission?,
- The technical flaws in the presentation contravene the human rights to natural justice,
- The proposal requires two consents, the demolition of the existing houses and stables and the construction of 36 homes,
- Given the site location next to the SDNP and the AQMA which would be impacted, it is suggested that a full Environmental Impact Assessment would be appropriate,
- The UFA parameters did not cover all the considerations that the Council will need to take into account in assessing suitability for development or factor in such subjects as infrastructure, traffic, pollution etc. which do impact on considering an application. To indicate that inclusion of a location in the assessment as meaning that the site has been accepted as suitable for development illustrates either a lack of understanding of the report and its methodology or a willingness to utilise incomplete data to support inappropriate conclusions,
- Houses alone do not make for strong communities. There is a housing need but this does not automatically justify every application, each application must be assessed on its individual merits and whether it provides complete and accurate information so that an appropriate decision can be made,
- There does not appear to be any information regarding the demolition of no. 6 Falmer Avenue. Are there any risks assessments with regards to this which note any contaminated or dangerous materials such as asbestos and how and where this and the rest of the soil from the site will be disposed of?, and

PLANNING COMMITTEE LIST – 27 January 2016

- No planning permission was granted for the existing stable or the enclosure of the site with barbed wire and therefore does not meet with NC6 protection. Believe land to be open meadowland and protected as agricultural land.

Four (4) letters of representations of support have been received from the addresses which are contained in full with **Appendix A** of this report. The following grounds of support are stated;

- Will provide affordable housing for young families in Saltdean, many families cannot afford to live in Saltdean but children go to Saltdean school,
- Is a neat in-fill to provide much needed new properties,
- Houses will increase safety for people using the edges of the downs, and
- Unlike many people opposing scheme, live in area that is going to be affected and have no issues with the proposal.

Paper petition with a total of **2117 signatures** which reads;

“We the undersigned petition Brighton & Hove Council to stop development on Saltdean urban fringe, greenfield sites including Hyde Development’s proposal behind Falmer Avenue”.

On-line petition with **209 signatures** which reads;

“We the undersigned petition Brighton & Hove Council to prevent development on Saltdean urban fringe, greenfield site by Hyde developers The proposed site lacks the necessary supporting infrastructure and backs on to National Park. It is noted that the on-line petition commenced on the 7th August 2014, prior to the submission of the application and ran until the 10th March 2015.

Following re-consultation of the revised plans and documents received on 28th October 2015 **107 (One Hundred and Seven)** further representations of objection to the revised proposal have been received from the addresses which are contained in full within **Appendix B** of this report. The following grounds of objection are stated;

Design/Visual Amenities/Landscape Impacts

- Over-development/too high density development compared to surrounding houses. Amount of homes proposed is not appropriate for the area, is completely out of keeping/context and would be intense development,
- The very few, random ‘modernist’ houses in Saltdean were built in the 1930s and were not repeated as they are generally regarded as unattractive. There are none near the field behind Falmer Avenue. Townscape is characterised by a mixture of house types, a feature in Saltdean is that the houses are incredibly diverse. Art deco or other white houses are generally located on their own or in a small number amongst other houses built of fair faced brick. Proposal is for 2 storey houses, majority of neighbouring properties are bungalows. The design of the proposed estate, including proposed flat roofs, is out of keeping with the surrounding properties/townscape. A uniform

housing estate would be an eyesore, incongruent and not line with the NPPF which requires positive improvement to lives,

- Is urban sprawl and destruction of unique and distinct village character,
- Views into/out of the South Downs National Park will be spoilt and will have adverse impacts on South Downs National Park bridle path and footpaths,
- Development encroaches on green space,
- Poor design, not sympathetic to the existing houses,
- The land forms a graduated transition from established housing to the area of outstanding beauty that is the South Downs, and
- Development will destroy the natural beauty and intrinsic character of the area.

Amenity Issues

- Overshadowing, loss of light and sunlight,
- Loss of privacy and overlooking. Proposed trees may not reach the estimated height due to adverse weather conditions regularly experienced. If trees are damaged/lost due to storms or other factors could result in never regaining any reasonable level of privacy,
- Noise pollution, especially as development would be sited higher than neighbouring properties and including during construction phase,
- Neighbouring properties right to privacy still not addressed by amendments, do not intend to wait for 15 years to attain such privacy,
- Isolation of no. 4 Falmer Road,
- Reducing the height by 0.5m does little to reduce the overpowering impact on existing properties,
- Will be major disruption for residents in the immediate area during construction, including the coming and going of construction traffic,
- Despite submission of acoustic report neighbours will experience increase in noise simply due to additional vehicle movements in Falmer Avenue, especially at night. Assessment fails to make adjustment for the steep gradient access road which would require vehicle acceleration generating a higher noise level than if a level road, and
- The space limited accommodation and patio sized plots do not cater for storage, sheds, greenhouses, vegetable gardens or the usual paraphernalia associated with sustainable urban fringe dwellings.

Transport/Highway/Access Issues

- The development is not sustainable. Note developer will be supplying bus ticket vouchers to encourage sustainable transport; do not believe that this will satisfy policy TR3. Location will not encourage people to cycle or walk as access is via many very steep gradients in a windy exposed area; therefore use of other modes of transport is likely to be much lower than assumed in transport assessment. Provision of a large number of cycle parking facilities will be an un-necessary waste,
- Entrance at Falmer Avenue being so close to the entrance to Wivelsfield Road presents a potentially dangerous traffic black spot,

PLANNING COMMITTEE LIST – 27 January 2016

- The approach to the site is a very steep incline. The top of Falmer Road is already hazardous/inaccessible in bad/icy weather and is far too narrow,
- Reversing out of garage of no. 4 Falmer Avenue will be into possibly two lanes of traffic,
- Submitted traffic reports are wholly incorrect and flawed,
- Accident information does not take into account the unrecorded numerous accidents on the A259,
- Poor bus service to area,
- Lack of on-site parking provision,
- Note that the roads and screening areas are to be maintained by Hyde Homes, what written guarantees has the Council sought from the developers to ensure that these are fulfilled for future year without any time scales being imposed by the developer?
- Increase in traffic and traffic congestion, including the Coast Road and Rottingdean. Falmer Avenue is congested enough now with vehicles already being parked with two wheels on pavements to all vehicular access to Wivelsfield Road,
- Increased parking pressure,
- Entrance to site is via a narrow short road on a very steep hill with a sharp left hand turn into the proposed site, not what consider ease of access to 36 homes for cars let alone delivery vehicles of may sizes and weights,
- Falmer Avenue is very small and a narrow road. A road which is on a very steep climb, which is busy with local residents and often has cars parked on both sides restricting access,
- Poor access for emergency services,
- Saltdean has many horses on the roads, more traffic could be a danger to them and their riders,
- Will have a severe residual cumulative impact on local traffic congestion and should be refused as per the NPPF. Developers claim that impact is not severe, take Department of Transport guidance out of context, quotes Dft guidance that was withdrawn over a year ago, ignores the replacement NPPF framework and subsequent ministerial guidance and does not justify the improbable assumption that its impact will be less than a recent development which generates less traffic but still has a serious impact on Rottingdean junction,
- Lack of/limited public transport,
- Swept path analysis appears to show the traffic will come into conflict with property boundaries, the shared green areas and would clip a pedestrian path which runs through the central area. If this is the case the development is hazardous to traffic and pedestrians,
- Plans denote that he developer and contractors will clear snow and ice including gritting where necessary. How will the contractors gain access to

PLANNING COMMITTEE LIST – 27 January 2016

the site since the Council does not grit or clear Falmer Avenue. Will the contractors also be clearing and gritting Falmer Avenue? This is a statement that cannot be substantiated and therefore is seriously flawed and should not form part of the amendments, and

- Reduction in number of cars and addition of more cycle storage is farcical as each house will have the number of cars it needs and intends on owning. A householder will not stop purchasing a car just because there is no car parking space immediately outside the property. Would result in additional parking on Falmer Avenue and Bishopstone Drive which will be detrimental to neighbours as more congested parking on these roads.

Ecology/Biodiversity/Tree Issues

- The plan to plant hundreds of saplings will take 30 years to grow, if at all, shows developer hopes to hide the proposed unsightly houses and flats,
- Impact on wildlife, flora and fauna, and
- While the inclusion of a landscaped area including tree planting in the north-west corner of the site may improve screening of the site from the adjacent bridleway, the open downland adjoin the site is devoid of trees or significant shrubs. Therefore planting would not fit in with the local landscape character.

Other Issues

- The removal of 4 homes to 32 has had a negligible impact on numerous issues and therefore the amendments made do not address any of the objections previously made regarding the original application and as such original objections still stand,
- Boundary and building distances from neighbouring properties are illegible and should be clear to read,
- The proposed housing development would not solve City's housing shortage,
- What happens if the houses are extended in the future? If planning laws become more relaxed could in the future result in the houses being even closer to neighbouring properties than proposed without possibility of neighbours objecting, what guarantees are sought to prevent this?,
- The screening areas shown between neighbouring properties and development show the trees encroaching onto neighbouring property, which is objected to and needs to be addressed,
- A new application form has been submitted so surely is a new application?
- Why are minutes from only one meeting between the developer and Council available?
- Local infrastructure is already at capacity levels, especially schools, dents, doctors surgeries and roads,
- The air quality report is flawed. Developer has agreed it will increase pollution but suggest that is negligible. Report assumes a constant flow rather than the stop-start traffic of a normal queue. Air Quality in Rottingdean is already above permitted levels, this development will increase pollution

PLANNING COMMITTEE LIST – 27 January 2016

levels and impose a serious health risk to residents especially to children at nearby schools.

- Field was an AONB and is an Archaeological Notification Area. Is a rural area with diverse domestic architecture. Site was only removed from South Downs National Park due to an error made by DEFRA. Should be subject to a variation order,
- Houses planned will not be 'affordable homes'. Will not be affordable to young people wanting to buy. Houses will have 3 or 4 bedrooms with views of the sea and downs, even the smallest of the homes will not be in the bracket of a first time buyer,
- Was deemed unsuitable for development in earlier Urban Fringe Study,
- Continued urban sprawl, there has to be a limited to how far development encroaches into the Downs,
- The application contains many meaningless adverbs or modified verbs. The use of this language affords no guarantees and is not enforceable or implicit but puts a positive spin on a statement here an antonym may be equally relative,
- The majority of homeowners are deprived of an opportunity to have a real say in matters. The amount of documentation contained in the application is too much to be properly considered by most in such a short time as is allocated. The developers have been afforded a great deal of time to prepare the application, aided it seems, by the Planning Department, who appear to value the residents to a lesser degree in time and resources,
- Brownfield sites should be considered for development first before greenfield sites,
- Proposal does not seek positive improvements in people's lives as required in the NPPF,
- Development not suitable for anyone with disabilities due to steep gradient of surrounding area,
- The Urban Fringe Assessment reported that only 12 properties may be viable on the site, along lower south-east border of field, not what is proposed,
- Increased flood risk, site contains a flood pit (bund),
- The development is wholly within the boundary of Rottingdean Parish Council with no direct access from Rottingdean itself. Believe there are government guidelines to prohibit the coalescence of larger authorities expanding into neighbouring parishes. Also believe that this would be grounds for the application being 'called in' by the government should it be approved,
- Do not believe that Brighton & Hove City Council is mindful of its duties under section 62 in relation to the South Downs National Park and the amendments do not address this,
- The root system of proposed trees is likely to damage foundations of boundary walls,
- South Downs National Park Authority objects to proposal as state it would be "detrimental to the special quality and open countryside setting of the South Downs National Park". Council has Duty of Regard, as set out in DEFRA Guidance, under Section 11A(2) of the National Parks and Access to the

Countryside Act 1949 (National Parks) and under S62 of the Environment Act 1995,

- Already plans for more homes at Coombe Farm, St Aubyns, Meadow Vale, Peacehaven and Telscombe, do not need anymore. Cumulative impacts must be assessed. The area generally is being targeted to the point of over-development and to add this development to the others already proposed is totally unacceptable,
- Developer has no real understanding of local residents concerns. Application shows that there have been neighbour consultations in the surrounding areas yet very few residents on Lustrells Vale and Westmeston Avenue have been visited although they will be the main access roads to Falmer Avenue,
- Where is the demand for the planned housing in the area? There are numerous long term unsold properties in area,
- Objections raised by the South Downs National Park and Natural England, not evident that any weight has been given to this outright opposition,
- Impact on horses,
- Will affect the value of homes in the area,
- Nominal attention to renewable energy or water conservation. Inclusion of solar panels on the flat roofs will make no difference but the obliteration of the vista from the South Downs National Park,
- The electricity supply is not sufficient (same lack of energy supply issues at the Saltdean Lido), position of sub-power stations do not appear to be clear. Any proposed positioning near the boundary of neighbouring properties will force neighbour to take legal action against Council and claim for compensation, and
- Boundary will just be a post and rail fence and it is stated that ‘screening’ from tree planting will take 15 years to be effective.

Brighton & Hove Archaeological Society:

(4/11/2014) Comment. The proposed development lies close to the location of a number of archaeological sites including an Anglo-Saxon Burial and a burial and finds from the prehistoric period. The landscape is also the location of a number of ancient field systems, which may retain vestiges of the associated settlement.

(Comment 4/11/2015 following receipt of amendments) Saltdean has produced a number of important archaeological finds from the prehistoric period through to Saxon burials.

Brighton & Hove Liberal Democrats: Object on the grounds that it would be an overdevelopment of the site. It is not in keeping with nearby properties. Car traffic from properties on the site would inevitably lead to increased air pollution on Rottingdean High Street which is an “urban canyon” and already has breached safety levels with regard to Nitrogen Dioxide for the past four years. Rottingdean has been made an Air quality Management Area, high levels of Nitrogen Dioxide from diesel exhaust gases has been linked to respiratory difficulties and asthma attacks. Draw attention to NPPF 11-110. Application fails to comply with the aim to minimise pollution. Extra car traffic in the local area will lead to further

deterioration in the air quality in the “urban canyon” of Rottingdean High Street. Ask consideration of NPPF 120 and Environmental Protection UK – Development Control Planning for air quality, 2010 update: Air quality assessments 3.5 indicates “in terms of air quality, particular attention should be paid to the potential for the development to give rise to breaches of the national air quality objectives and of EU limit values, to whether the development will materially affect any air quality action plan or strategy and to the overall degradation in local air quality”. Development would only add to severe traffic problems in the Saltdean and Rottingdean area at the expense of public health.

County Archaeologist:

(30/10/2014 and 12/11/2015 following receipt of amendments) Comment. The site is situated within an Archaeological Notification Area defining an area of prehistoric and Romano-British activity, including settlement and human burial. The site has been subject to a geographical survey, which has not identified any obvious nationally important remains, however this archaeological technique has a low potential to identify more discrete below ground features such as burials. The local heritage interest of the site has therefore not been clarified, but given the evidence for some modern disturbance on this site, could be suitably mitigated through an appropriate planning condition.

In light of the potential for loss of heritage assets on the site resulting from development the area affected by the proposal should be subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works to be adequately recorded.

County Ecologist:

(18/11/2014) Comment. Provided the recommended mitigation measures are implemented, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

(Comments 24/11/2015 following receipt of amendments) The revised description and amendments are unlikely to have any significant impacts on biodiversity. Comments submitted relating to the original application remain valid.

County Landscape Architect:

(27/11/2014) Comment. The site is a green buffer between the urban fringe of Saltdean and the South Downs National Park in an area where much of the urban edge is hard up against the National Park boundary with no green buffer. The topography of the site slopes down towards the surrounding houses and this increases the effectiveness of the site as a visual buffer to most of the houses on Falmer Avenue and Bishopstone Drive. The two houses at the north end of Falmer Avenue are prominent in wider views from the Downs.

The LVIA (October 2014) provides an accurate description of the baseline landscape character and visual conditions of the site.

It is recommended that the application can be supported as the potential impacts on the local landscape character and views could be mitigated. This will be dependent on appropriate detailed design for the hard and soft landscape. With some consideration being given to the further site enhancement measures, the potential impacts in the long term could be considered to enhance the urban rural interface in this location.

(Supplementary Comment 16/06/2015) To clarify the conclusions and recommendations previously provided. The landscape impacts of the proposed development could only be mitigated if adequate undeveloped land is allowed as a buffer to the South Downs National Park boundary and with sufficient space for an appropriate landscape mitigation scheme provided. Further more detailed consideration would suggest that this mitigation would not be achievable with the number of dwellings as proposed for the site. In this context the current application should not be supported.

(Comments 17/11/2015 following receipt of amendments) It is recommended that the application can be supported. The potential impacts on the local landscape character and views would be mitigated by the proposed design and layout and the landscape masterplan. The success of this will be dependent on appropriate detailed specification for the hard and soft landscape. The potential impacts in the long term could be considered to enhance the urban rural interface in this location.

(Comments 23/2015 following query from Case Officer regarding landscaping) Detailed comment with regards to the suggested plant species are as follows;

- The suggested Pyrus 'Chanticleer' as a street tree may not thrive in this exposed location subject to salt winds. Suggest this is substituted with Acer campestre 'Elsrijk' or Acer platanoides.
- Viburnum lantana would be a useful addition to the shrub mixes as it is a chalk loving native plant.
- Not sure whether Viburnum opulus will thrive on the thin chalk soils so should be used only where the soils are deeper and in more sheltered locations.

CPRE Sussex Countryside Trust. Object on the grounds of its visual and landscape impact, being site immediately adjacent to the National Park and very much integral to the National Park's overall setting. The site is identified in the City's Urban Fringe Assessment (UFA) as having the potential for a maximum of 12 dwellings, this would be subject to compliance with the policy requirements of the emerging City Plan. Considers that the UFA conclusion that capacity should be limited to no more than 12 dwellings on this site appropriately balances the NPPF, the need for housing and the guidance regarding developments in, or within the setting of, the National Park. However current application represents a gross overdevelopment of the site and would not allow sufficiently for careful landscaping and design of the development in a way that minimises the impact on, and recognises the special status of the site within the setting of the South Downs National Park.

The significance of development within the setting of the National Park harming the designated Park has been highlighted with a response by the former Planning Minister to a Parliamentary question on the 10th April 2014. The response was that “The Government made clear in the National Planning Policy Framework that national parks have the highest status of protection in relation to landscape and scenic beauty and that great weight should be placed on their conservation...”. NNPF explains that section 11A(2) of the National Parks and Access to the Countryside Act 1949 requires authorities to ‘have regard’ to the purpose of national parks ‘in exercising or performing any functions in relation to, or so as to affect,, land’ in national parks.

The application is also premature in the context of the emerging City Plan and the aim of the Council for balancing the site’s capacity for housing development with the special landscape setting of the South Downs National Park.

East Sussex Fire and Rescue Service:

(Comments 31/10/2014 and 10/11/2015 following receipt of amendments)

Comment. Confirm the new access road will provide suitable access for Fire Service appliances which require a minimum width of road between kerbs of 3.7m and designed to withstand 1.7 tonnes. When considering active fire safety measures for all types of premises, including residential and domestic buildings, would recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standards, Codes of Practice BS 9251 & BS EN 12845.

Environment Agency: Has no objections to the proposed development. All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to our guidance ‘PPG1 – General guide to the prevention of pollution’.

Magenta Planning (On behalf of Saltdean Countryside Alliance)

(29/05/2015) Object on grounds of principle of development, landscape and visual impact, design and appearance, traffic and car parking, housing supply issue and impact upon residential amenities.

The application site comprises a sensitive greenfield site of high landscape value that reads as an integral part of the surrounding open downland countryside. It lies outside of the existing settlement boundary and judged on its own individual merits (rather than procedural irregularities) should be included within the National Park, as assessed by the previous Inspector.

The location of the site is remote from public transport connections and local facilities; it is unsustainable, as highlighted by the high provision of car parking that is proposed. Neither do the proposals satisfy the social; economic and environmental dimensions of sustainable development. The overall design is poor and there are no wider community benefits flowing from the development.

Rather, serious harm will be caused both to the character of the countryside and to the residential amenities currently enjoyed by surrounding existing residents in terms of loss of outlook; privacy and a resultant sense of enclosure.

The application proposals are being advanced by the applicant outside of the Local Plan process and represent an ad-hoc; opportunistic and premature approach that should not be countenanced by the City Council. They are contrary to a whole range of Local Plan policies (both saved policies and emerging ones) as well as flying in the face of the 'Plan led' system advocated by the NPPF and its emphasis upon achieving sustainable development. In particular, they fail to meet the necessary policy criteria to justify development within urban fringe locations (Policy SA4) in that the site has not been allocated for development in a development plan document; a countryside location cannot be justified; the proposal pays no regard the downland setting of the City; and there are a number of adverse impacts that have not been minimised or appropriately compensated for.

Notwithstanding the Council's Urban Fringe Assessment report (June 2014), SCA contend that the principle of developing the application site is not acceptable under any circumstances and even if, the decision taker takes the June 2014 report into account as a material consideration, the quantum proposed by the application is three times that of the advice contained therein, representing a serious overdevelopment.

Furthermore, the housing supply argument advanced by the applicant is flawed since it fails to recognise the environmental constraints faced by the Authority and the numerous opportunities that exist to bring forward brownfield sites in more sustainable urban locations that can be delivered through the Local Plan process.

(Comments 19/11/2015 following receipt of amendments) Object on grounds of principle of development, landscape and visual impact, design and appearance, traffic and car parking, housing supply, impact upon residential amenities. The revised scheme is very similar to the previous proposals incorporating only a small reduction in the total number of proposed residential units from 36 to 32.

The application site is clearly not appropriate for major housing development and it is trusted that the proposals will be overwhelming rejected by the City Council accordingly. If the Local Authority is however minded to grant planning permission, it would be in conflict with its duties under Section 62 of the Environment Act, and it is clear that given the national significance of the issues involved, the Secretary of State should be notified in order to assess whether he utilises his 'call-in' powers to determine the application for himself.

Natural England:

(26/11/2014) Objects. The application is in a sensitive location and the development as submitted has not reflected this. The Landscape and Visual Impact Assessment has not adequately addressed key sensitivities of developing the site which are specific to its location and, as such, has not adequately

recognised or mitigated landscape impacts which are significant in nature. The application would result in the permanent loss of landscape character of a site which is contiguous with, and in keeping with, the National Park on its boundaries and which lies within its setting.

(Comments 24/11/2015 following receipt of amendments) Objects. The application for a development within the setting of the South Downs National Park remains virtually unchanged. Provided substantive comments to the previous application at this site which are applicable to the application and which would reiterate. Object to the development due to the significant impact on the purposes of designation of the South Downs National Park, in particular the setting and views from within the National Park.

Rottingdean Parish Council:

(13/11/2014) Objects on the following grounds;

Brighton & Hove City Council Development Plan and Emerging Local Plan - the recent Urban Fringe Assessment of the site only recommends 12 houses. The site was firstly rejected as unsuitable for development in the original Urban Fringe Study. It was only excluded from the designated National Park area due to a procedural irregularity and only recently re-introduced for qualified consideration for development due to pressure from the National Planning Inspectorate.

Proposed Site and Infrastructure - The site lies within the Parish of Rottingdean, the Parish Council, which is at an advanced stage of developing a Neighbourhood Plan including a section on housing growth and potential sites, would have welcomed an opportunity to be involved with the consideration of the proposal at an earlier stage. Site is not only an urban fringe site but also a site at the fringe of the countryside, and indeed of the South Downs National Park at a point where it is very narrow.

Any development must have regard to this sensitive location, even more so as the proposed buildings are at the brow of a hill which borders farmland with the SDNP. Site is visible from the eastern slope of Saltdean Vale and from Beacon Hill Nature Reserve. Site currently provides welcome green space among densely built-up areas which the proposal will further reduce.

Will be a 10% slope at entry point to site. Noise of vehicles exiting site will be severe nuisance to residents at no. 4 and 8.

Saltdean Primary School is full despite the addition of four new classrooms in the past two years and all other primary schools in area are oversubscribed and GP surgeries in Saltdean are much oversubscribed.

Access onto the A259 westwards from the western side of Saltdean is difficult and dangerous and the addition of 40-50 car journeys will cause further congestion. There are also to further major proposed housing developments in the parish.

The site is currently drained by water soaking into the underlying chalk. The design of the proposed development shows a large proportion of the site being built on and the developers state that it is intended to drain surface water into the main sewers, doubtful whether local sewers will cope with this during heavy rainfall. Site stated not to be in a flood risk zone so query why the site has a strategically placed culvert to collect flood water and carry it onto the main sewerage system.

Site identified as an Archaeological Notification Area, site needs to be investigated fully to determine what its archaeological features are and their heritage and other significance before permission is granted.

Design and Architecture – View from Saltdean Park illustrates the style of residential development in the area. Almost all of the existing buildings have tiled, pitched roofs in designs which are in keeping with each other. The proposed design is incompatible with the current mix of housing and will not be in harmony with its surroundings, as required by the emerging Neighbourhood Plan.

The architecture of the entire development is unsuitable for the area. The flat roof design may reduce costs and height but is more suitable for a low rainfall climate. The round windows and white finish do not make the developer's comparison with other Art deco buildings in the area any less ridiculous and spurious.

Proposed houses are small compared with existing homes in the area and have crammed as many as possible into the site. There are no garages, no lofts and little other internal storage space. Homes on the southern side designated for social housing have no gardens.

If approved views from Wivelsfield Road and Westmeston Avenue will show stark white blocks obtruding into the landscape. Attempt to camouflage with tree planting and the artist's impressions show shapely prime specimens. Doubt whether such trees will survive in this environment with its thin soil layer over chalk substrate. New buildings will not thereby be screened from the existing housing and the visual impact of the development will remain in stark contrast to its surroundings.

(Comments 24/11/2015 following receipt of amendments) Object. Parish Council felt that the original application was highly undesirable, the range of significant general and detailed concerns made in respect of original application are still relevant. Whilst acknowledge that there has been some amelioration to the design and height of the proposed units of accommodation, together with an increased area of central open space remain opposed to the scale, density and design of the housing development proposed for this difficult site. The scale of the development is unsuitable for the area, there are too many units and the design is visually too stark a contrast to the surrounding countryside. Access remains highly problematic.

The inevitable addition of vehicles will cause further congestion in the locality and current public transport route are inadequate in the vicinity. Health risks from air pollution in Rottingdean are already particularly recognised.

The infrastructure issues raised in the original comments are still relevant to the development.

Seeks to remind that the Urban Fringe Assessment of the site recommended 12 houses. Ideally to mitigate negative visual impact these would be positioned on the lower/western edge of the site.

Saltdean Countryside Alliance:

(16/11/2014) Object. Fear that the developers, who have no hesitation in quoting 'the presumption in favour of sustainable development', are using the lack of an adopted City Plan to push through an inappropriate, unsympathetic and bland housing cluster on one of the most strategic viewpoints adjoining the South Downs National Park and a site that has previously been described by the former planning officer in the Council a 'unique'. Understand history of the land will not be taken into consideration as part of the objection however the criteria which earned this site AONB status still holds true and the development would be irreversible blight.

The impact on traffic in the immediate and wider area will be substantive. Believe that the trip assessments given have been incorrectly analysed and in fact indicate a severe impact on delays and congestion. There are just two access points in and out of the development, the A259 and B223 via Steyning Road and Rottingdean High Street, which is already an AQMA with pollution well above legal limits. Gaining access onto the A259 travelling west is particularly hazardous and notoriously congested and highway capacity reaching saturation.

Application seeks to minimise impact by emphasising use of local buses and cycling however development is at the top of a gradient which will make it inaccessible to any person with limited mobility and most cyclists. Nearest bus stop is at the bottom of Falmer Avenue and service runs just once an hour during the day.

Falmer Avenue access is of great concern because of the gradient, which makes it inaccessible in the case of ice and snow because of the width and because it appears that the plans have misrepresented the proposed access road into the development. Access can only be through no. 6, request a full feasibility of construction, delivery and even personal vehicles being able to negotiate this access.

Due to the existing low density of the surrounding homes, the increase in traffic and noise would be well above acceptable standards in terms of the local environment.

Have serious concerns about the lack of any contingency regarding the flood risk of the site which is designated by the Environment Agency as High Risk. There is no acknowledgement of the bund put in place in the lower south east corner.

Until a few years ago the site was a true chalk downland meadow with a diversity of wildlife but has been reduced to a sterile field. Proposed tree planting is likely to fail on chalk downland and would be out of context with neighbouring South Downs National Park as will 336 house of mediocre design, totally inappropriate because of their dominance over the neighbouring community. Design inappropriate for area and has little regard for sustainability or mitigation of the carbon footprint of such large development. Plans show little regard for new technology in terms of renewable energy sources.

Local school is already planning for additional intake with consideration of additional housing.

Understand pressure in terms of NPPF and directive to consider urban fringe land as potential source of housing to meet current projected shortfall. Urban Fringe Assessment 2014 only indicated the site being suitable for 12 low density houses. Cannot therefore escape the conclusion that the application has been hastily assembled with little thought for the surrounding community and countryside with the sole intension to exploiting the current lack of an adopted City plan to push through a development which is totally inappropriate in terms density, sustainability an design.

(2/08/2015) Document from DEFRA shows that the Secretary of State recognised the qualities of the land behind Falmer Avenue and that they intended to make a Variation Order to include the field within the park boundary.

Saltdean Residents Association:

(14/11/2014) Object. Statements made in the documents are misleading, omit crucial facts and take no account of gradient, weather and local conditions. Documents make no mention of the impact of major developments in Saltdean which have either been agreed or are likely to be agreed in 2015, these projects during the construction stage will impact in a major way the infrastructure, particularly the A259 and A27 and the various road junctions. Application has been completed in isolation, without considering any wider implications.

With respect to statements in the planning statement the City Plan 1 with modification including the Urban Fringe Assessment is still public consultation and has not been implemented by the Council, the footpath is part of an access route to the South Downs National Park and Dean Court Road which is in Rottingdean across the South Downs Country Park which separates Saltdean and Rottingdean, thus preserving the separate identifies of the towns and preventing urban sprawl.

PLANNING COMMITTEE LIST – 27 January 2016

Development should be turned down because it fails on “achieving sustainable development” with respect to economic, social, environmental and supporting a prosperous rural economy.

Call on the Council to follow the message given by Eric Pickles MP on the 4th October 2014. New guidance was issued stating that “inappropriate development” on Green Belt “should not be approved except in very special circumstances”. This site may not be Green Belt it is Urban Fringe and should by rights be in the South Downs National Park and is therefore arguably more in need of protection than Green Belt.

The NPPG promotes brown-field sites before green-field and there are enough brownfield site in the City to accommodate the 5 year housing needs especially if student dwellings are included in the figures.

The statement that the site is not in a flood rise zone is unsound as there has been flooding and the site is identified a high risk of flooding sue to surface water run-off, Environmental Agency surface flooding plans verify his from their website.

At least 81 vehicles are expected on the site which at a minimum will be 160 journeys in and out of the site daily plus service vehicles and refuse collections yet in the report the impact of traffic suggests 21 two way movements will be added to the peak afternoon load. Development would add to existing traffic congestion and local roads not wide enough for two cars to pass if cars parked in road. Local buses services are not very frequent and some services are vulnerable to being axed.

Children are expected to play amongst the traffic and no calculations have been made for air pollution. These are supposed to be family homes but with no space for families to relax and enjoy leisure activities. Front gardens are open plan car parking and the back gardens are small and mainly patios.

Shop and facilities are not located within easy walking distance of the site, the reality is because of the gradient and weather conditions it is rarely an easy walk. Lack of local facilities/infrastructure including doctors, schools, nurseries, dentists and community centres.

Saltdean is not an area of stagnation, the population is growing and the demographics are hanging. Average age is now approximately 43 years. As the properties change hands the original 2 or 3 bedroom bungalows are being extended and turned into large family homes. Space has been made available within footprint of the existing homes for new homes. Planning has been controlled by Brighton & Hove City Council and Lewes District Council to ensure that any changes are congruent with existing homes. There are sheltered and independent flat developments for senior citizens and nursing and care homes as well a block of flats run by Brighton Housing Trust to aid the homeless. These are all in areas where the terrain is flat or there is easy access to buses, doctors and shops. This speculative development is on high ground without easy access to buses, doctors or shops.

(Comments 4/12/2015 following receipt of amendments) Object. The amendments are too minor to overcome the previous objections made. The Urban Fringe Report mentioned potential for 2 homes, the level of development planned is over dense and inappropriate for this steep downland area. The plot sizes will cause overcrowding with too much concrete on a plot of land which was in an area of outstanding natural beauty. The barn was never given planning permission and the land was left out of the South Downs National Park due to an error by DEFRA. The travel plan recognises that public transport is per with 1 bus an hour terminating at 7pm. Because of the gradient cars will be required at least 1 per home but probably 2, i.e. 64. Insufficient parking and crowded narrow local roads will cause chaos. The noise, visual impact will be unacceptable to the neighbours and 1 resident who has lived therefore 40 years will have a new road adjacent to their property with all the noise of the cars and residents. There are numerous reasons to object to the development.

Saltdean Swimmers: Object. People accept that there is a need for more housing but homes must not be built where they will have an adverse effect on the landscape or an adverse effect on the health of people.

Adverse Effect on the Landscape – site was chosen by the Inspector as a site to go into the South Downs National Park and not for a housing estate. The houses would be an intrusion on this downland landscape. Recently granted status of a UNECCO Biosphere, one of only six in the country. Additionally this land is part of the Green Network. Field should be left as part of the downland scene adjacent to the South Downs National Park. Better still should be reinstated within the Park as it was left out in error.

Adverse Effect on Health – will introduce yet more cars into an area that is already suffering air pollution from excessive traffic. Area of concern, Rottingdean AQMA is in breach of EU safety levels for nitrogen dioxide; this is likely to attract an EU fine. The health of those who live in the QMA must not be ignored, residents likely to be at increased risk of cardiovascular problems, respiratory problems and asthma.

Rottingdean Village – Consideration must be given to Rottingdean because here is a beautiful village steeped in history and the traffic is destroying the village. Unfortunately all the traffic funnels through the High Street causing traffic congestion and gridlock. The smell of diesel exhaust is very noticeable when the traffic is queuing. These emissions are bad for health. More cars will bring yet more air pollution into the already polluted Rottingdean High Street, this is not in line with what is required. Rottingdean urgently needs to reduce its traffic burden, not increase it. New development will increase traffic congestion. Exacerbate the air pollution problems and linger tailbacks means journeys to and from work taking longer. The field should be left a part of the downland scene.

Health Risks – Have been warnings of the danger of diesel emission to health in the media. Expert warns of the dangers of nitrogen dioxide gas and particulates in the vehicle exhaust emissions. It is the young and old who are most at risk. There

is an urgent need to reduce the traffic in the High Street because the NO2 levels are already too high, do not know the concentration of the particulates.

Also object on grounds of proposal failing to comply with the NPPF, draw attention to The Environmental Protection UK – Development Control Planning for Air quality 2010 Update particularly parts 3.5 and 5.6, the City Air Quality Action Plan, infrastructure including lack of roads, schools and doctors, impact on hospital, congestion being bad for local business, brownfield sites should be built on first and characteristics of the site.

South Downs National Park:

(25/11/2014) Objects. The general topography of the site falls from the northwest to the southeast. From the bridleway, the urban valleys across Saltdean and Rottingdean to the sea can be clearly seen from the open rural/agricultural land to the South Downs National Park, particularly along the north western boundary of the site with the bridleway. The key sensitivities of the proposal against the setting of the SDNP include the views from public rights of way to the east, north and south, the skyline, the settlement edge design, together with landscape and visual impact.

The current Brighton & Hove Local Plan policy context is that the site is outside the development boundary of the Local Plan, also the land is not allocated for housing in the Plan. However, some capacity has been identified in the Council's urban fringe assessment for the site.

The site is an open green space connecting to a residential property in Falmer Avenue, with a stable, but the predominant land coverage is paddock. At present the site provides a natural topography of open green soft-scape relief from the visual impact of the dense urban conurbation around and close to the edge of the site, along Bishopstone Drive and Falmer Avenue. It constitutes a valuable green transition from the urban environment to the special natural qualities of the adjoining open rural countryside, designated as a National Park, particularly when using the bridleway and other public footpaths. Such green areas form valuable buffers to protect the special qualities of the setting of the SDNP and allow a natural transition from urban areas up to the boundaries of the National Park. Such green buffers are rarely seen around the urban settlement periphery of Saltdean and other urban fringe areas around the Brighton area.

In the above context the proposed development for 36 dwellings with access road and other urban infrastructure, together with the associated domestic activity, lighting, paraphernalia and vehicular movements, would constitute overdevelopment of the land and would be a prominent exacerbation of the dense urban environment close and up to the edge of the open rural SDNP. For the reasons given, such development would be detrimental to the special qualities and open countryside setting of the SDNP, including the qualities of the peace and tranquillity and potentially the wildlife nearby and therein. In addition, at present there is a balanced symmetry of outlook and open aspect looking south across Rottingdean and Saltdean Valleys toward the sea, as part of the public

enjoyment and sense of place close to and within the SDNP. This symmetry of open aspect from the SDNP is likely to be visually unbalanced by the development and the outlook and open aspect significantly, if not completely, eroded looking south east over Saltdean by the proposed planting in the north west corner of the site and from the housing itself. Notwithstanding the proposed landscaping, the National Park Authority do not consider these soft scape proposals and planting as appropriate mitigation and/or a justification, as a replacement for the natural green transitional buffer the land already provides, as described.

(Comments 17/11/2015 following receipt of amendments) Objects.

Notwithstanding the amendments to the scheme, in the above contextual relation to the South Downs National Park (SDNP), the proposed development (revised) for 32 dwellings with access road and other urban infrastructure, together with the associated domestic activity, lighting, paraphernalia and vehicular movements, would still constitute overdevelopment of the land and would be a prominent exacerbation of the dense urban environment close and up to the edge of the open rural SDNP. For the reasons given, such development would be detrimental to the special qualities and open countryside setting of the SDNP, including the qualities of the peace and tranquillity, and potentially the wildlife nearby and therein. In addition, at present there is a balanced symmetry of outlook and open aspect looking south across the Rottingdean and Saltdean Valleys toward the sea, as part of the public enjoyment and sense of place close to and within the SDNP. This symmetry of open aspect from the SDNP is likely to be visually unbalanced by the development, and the outlook and open aspect significantly, if not completely, eroded looking south east over Saltdean by the proposed planting in the north west corner of the site and from the housing itself. Notwithstanding the proposed landscaping shown with the scheme, the SDNPA do not consider these soft scape proposals and planting as appropriate mitigation and/or a justification, as a replacement for the natural green transitional buffer the land already provides.

South Downs Society:

(6/11/2014) Objects. The application site is deemed part of the Urban Fringe and forms an important buffer between the existing urban conurbation and the South Downs National Park.

Whilst the land falls outside the National Park and has no significant environmental constraints, it was originally considered by the National Park Inspector to be land worthy of such status. Understand that it was the subject of a High Court challenge and only excluded because of a procedural regularity which the Council was unsuccessful in having rectified.

Referring to the recently released Urban Fringe Assessment 2014 the Society supports the assessment made in October 2013 being that the application site is unsuitable for residential development due to the site being close proximity to the National Park and the potential for significant negative impacts on the Parks special qualities.

(Comments 5th November following receipt of amendments) Objects. Have considered the amendments but would stand by previous objections as the changes do not affect Society's position.

Southern Gas Networks:

(Comments 11/11/2014 and 19/11/2015 following receipt of amendments) Comment. Note the presence of Low/Medium/Intermediate Pressure gas main in the proximity to the site. There should be no mechanical excavations taking place above or within 0.5m of the Low pressure and medium pressure system and 3m of the intermediate pressure system. Should where required confirm the position of mains using hand dug trial holes.

Southern Water: (14/11/2014) Comment. Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development but requires a formal application for connection to the public sewer. If approved recommend conditions regarding sewerage infrastructure and means of foul and surface water sewerage disposal.

Initial investigations indicate that there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Following initial investigations, there is currently inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains, or improvements to existing mains, will be required to provide sufficient capacity to service the development.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.

If approved recommend conditions and informatives regarding connection to public sewerage system, requisition of water infrastructure, water infrastructure plans and means of foul and surface water sewerage disposal.

Sussex Police:

(12/12/2014) Comment. Disappointed to note the Design and Access Statement submitted failed to mention any crime prevention measures to be incorporated into the design and layout. The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion. Design and Access Statements for application should therefore

PLANNING COMMITTEE LIST – 27 January 2016

demonstrate how crime prevention measures have been considered in the design and layout of the development.

Development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked. Parking in the main has been provided for with in-curtilage parking which should leave the street layout free and unobstructed. Where communal parking occurs would appear they are overlooked from an active room within the property.

It is important that the boundary between public space and private areas are clearly indicated. Recommend that there is either defensible planting or restrictors fitted to the vulnerable ground floor windows.

Question the rear access footpaths that are shown to provide access to the gardens to the north. These paths provide unnecessary and unauthorised access, when access the rear gardens can be obtained for all the dwellings from the front elevation.

As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. Gates that provide access to the side of the dwellings or rear access to gardens must be robustly constructed of timber, be the same height as the fence and be lockable.

It is important to avoid the creation of windowless elevations and blank walls adjacent to space to which the public have access.

The central green space is positioned well with very good surveillance from the surrounding dwellings but it will be necessary to keep ground foliage low in order to maintain natural surveillance throughout.

Lighting will be an important consideration, both in the car parking area, around the buildings and communal areas and is to conform to BS 5489:2013.

(Comments 20/11/2015 following receipt of amendments) Note there has been a change in the number and type of dwellings. The main entrance door to the four flats is shown as a leaf and a half. This will be very difficult to secure therefore recommend that a single door is installed in its place. This door must incorporate an access control system with an electronic lock release and entry phone linked to each household. Trade buttons are not to be used. Communal postal arrangements will have to be given some consideration with either through the wall, external or lobby situated secure letter boxes to be fitted.

Previous comment concerning perimeter and garden fencing remains extant.

The flats would benefit from a gabled ended window overlooking the adjacent parking court. It is important that the boundary between the public space and private area is clearly indicated around the flats in the form of planting or buffer

PLANNING COMMITTEE LIST – 27 January 2016

zones. This will also provide a degree of protection to the proposed open cycle rack.

The central green space is positioned well with very good surveillance from the surrounding dwellings but it will be necessary to keep ground foliage low in order to maintain natural surveillance throughout. Ground planting to be no higher than 1m with tree canopies no lower than 2m.

Lighting will be an important consideration, both in the car parking area, around the buildings and communal areas and is to conform to the recommendations within BS 5489:2013.

UK Power Networks: (28/10/2014 and 4/11/2015) Have no objections to the proposed works.

Councillor Mary Mears: Objects to the proposal. Letter Attached.

Councillor Smith: Objects to the proposal. Letter Attached.

Simon Kirby MP:

(17/11/2014) Objects to the application on the following grounds;

- This is an entirely inappropriate site for development. It is a precious green space in the City, which the Council should be protecting. The Council should be looking at brownfield sites. City centre sites and sites like Shoreham harbour to find additional housing places with the city before even considering sensitive sites on the urban fringe in places like Saltdean,
- The site is of huge natural value. The land has been designated as an area of outstanding natural beauty and was previously included in South Downs National Park. The City Council has stated that it believes the area worthy of inclusion in the South Downs National Park,
- Additionally, the local infrastructure would not be able to cope with the additional strain these new properties would inevitably place. Roads in the area are already incredibly busy and parking is already very problematic in the local area which will be exacerbated by additional cars,
- Saltdean is an incredibly special place and it would be a huge mistake to jeopardise that by permitting inappropriate development and would urge the Council to do the right thing and reject the application and safeguard this green space.

(Comments 23/11/2015 following receipt of amendments) Object. Have been told by many constituents that this large open field currently on the edge of the South Downs National Park should not be developed because of its natural beauty and ecological values. There are also many concerns about whether the local infrastructure is able to cope with additional development. This development would put additional strains on local GP surgeries, school and roads, which are

often gridlocked during peak hours a present. There are additional concerns about the unsafe pollution levels in the area due to these extremely high levels of traffic.

Internal:

Access Consultant: (17/11/2014) Comment. The comments in the Design and Access Statement regarding sloping parking spaces are noted but it would seem possible that the road levels on a new build site such as this could be altered to enable the access routes to be level or gently sloping? That would seem reasonable, particularly bearing in mind the houses are only on one side of the road so there is no need to make a compromise to accommodate houses on opposite sides.

The actual house designs are mainly fine except for a few points; the approach to all entrances to all units should be level or gently sloping with a 1200mm square level landing and level threshold entry to the main entrance but the elevations seem to show a difference in level between the floor level and the external ground, there needs to be 300mm clearance at the landing edge of the entrance door to the 2 bedroom houses, kitchen units currently get in the way, there needs to be 400mm between the centre line of the WC and the wall upstairs bathroom and 1000mm between the centre line of the nearest obstruction on the other side in the 3 bedroom houses.

There is no obvious provision so far for the fully accessible units required by H013.

(Comments 23/11/2015 following receipt of amendments)

Lifetime Homes Generally - There still appear to be quite steeply sloping parking places at some of the houses. It would seem possible that the road levels on a new build site such as this could be altered to enable the access routes to be level or gently sloping, if not from the highway, then at least from the car parking places. That would seem reasonable, particularly bearing in mind the houses are only on one side of the road so there is no need to make a compromise to accommodate houses on opposite sides.

The actual house designs themselves are mainly fine except for the following points;

- There needs to be 300mm clearance at the leading edge of the entrance door to the 2 bedroom semi-detached shared ownership houses. Kitchen units currently get in the way
- There needs to be 400mm between the centre line of the WC and the wall in upstairs bathroom and 1000mm between the centre line and the nearest obstruction on the other side in the 3 bedroom detached houses.
- Some of the bathroom layouts feature toilets that are not adjacent to a wall. That will make it very difficult to fit suitable grab rails should they ever be required.

Wheelchair accessible units - Need a 1.7m x 1100mm storage/charging space for an outdoor wheelchair in each wheelchair accessible flat. (1.5m x 1.1075m approximately currently shown.)

The handrails on the common stairs in the flats need to extend 300mm beyond the top and bottom riser in each flight. That would appear to cause a problem with the remaining travel width on the half landing.

Arboriculturist:

(17/11/2014) No objection. No trees will be lost, have no objection to the proposal subject to a condition regarding the submission of a scheme for landscaping.

(Comments 24/11/2015 following receipt of amendments) No objection subject to suitable conditions being attached to any consent regarding landscaping/plating scheme, implementation of landscaping scheme and protection of existing trees.

City Clean: Comment. There are no drawings provided for refuse and recycling provision. Have no objection subject to compliance with set guidelines.

City Parks: Comment. The proposed footpath would not be a public right of way unless it is adopted. Would be happy to adopt it provided that it is finished with a Ministry of Transport surface (or equivalent, but not tarmac) and there are no gates to maintain. Normally would expect the developer to take on the maintenance for the first 5 years (which should be minimal if well-constructed), rectifying any problems that appear with the construction before the Council take on responsibility for maintenance of the surface. Any overhanging vegetation on a right of way is the responsibility of the landowner.

Design Review (Internal): Comment.

Shared Space - Use of shared space is welcomed however concern is raised over enforcement of the one way system. Good signage would be one way of contributing towards delivery. Request details from the applicant on how this system would work and how the road will be maintained in future. It is important to make sure surface movement directs water to channels or towards the green space in the middle and use this area as a form of natural soakaway/swale.

Flood Risk Mitigation - Any development needs to consider attenuation for both summer and winter storms up to and including the 1 in 100-year plus climate change. The developer will need to demonstrate this using calculations and methods such as a Micro Drainage. Properties on the southwest corner of the site would be most at risk of flooding because of a dip on the landscape. It is important to make sure risk is mitigated by ensuring, for instance, that:

- the houses in that area of the site are elevated in relation to the road areas; this may be difficult to achieve – probably easier to make sure the surface 'fall' of the carriageway is away from the properties,
- a drainage channel is provided in the bottom half of the circle (low point) and porous block paving is used as the highway material; and/or,

PLANNING COMMITTEE LIST – 27 January 2016

- identify areas within the common areas able to retain water temporarily in the context of an extreme event and design these into the landscaping of the scheme.

To reduce the impact upon the lower part of the site and the surrounding area some of the measures that could be used across the development site include porous block paving in all (roadways or in any allocated parking spaces as a minimum), making sure the blocks and supporting structure are to highway approved specification.

Architecture/Materials - Self-coloured render has proven not to weather well in Brighton & Hove. To mitigate against the formation of mould it is important that technical specification of the proposed render is provided. Window cills and parapet and balcony copings need to have a 40-50mm projection to reduce water run off onto rendered surfaces and prevent unsightly staining. It is important to secure implementation of details provided in page 32 of the Design & Access Statement regarding window sills as these are not evident in the 3D drawings provided.

Parking - Break up of parking arrangements rather than the continuous approach of the previous scheme is welcomed.

Economic Development Officer:

(29/10/2014) No objection. Has no adverse economic development comments to make and requests a contribution through a S106 agreement for the payment of £18,000 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phases of the development.

(Comments 13/11/2015 following receipt of amendments) No objection. Has no adverse economic development comments to make and requests a contribution through a S106 agreement for the payment of £16,000 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phases of the development.

Education Officer:

(28/10/2014) Comment. If the application were to proceed would be seeking a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate, £187,666 in respect of primary and secondary education.

The closest primary school to the development is Saltdean Primary School which has no surplus capacity. The next closest primary schools are Our Lady of Lourdes RC Primary and St Margaret's CE Primary Schools and Middle Street Primary. Both of these schools are Church schools and neither has any surplus capacity and anticipate this being the case for the foreseeable future. Owing to the geographical situation of Saltdean it would be unreasonable to expect parents

PLANNING COMMITTEE LIST – 27 January 2016

and carers to take their children further afield to access a primary school place as the next closest within Brighton & Hove would be over 6.5km away.

In terms of secondary education the development would fall into the catchment area for Longhill School. At present time there is some surplus capacity within this school. However know that school rolls are rising and this will not be the case in the future.

Consequently think that it is entirely appropriate to request a sum of money for education in respect of this development. It is expected by the DfE that should maintain between 5% and 10% surplus places to allow for parental preference. Taking the schools mentioned above there are a total of 840 primary places available and currently there are 864 children on roll. This means that there is no surplus in this part of the City whatsoever. A development of 36 residential units will have a serious impact on the school places issue in this part of the City and parents will have no choice whatsoever, believe that developers should ensure that their developments are sustainable in the broadest sense of the work and this has to include funding the education infrastructure that their development demands.

(Comments 4/11/2015 following receipt of amendments) Comment. If the application were to proceed would be seeking a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate, £154,219.60 in respect of primary and secondary education. In terms of which schools might benefit from this funding would suggest this could be Saltdean Primary School and/or Our Lady of Lourdes RC Primary School and/or St Margaret's CE Primary School and/or Rudyard Kipling Primary School. In terms of secondary school the funding would be used at Longhill Secondary School.

Environmental Health:

Noise/Land Contamination/Construction: Recommend approval subject to conditions. Whilst the submitted acoustic report predicts that road traffic noise levels will increase slightly, it is by such a low level as to be imperceptible. It is therefore not considered necessary to require any acoustic mitigation to the application.

Air Quality: No objections on grounds of air quality.

Flood Risk Management Officer: In principle the proposals to manage surface water within the proposed development are acceptable. However, require some further information to satisfy that flood risk would not increase because of the proposed development.

Housing Strategy:

(17/11/2014) Comment. Housing Strategy is committed to maximising the provision of affordable housing in the City. Therefore welcome schemes that provide affordable family housing as this assists Council to achieve aims of

PLANNING COMMITTEE LIST – 27 January 2016

achieving mixed, balanced and sustainable communities to deliver high quality affordable housing for local people in housing need.

The scheme is a new-build development which will provide 36 residential units for sale. 40% (14) of these new homes will be developed by Hyde as affordable housing for shared ownership sale; the rest will be for sale privately. The affordable homes will be 2 and 3 bedroom family houses. Hyde have confirmed that two of the homes will be built to fully wheelchair accessible standards with exceeds the required 10% as outlined in affordable housing brief.

(Revise comments 22/06/2015) The City-wide Housing Strategy adopted by Council in March 2015 has as Priority 1 Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the City needs with a particular emphasis on family homes for Affordable rent.

This scheme proposes to provide 36 residential units, of which 22 are provided for private sale and 14 (40%) as affordable housing, understand all for shared ownership. Welcome the bringing forward of 40% affordable housing on this site. However, in line with Housing Strategy 2015 and identified need the preferred tenure mix (as published in the Affordable Housing Brief) is 55% rented and 45% shared ownership. This would equate to 8 units rented and 6 shared ownership.

The affordable homes will be 8 x 2 bedroom houses and 6 x 3 bedroom houses. In line with Housing Strategy and Affordable Housing Brief the provision of family homes is welcome.

(Comments 3/11/2015 following receipt of amendments) The City-wide Housing Strategy adopted by Council in March 2015 has a Priority 1: Improving Housing Supply, with a commitment to prioritise for new housing development that delivers a housing mix the City needs with a particular emphasis on family homes for Affordable Rent.

Scheme proposes to provide 32 residential units, of which 12 are provided for private sale and 13 (40%) as affordable housing, of which 40% (5) are for affordable rent and 60% (8) for shared ownership sale. Welcome Hyde bringing forward 40% affordable housing on this site. Preferred tenure mix as published in Affordable Housing Brief is 55% rented and 45% shared ownership which would mean 7 rented units and 6 shared ownership units.

The affordable homes will be 4 x 2 bedroom flats (2 wheelchair accessible), a 1 x 2 bedroom house to rent, 7 x 2 bedroom houses and a 1 x 3 bed house for shared ownership sale. In line with Housing Strategy and Affordable Housing Brief the provision of family homes is welcome.

Hyde have confirmed that two of the affordable rent homes will be built to fully wheelchair accessible standards, which exceeds the required 10% as outlined in the Affordable Housing Brief (and also meets the 5% of all units requirement). In

line with the Housing Strategy the provision of wheelchair homes with affordable rent tenure is welcome.

Planning Policy: (1/12/2014 and 19/11/2015 following receipt of amendments)
The potential for some residential development on part of the application site has been established through the findings of the 2014 Urban Fringe Assessment. The benefits of residential development on the site are recognised in terms of helping to meet the City's housing supply requirements and the City's need for affordable housing (NPPF, City Plan policy CP21 and CP20).

Although the application is for more dwellings than that indicated for the site in the 2014 URA it is considered that, in policy terms, the benefits of the amount of housing proposed could outweigh the potential adverse landscape impacts if these are not significant and can be adequately mitigated. Subject to this point, the proposal therefore meets the requirements of the NPPF and City Plan Part One Policy SA4.

Public Art: To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule, to the value of £22,500, be included in the section 106 agreement.

Sustainable Transport:

(15/01/2015) Refuse for failure to comply with policies TR1, TR3 and TR19.

Parking – the amount proposed is significant above the SPG4 maximum, 81 compared to 54. This cannot be justified by TR3 as the applicant's attempt, this policy seeks to improve sustainable modes provision not allow more parking. TR3 strengthens the need from TR1 to improve sustainable modes at peripheral sites such as this.

Sustainable modes – policies TR1 and TR3 require that applicants work to reduce their car use/parking requirement and there is little evidence of that here. The proposal allows for a travel pack as sought but there is no evidence of consideration of supplementary 'travel plan' type measures as suggested at pre-application. The applicant has not carried out a systematic assessment of local sustainable modes provision (e.g. the quality of local bus stops) or an estimate of additional trips by all modes. Application of the standard contributions formula suggests a contribution of £72,000 would be appropriate here.

Cycle parking – need at least 48 spaces in total, which can be conditioned. The preference is for Sheffield stands.

Highway Layout – need to know whether or not the roads and footpaths are to be offered up for adoption. If so it is to be formally designated as a home zone? In either case can agree the plans by a S38/S278 agreement if consent is granted. One way working should be considered, the short section of carriageway in the east of the site potentially allowing internal circulation seems redundant, disabled bays with appropriate dimensions are needed and it is not clear that the shared use nature of the scheme is beneficial or effective in practice as the design is still

effectively segregated, carriage width (if two way) and footway widths are substandard and the design is car dominated. Change priority at the Falmer Avenue/new access road junction may be appropriate. The footway to the north of the site, which is a positive proposal, needs to be widened to at least 1.5m and need confirmation that it will be offered up as a right of way, there is a legal way of achieving this and the landowner involved is agreeable to this.

Trip generations – the site selection for the TRICS work needs to be justified. Several of the sites include flats which would not be the case here. There are no 24hr person trip estimates as requested.

(Comments 11/12/2015 following receipt of amendments) Recommend approval. The Highway Authority acknowledges the efforts that have been made to address previous concerns, particularly in respect of sustainable travel measures and the provision of travel vouchers which are welcomed. The Highway Authority would not wish to restrict grant of consent to the application subject to the inclusion of conditions and the provision of a S106 of £58,000.

(Comments 17/12/2015 following receipt of further amendments) Recommend approval. Following the changes to the pedestrian provision on the site access, changes to parking for unit 27 and units 2 to 14 the Highway Authority has no objections to the application subject to the inclusion of the previously requested conditions and that the applicant enters into a S106 agreement.

Sustainability Officer: Comment. The information submitted as part of the application indicates that the minimum sustainability standards can be met on the scheme. The documents set out how Code for Sustainable Homes Level 4 can be met; this would deliver a standard equivalent to 19% reduction in carbon emissions against Part L 2013 and water efficiency standards of 110 litres per person per day. Whilst a condition securing Code for Sustainable Homes should not be applied, use of the Code for Sustainable Homes would be welcomed. It is recommended that standard conditions be applied to secure the energy efficiency and water standards.

Against other aspects of sustainability policy, the scheme has positives and some negatives. The Greenfield site offers opportunities to deliver a highly sustainable scheme, but it is not clear how the proposals have responded in terms of orientation and passive design to optimise energy efficiency.

(17/11/2014) Comment. The scheme addresses key aspects of policy though it fails to address others, with respect to no passive design measures, no green walls roofs and no proposed sustainable drainage measures. However the headline standard, Code for Sustainable Homes Level 4, is proposed. Recommend approval subject to a condition requiring Code for Sustainable Homes Level 4.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any

determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure

PLANNING COMMITTEE LIST – 27 January 2016

SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
QD20	Urban open space
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
NC4	Site of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the South Downs Area of Outstanding Natural Beauty
HE12	Schedules ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Planning Advice Notes

PLANNING COMMITTEE LIST – 27 January 2016

PAN05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
SA4	Urban Fringe
SA5	The South Downs
CP1	Housing Delivery
CP5	Culture and Tourism
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP14	Housing Density
CP15	Heritage
CP16	Open Space
CP13	Public Streets and Spaces
CP19	Housing Mix
CP20	Affordable Housing

Schedule of Proposed Further Modifications to the City Plan Part One September 2015

Other Documents

Brighton & Hove Urban Fringe Assessment June 2014

Brighton & Hove: Further Landscape and Ecological Assessment of Urban Fringe Sites 2015

Interim Guidance on Developer Contributions

8 CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of the proposed development and the impacts of the proposed development on the visual amenities of the site and surrounding area, including the setting of the South Downs National Park. The proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, future occupiers' amenity, ecology, and sustainability impacts must also be assessed.

Principle of Development

Third party objections received refer to the determination of this application prejudicing the emerging City Plan and subsequently the Local Planning Authority's consideration of other urban fringe applications. This application is assessed against all current material planning considerations, including non-housing supply policies in the 2005 Local Plan, the National Planning Policy Framework and policies of the emerging City Plan, where such policies can be given weight. However such subsequent applications would have to be assessed against all material planning considerations which are relevant at the time of the particular application's determination, including any change in adopted policy.

PLANNING COMMITTEE LIST – 27 January 2016

Accordingly the Local Planning Authority does not consider that there is an issue of prematurity or prejudice in the determination of this application.

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and advises that where a development proposal accords with the development plan, applications should be approved without delay. It also advises that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.

The NPPF requires Local Planning Authorities to plan positively to meet objectively assessed housing needs for their area, currently estimated to be approximately 30,120 units up to 2030.

The City Plan Part One is currently at Examination stage. Proposed main modifications to the City Plan were agreed by the City Council in October 2014 and have been out to public consultation (4 November – 16 December 2014). Weight is given on a policy by policy basis taking account of representations received during consultation at publication stage and the Inspector's letter to the Council dated 13th December 2013 which outlined the Inspector's main concerns regarding soundness issues. Further proposed modifications (largely in response to national policy changes introduced by November 2014 and March 2015 Written Ministerial Statements) were consulted on from June to August 2015. A further consultation on proposed modifications to Policy CP8 'Sustainable Buildings' ran from 28th September to 9th November 2015.

Within the Planning Inspector's initial conclusions on the submission City Plan, letter dated 13th December 2013, the Local Planning Authority was asked to reduce the shortfall between housing supply (the proposed housing provision target in the Submission City plan which was 11,300) and the City's objectively assessed need for housing (then 20,000), by looking more positively at the urban fringe as a source of additional housing supply. The Inspector's view was that urban fringe sites are not subject to nationally recognised designations (which would indicate development may be restricted). The Inspector considered that an assessment of potential for housing within the City's urban fringe should look at the scope for mitigation of any adverse impacts and that 'no stone should be left unturned' in meeting as much of this need as possible.

As a consequence of the Planning Inspector's initial conclusions, at present there is no agreed up-to-date housing provision target for the City against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the City's full Objectively Assessed Need (OAN) for housing to 2030 (estimated to be approximately 30,120) as the basis for the five year supply position.

As a housing delivery target has not yet been agreed for the City Plan and there are a number of policies within the adopted 2005 Local Plan relating to housing delivery that are out of date, it is considered pertinent to assess the application against paragraph 14 of the NPPF (presumption in favour of sustainable development), which requires a consideration of balance between the benefits of the scheme and the adverse impacts (which must be demonstrable and significant to justify a refusal the scheme) when assessed against the policies in the NPPF taken as a whole.

In accordance with the NPPF the Local Planning Authority recognises that the proposed scheme, for the provision of 32 new dwelling units, would lead to social and economic benefits including contributing to meeting the City's significant housing requirements, providing 40% affordable housing units (comprising a mix of unit sizes) and creating jobs, particularly during the construction phase.

As require by the NPPF the net benefits of the proposed scheme must also be weighed against the adverse impacts of the proposal, issues which are discussed in detail below.

A number of third party objections refer to the lawfulness of the existing stables within the site. The field has been used for horses to graze and there is a stable block. The current use, whether in breach of planning or not, is not relevant to the determination of this application in the context of SA4.

Urban Fringe

The application site is somewhat unique in the City as having originally been formally designated as part of the South Downs National Park (SDNP), then in acceptance of a clerical error, excluded from the Designation Order. A variation order to include the site in the designation was not considered by Defra to be in the public interest as the associated time and cost would be disproportionate to the potential benefits and as such the site remains outside of the SDNP.

As a result of the site not being designated in the SDNP the site is classed as an urban fringe site located between the defined built up area boundary of the City (as shown in the adopted 2005 Local Plan) and a boundary of the SDNP, which is located to the north and west of the site. The site is located in a sensitive location within the urban fringe where the SDNP separates Saltdean and Rottingdean villages.

Under the adopted Local Plan the site is subject to the urban fringe and Countryside policies (NC5 and NC6). However these policies now carry only limited weight as a consequence of policy in the NPPF coupled with the Inspector's initial conclusions on the soundness of the City Plan.

Policy SA4 of the submission City Plan relates to Urban Fringe. This policy seeks to promote and support the careful use and management of land within the urban fringe to achieve objectives in addition to stating that development within the urban fringe will not be permitted except where:

PLANNING COMMITTEE LIST – 27 January 2016

- a) a site has been allocated for development in a development plan document;
or
- b) a countryside location can be justified;
- c) the proposal has regard to the downland landscape setting of the city;
- d) all adverse impacts of development are minimised and appropriately compensated for; and
- e) where appropriate, the proposal helps to achieve the policy objectives set out above.

Proposed main modifications to the submission City Plan, in response to the Planning Inspector's initial conclusions, provided in December 2013 (on housing supply, the Marina and development viability), were agreed at the Policy and Resources Committee on 16 October 2014. Further modifications in both June and September 2015 have been subject to public consultation.

In terms of policies and main modifications proposed, the weight that should be given to changes made in response to the Inspector's initial conclusions are a material consideration in the determination of planning applications. Other policies should be given weighting in accordance with paragraph 211 of the NPPF (up to date and number of unresolved objections).

The agreed modifications for policy SA4 requires the Council, 'where appropriate', to promote and support the careful use and management of land within the urban fringe to achieve the 6 objectives set out in the policy. In addition the modifications state that, with respect of criterion c) to e) above, clear demonstration is required.

The modifications documents sets out that "Much of the city's urban fringe meets the NPPF definition of existing open space and represents a significant proportion of the city's open space resource" in addition to it being acknowledged that "Within the urban fringe, there will be some opportunities for development to help meet citywide needs. The appropriate nature and form of any such development will need to reflect the need".

The proposed October 2014 City Plan modifications also states that "Should proposals for development come forward prior to the adoption of part 2 of the City Plan, the 2014 Urban Fringe Assessment will be a material planning consideration in the determination of applications for residential development within the urban fringe.

The Urban Fringe Assessment 2014

The Urban Fringe Assessment 2014 (UFA) is an independent study that was commissioned by the Council in response to the Planning Inspector's initial conclusions on the City Plan. The assessment provides an indication of the overall potential for housing within each of the City's identified urban fringe sites, 66 in total, against 5 key criteria (landscape, open space, historic environment, ecology and environment) and considers the scope for mitigation of any adverse impacts identified.

As stated within the assessment “Accommodating housing in the urban fringe will contribute towards the objectively assessed need (OAN) for housing in the city. It will also benefit the wider local economy and present opportunities for investment and regeneration in the more outlying communities of the city, both around the main urban area, and at the edges of the ‘satellite’ settlements to the east”.

The assessment goes on to state that, “This investment has the potential to result in wider economic, environmental and social (e.g. health and wellbeing) benefits to the city and not just individual communities”.

The site, to which this application relates, is identified as site 50 within the UFA. The findings of the UFA indicates that site 50 has scope for the provision of additional housing, based upon a high level assessment taking account of the need to adequately mitigate for adverse impacts on landscape and for uncertain impacts on ecology and the historic environment. Approximately 0.5ha of land in the lower eastern half of the site was assessed in the UFA to have the potential for approximately 12 low density residential units (at 25dph).

As previously stated the outcome of the UFA is a material consideration in the determination of planning applications for development proposals within the urban fringe against paragraph 14 of the NPPF and therefore the potential of some residential development on part of the application site has been established through the findings of the UFA. It is however noted that the findings of the UFA are indicative and should be applied flexibly on a site by site basis and, where appropriate and justifiable, an increased level of development may be acceptable.

In terms of ecology the study acknowledges (Methodology Assumptions set out in Appendix 1 of the assessment) that, in all UFA cases, the effects of development are uncertain as the potential for effects (both positive and negative) will depend upon the exact nature and design of the new development as well as the exact details of the ecological value of the site, including presence/absence of protected and or notable species; which would require detailed survey/investigation at planning application stage.

With respect of site 50 the UFA acknowledges that the site is not subject to any ecological designations and therefore the site might be suitable for some development and that any development would need to incorporate an element of provision for biodiversity assets which may help to create new habitats and contribute to habitat connectivity, in line with Local Plan Policies.

In terms of historic environment the study notes the whole site is designated an Archaeological Notification Area with potential for prehistoric, Roman, and medieval remains below the hill wash. As a consequence, the study notes that an assessment would be required with the appropriate recovery and recording of potential archaeological assets to mitigate any loss of the archaeological record. In terms of open space, the study notes the site is privately owned and contains no recognised open spaces. It notes that new residential development could create new publically accessible open space.

With regards to landscape the study notes that although the site is edged by housing on two sides and has an urban edge character “in topographical terms the site is more sensitive, being located at the base of the ridge which is visible as a small window of open downland between skyline urban development when views from the centre of Saltdean”. As a consequence the report records a minor adverse impact in landscape terms regardless of whether the whole or part of the site is developed.

The UFA raises no significant environmental issues for the site including with regards to flooding or land contamination however these issues are discussed in more detail below.

The Urban Fringe Assessment 2015

The Proposed Modification to policy SA4 included a commitment for the Council to undertake further detailed assessment of the urban fringe sites identified having the potential for housing in the UFA 2014, to inform site allocations taken forward as part of the preparation of Part 2 of the City Plan. Using the results of the UFA 2014 20 sites were identified for more detailed assessment with regards to landscape and ecology. The UFA 2015 presents the findings of the UFA 2015 and includes a further assessment of the application urban fringe site.

With regards to landscape the 2015 study has assessed sensitivity to development utilising physical character, settlement form, settlement setting, SDNP setting, visual receptors perceptual qualities and cultural and historic value.

With regards to ecological assessment the 2015 study obtained biological records for each site/site cluster and a 1km buffer from the Sussex Biological Records Centre and data regarding designated sites provided by the Council and publically available sources.

Impacts of the proposal on landscape and ecology, including the conclusions of the UFA 2015, are discussed in more detail below.

Design/Layout/Visual Amenities

Policy QD3 of the Local Plan seeks the more efficient and effective use of sites and policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.

In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.

As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will incorporate an intensity of development appropriate to the locality and/or prevailing townscape.

Layout of the Site

The revised proposal for 32 residential units would have a density of approximately 23.5dph. This proposed density is considered appropriate for this location with regards to policy HO4 in the adopted Local Plan and CP14 of the City Plan Part One (as modified). This proposed relatively low density of development is supported by the 2014 UFA which suggests that a density of 25dph would be appropriate for the site.

The site falls from the boundary of the SDNP towards the surrounding houses in a fairly constant gradient from north-west to south-east from approximately 76.66m (AOD) to 62.2m (AOD) and varies in gradient from east to west from approximately 64.05 (AOD) to 71.67 (AOD).

As set out above the site currently provides a green buffer between the existing built up area of Saltdean and the SDNP. Following amendments to the proposal the development would incorporate increased buffer areas/landscape screening between the proposed dwellings and the boundaries of the SDNP and greater space between dwellings. In addition the proposed dwellings would have landscaped front and rear gardens and a landscaped area is proposed in the centre of the access road.

The proposed dwellings would be arranged in detached and semi-detached forms with parking areas to the front of each dwelling, a parking area to the side of the block of flats and parking areas around part of the perimeter of the central landscaped communal area. The proposed affordable housing units would be located in groups around the site.

Pedestrian and vehicular access would be provided into the site accessed from Falmer Avenue. A one-way road would be located around the central landscaped area with the proposed dwellings located around the outside of the access road, facing inwards. A footpath would be provided across the proposed central landscaped area.

A new public footpath, of approximately 1.5m wide, linking Falmer Avenue to the SDNP would be located along the northern and part of the eastern boundaries of the site adjacent to the boundary with the South Downs National Park, such provision is discussed in more detail below.

Design of Proposed Dwellings

The site is located in an elevated position to the north and west of established dwellings. The existing area surrounding the site comprises of detached bungalows, chalet bungalows and 2 storey dwellings. The heights of the properties on both Falmer Avenue and Bishopstone Drive reflect gradients upon which they are located with the houses towards the southern end of Falmer Avenue and the eastern end of Bishopstone Drive being lower than those at the opposite end of the related section of the streets. Some of the neighbouring bungalows/chalet bungalows on Bishopstone Drive are actually two storeys in appearance due to the inclusion of an integral basement garage. The built form, design, style and appearance of the neighbouring properties vary with some

properties having been previously altered by way of porch, rear and dormer window extensions.

The proposed dwellings and the block of four flats would be of a two storey form. Each building would have a flat roof form with a parapet of approximately 0.7m, behind which solar panels would be located.

The proposal would comprise 5 types of property forms;

- 4 bedroom detached unit,
- 3 bedroom semi-detached units,
- 3 bedroom detached units, 2 bedroom semi-detached units and
- A block of four flats.

Whilst the proposed architectural elements would be arranged differently between the 5 different forms, to distinguish the different types from one another, each of the 5 housing types would comprise similar architectural elements and as such it is considered that a cohesive architectural entity would be retained.

As set out in paragraph 60 of the NPPF decisions should not “stifle innovation, originality or initiative through unsubstantiated requirements to confirm to certain development forms of styles”.

It is acknowledged that the proposed dwellings, the design of which is a modern interpretation of art deco style, would be of a differing design style to the neighbouring properties located within the immediate context. However it is considered that the proposal would reflect the modernist/art deco character which is apparent in the wider context of Saltdean such as those set out in the Art Deco and modernist Saltdean Buildings Document submitted as part of the application, which includes properties on Bishopstone Drive, Chichester Drive East, Withyham Avenue, Founthill Avenue, Saltdean Lido and the former Grand Ocean Hotel. It is stated by the applicant that the vision for the proposal is “to translate the pioneering architecture of the 1930s Saltdean and other housing schemes of the same period into a contemporary scheme of modern housing...”, in order to reflect the character of Saltdean.

The proposed dwellings have been designed to comprise a flat roof rather than a pitched roof. The inclusion of a flat roof allows for a reduction in bulk, scale and height of the dwellings compared to if they had a pitched roof which helps mitigate the visibility of the proposal from within wider views. The inclusion of a flat roof results in the scale of the proposed dwellings being in keeping with those behind which they would be sited.

The proposed dwellings would comprise of a palette of materials including white render, single ply membrane roofs, aluminium windows/doors and Iroko hardwood slating. It is recommended that samples of all external finish materials are requested via a condition.

The height and finished floor levels of the proposed dwellings would vary to reflect the topography upon which they would be located. Since submission of the application the height of some of the proposed dwellings have been reduced, by approximately 0.5m. The floor levels of the proposed properties in the upper portion of the site (Units 1 to 14) would be approximately 71.41m (AOD). As the site falls to the south, the finished floor levels follow the level change across the sit, stepping down to the lowest floor level of 65.41m (AOD).

Overall it is considered that the design of the proposed development would be innovative and add variety to the area whilst not being incompatible with the existing character and appearance of the immediate area and the Saltdean area.

Landscape and Visual Amenity Impacts

The South Downs is a landscape of national importance. As set out above the application site is located adjacent to boundaries of the SDNP. Policy SA5 of the City Plan and NC8 of the Local Plan require developments to have due regard to the impact on the setting of the South Downs whilst policies QD4 and NC8 of the Local Plan require development to preserve or enhance strategic views, including those from the Downs.

Policies NC7 and NC8 of the Local Plan relate to the former Area of Outstanding Natural Beauty that was rescinded when the SDNP was designated. However as stated in the associated supporting text, these polices remain relevant within the consideration of applications within the 'future' National Park locations or within its setting, as in this case.

Paragraph 109 of the NPPF requires development to contribute to and enhance the nature and local environment including by protecting and enhancing valued landscapes. In addition "Great weight should be given to conserving landscape and scenic beauty in National Parks [...], which have the highest status of protection in relation to landscape and scenic beauty" (paragraph 115).

The National Parks and Access to the Countryside Act 1949 imposes certain duties on local planning authorities, when determining planning applications in relation to, or affecting, National Parks. Specifically, s11A (2) of that Act, as inserted by s.62 of the Environment Act 1995, states:

"In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park."

The purposes of National Parks, as set out in s5(1) of the 1949 Act, are:

"(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of [National Parks]; and

(b) of promoting opportunities for the understanding and enjoyment of the special qualities of [National Parks] by the public.”

As the proposed development is not sited within the National Park it is not considered that s5(1)(b) above applies in this instance. The proposal would however, result in the creation of a new public footpath from Falmer Avenue, along part of the east and northern boundaries of the site to the existing SDNP footpath/bridleway located on the western side of the site.

As a result of the 1949 Act, in determining this application, regard therefore must be given to the statutory purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the SDNP. The proposed development's enhanced landscaping scheme, ecological enhancement measures and the assessment with regards to archaeology are referred to later in the report.

The site currently provides a green buffer between the existing built form of Saltdean and the SDNP, in an area where much of the urban edge is hard up against the National Park boundary with no green buffer. The topography of the site slopes down towards the surrounding houses. It is acknowledged that from parts of the existing bridleway located along the western boundary of the site views across Saltdean towards the sea are achievable.

Saltdean has an irregular settlement edge reflecting the terrain in which it is located, with development extending out along coombes. Whilst some development is contained by hills, in a number of places housing has encroached a considerable distance uphill, in linear forms which do not reflect the underlying terrain, such as in the case on the southern side of High Hill, which results in the application site being enclosed by housing on two sides by properties on Falmer Avenue to the east and Bishopstone Drive to the south. As a result of the existing settlement form it is considered that the proposal would not have a significant impact on the Saltdean settlement form.

As part of the application a Landscape Visual Impact Assessment (LVIA) has been submitted. The County Landscape Architect considers that this document provides an accurate description of the baseline landscape character and visual conditions of the site. It is also considered that the potential landscape and visual impacts of the proposed development have been generally accurately described in the body of the Landscape Visual Impact Assessment.

Visual Representations, from 7 viewpoints, have been provided as part of the LVIA showing visual representations of the site including the site as current, the proposal as originally proposed, the development as amended and the development as original/amended with landscaping at year 15. Following revisions to the proposal an additional view (viewpoint 7) has been submitted as part of the LVIA to show the impacts of the proposal from the bridleway in the SDNP and close to the site. The County Landscape Architect considers that the potential landscape and visual impacts of the proposal have generally been accurately described in the submitted assessment.

The UFA 2015 states that with regards to settlement setting the rural, downland setting of Saltdean has been adversely affected by development that extends far enough upslope to have a skyline impact on views from within much of the settled area. Falmer Avenue and Wivelsfield Road form the skyline to the north in views from southern Saltdean.

The sea views over Saltdean from the SDNP would largely be retained. The height of the proposed dwellings and the use of low profile flat roof forms would help reduce the potential impact on the skyline in such views. The proposed development when viewed from the SDNP would not break the skyline and would be viewed in the forefront of existing houses positioned on a hill beyond the site at a higher level and existing prominent houses to the east of the site (namely no. 4 Falmer Avenue and properties on Wivelsfield Road). It is noted that views towards the sea from further south on the bridleway, close to where it emerges onto Bishopstone Drive, would be obscured by the proposal however these views are already limited due to the lower positioning of this related part of the bridleway and the existing roofline of properties located on the northern side of Bishopstone Drive adjoining the site. The views of the proposed dwellings from the bridleway would be softened by the proposed landscaping across the site.

The proposed development would not break the skyline when viewed from areas to the south of the site, such as Westmeston Avenue or Wivelsfield Road. Parts of the SDNP would be visible beyond the development. From viewpoints to the south of the site no. 4 Falmer Avenue and properties on the northern side of Wivelsfield Road are prominent in such views and would remain so as a result of the height of the land upon which they are situated, above that of the application site. The proposed landscaping and tree planting adjacent to the boundaries with the SDNP and within the site would further soften the development when viewed from such surrounding viewpoints.

Due to the topography of the site and the SDNP beyond, from longer viewpoints such as from Saltdean Park and Marine Drive, limited views of the SDNP are achievable beyond the existing open field of the site and the existing northern boundary treatment. From within such longer views the proposed development would be viewed in context with existing houses to the east which are located in a more elevated position and which have an impact on the skyline (such as nos. 4 Falmer Avenue and 1 Wivelsfield Road). Whilst the proposal would result in the in-filling of a small open downland space between the existing skyline urban development of Bishopstone Drive and Falmer Avenue it is not considered that the loss of this open space area would have a significant adverse impact upon views into the SDNP. Intervening trees in the existing settlement of Saltdean break up the built form of the area and it is considered that in the long term that such landscape mitigation would be reflected in the proposed development. From such longer vantage points views to other parts of the SDNP to the east of the site (behind the eastern section of Wivelsfield Road and Tumulus Road) would be unaffected by the proposal.

As set out in the UFA 2015 whilst the site preserves a section of downland ridge in views from central Saltdean, the extent of change that has already occurred to

the settlement setting mean that the loss of this remaining view would have limited additional impact.

It is considered that the proposed site layout and design within the revised proposal does effectively exploit the opportunity to mitigate the proposed development by utilising the natural topography of the site to create terraces to reduce the overall height of the houses in the landscape. The existing built up edge is not well screened by trees and other vegetation and forms a hard edge to the open downland.

It is considered that the revised layout with a slightly reduced number of dwellings, re-positioned dwellings and an increased landscape buffer would allow for adequate landscape mitigation to the boundaries of the SDNP. The use of mixed native tree and shrub planting around the boundaries of the site would also help to integrate the development into the local downland setting.

The use of post and wire fencing to the outer boundaries would reflect the typical agricultural fencing found in the open downland and would retain a degree of connection to the SDNP sited to the north and west of the site. The use of post and rail within the development site is considered acceptable to define the shared space areas and garden boundaries within the site.

Following revisions to the application it is considered that the proposed development would retain adequate undeveloped land which would allow for a landscaped buffer to the SDNP and which would provide sufficient space for appropriate landscape mitigation measures. The use of mixed native tree and shrub planting and post and wire fencing around the boundaries would help to integrate the development into the local downland setting. As such it is considered that the potential impacts on the local landscape character and views would be adequately mitigated against by virtue of the proposed design and layout of the development, the detailed landscape plan and proposed site enhancement measures. Overall it is considered that in the long-term the proposal would enhance the urban rural interface in this location and would not have a significant adverse impact upon the conservation or enhancement of the adjacent SDNP's natural beauty. With regards to the short-term slight adverse impacts of the proposal upon the natural beauty of the SDNP it is considered that this slight harm would not significantly or demonstrably outweigh the benefits of the proposed additional housing proposed, in accordance with paragraph 14 of the NPPF.

Accommodation Provision/Standard of Accommodation

The provision of 32 dwelling units would make a welcome contribution to the City's housing requirements and to the Council's five year supply of deliverable housing sites in accordance with the NPPF and CP1 of the City Plan Part One.

The proposed mix of 2, 3 and 4 bedroom properties satisfies the requirements of policy HO3.

The proposed dwellings would provide the following size accommodation;

PLANNING COMMITTEE LIST – 27 January 2016

- 4 x two bedroom flats in a block (for up to 4 persons) with total floor area of between 68m² and 75m²,
- 8 x two bedroom semi-detached dwellings (for up to 4 persons) with total floor areas of 73.6m²,
- 10 x three bedroom dwellings (for up to 5 persons) with total floor areas of 100m² (detached properties) and 88m² (semi-detached), and
- 10 x four bedroom detached dwellings (for up to 6 persons) all with a total floor area of 127m².

Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government's recent Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings. It is noted that some of the proposed units would have floor areas slightly below the standards set out in the document referred to however over all it is considered that adequate accommodation, including sufficient circulation space in rooms, would be provided throughout the proposed dwellings and as such refusal on this basis is not considered warranted.

The proposal would provide 32 residential units made up of 28 dwellings and 4 flats. It is intended that 40% of the proposed new units (a total of 13) would be developed as affordable housing, of which 40% (5) are for affordable rent and 60% (8) for shared ownership sale, amounts which could be ensured should the application be approved. The proposed affordable homes would comprise of 4 two bedroom flats (including two wheelchair accessible units), 8 two bedroom dwellings and a three bedroom dwelling.

Whilst the design of the 5 different types of property forms, as set out previously would, differ between one another, in order to ensure the creation of mixed and integrated communities the proposed affordable housing units are located across the site rather than contained in one part and would not be visually distinguishable from the proposed market housing units on the site.

Policy HO13 requires all new residential units to be Lifetime Homes compliant, with 5% of all units in large scale schemes such as that proposed to be wheelchair accessible. This would require 2 units to be wheelchair accessible in this instance. The plans submitted show that the proposed ground floor flats (Plot 1) would be wheelchair accessible units (both 2 bedroom). The provision of such units can be ensured via the attachment of a condition.

Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards.

Following comments made by the Council's Access Officer the proposal has been amended to alter the gradient of the access road and front gardens/driveways to

ensure that the proposed dwellings comply with Building Regulations Optional Requirement M4(2). The internal layouts of the proposed dwellings have also been amended to address concerns raised such as leading edges, access to WCs and storage/charging space for wheelchairs in each wheelchair accessible flat. Overall it is considered conditions can be attached to an approval to ensure the development complies with the wheelchair accessible units and the requirement M4(2) of the optional requirements in Part M of the Building Regulations.

The proposed 3 bedroom detached houses (Units 11 to 14) and 3 bedroom semi-detached houses (Units 24 to 29) would comprise corner windows wrapping around the front to side elevations at both ground and first floor levels. At ground floor these corner windows would relate to the proposed kitchen area whilst at first floor they would relate to a bedroom. Due to the positioning of Units 11 to 14 in relation to one another it is considered that the side section window of the corner windows should be obscured and non-opening below 1.7m in order to prevent loss of privacy and overlooking between the habitable rooms of these particular dwellings.

Amenity and Open Space and Recreation Provision

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. Each of the proposed houses would have access to a private external amenity area, of a size which is considered appropriate for the scale and character of the residential properties proposed. The two proposed first floor flats would have use of 3 balcony areas (one to the front and two at the rear) whilst the two proposed ground floor flats would have sole use of private rear garden areas.

Plans submitted as part of the application shows that the boundaries between the proposed dwellings would comprise of hit and miss timber fencing of approximately 1.9m in areas between dwelling flank walls to avoid loss of privacy and overlooking and vegetable/ivy screening and post and rail fencing between garden areas. No details are however provided on the plan of the proposed boundary treatments between the garden areas for the flats, this issue however can be dealt with via a condition.

Since submission of the application the proposal has been amended in order to increase the provision of open space between properties and to create increased buffer areas between the proposed dwellings and the boundaries of the site which adjoin the SDNP.

Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space. A landscaped informal public open space area would be located in the centre of the cul-de-sac access road (measuring approximately 1,000m²) which could also be utilised as a communal external amenity area, which is welcomed. Issues regarding future management and maintenance of the proposed public open space areas, including the buffer areas, should be secured if the application is overall considered to be acceptable.

In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off-site improvements is therefore recommended to address the requirements of policy HO6. In this case the contribution required towards recreation open space would be £126,007.10, a contribution which takes into account the public open space area that would be located in the centre of the site.

Impact upon Neighbouring Amenity

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Outlook & Privacy

It is acknowledged that the neighbouring properties on Falmer Avenue and Bishopstone Drive bordering the site would lose most of their view towards the boundaries of the SDNP however the loss of view is not a material planning consideration.

The BRE 'Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice' states that recommended privacy distances vary widely, typically from 18m up to 35m.

Plan no. 08 shows the positioning of the proposed dwellings with regards to the boundaries of the site and the rear elevations of neighbouring properties located on both Falmer Avenue and Bishopstone Drive. The closest separation distance between the proposed properties and the neighbouring properties would be approximately 20m (units 16 and 17 and the neighbouring property located on Bishopstone Drive). It is considered that such separation distance would not result in an adverse impact upon the amenities of neighbouring properties with regards to overlooking, loss of privacy or outlook. The proposed distances to surrounding dwellings are typical of a built-up area.

In addition to the proposed separation distances between neighbouring properties the plans submitted show that screen planting and trees would be located between the boundaries of the proposed garden areas of the dwellings fronting properties on Falmer Avenue and Bishopstone Drive and the boundary of the site. Such screening would further mitigate any potential for overlooking and loss of privacy to these neighbouring properties.

Daylight/Sunlight/Overshadowing

Due to the proposed separation distance between the proposed dwellings and neighbouring properties located on the southern and eastern side of the site, the proposed excavation into parts of the site, the height of the proposed properties which reflects the varied gradient upon which they would be located, the proposed layout comprising of gaps between the built forms and the flat roof design of the proposed dwellings overall it is not considered that the proposal

would have a significant adverse impact upon the amenities of the neighbouring properties with regards to overshadowing and loss of light/sunlight.

While the general outlook from the surrounding neighbouring properties on Falmer Road and Bishopstone Drive would clearly dramatically change as a result of the development, it is overall considered that the proposal would not cause undue loss of amenity through outlook, loss of light or overshadowing.

Noise

As set out previously the proposal comprises of a new access road onto Falmer Avenue, between nos. 4 and 8 Falmer Avenue, following the demolition of no. 6. It is noted that Falmer Avenue is not a major road and as a result it is not considered that cars exiting the site onto Falmer Avenue would be stationary at the road junction for long periods of time. However following concerns raised by objectors, with regards to the impacts of noise from the access road on the adjacent neighbouring properties, an acoustic report has been submitted in which the noise impacts from the proposed access road have been assessed. The assessment has been undertaken with respect of the existing noise climate and further assessed against the World Health Organisation and British Standard noise criteria.

The submitted assessment shows that the noise from vehicles utilising the new access road would lead to a slight noise impact although the highest hourly noise level change of 0.6dB is considered to be so slight that it would be imperceptible.

The Council's Environmental Health Officer has assessed the submitted report and agrees with the findings and as a result it is not considered that any acoustic mitigation measures with respect of the access road are required.

It is noted that the plans submitted show an area annotated for the provision of landscaping either side of the proposed access road to provide a visual screen, the full details of which can be obtained via a condition. It is considered that such landscape visual screening would help to reduce the potential perception of traffic noise from the proposed access road.

Construction Environmental Management Plan

The scale of the proposed development in a residential area means that there is the potential for construction traffic to bring short-term disruption and as a result the Council's Environmental Health Officer and Transport Officer have requested the submission of a Construction Environment Management Plan (CEMP) in order to protect the amenities of neighbouring properties, during both the demolition and construction phases.

Sustainable Transport

Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 permits developments that would not increase the danger to users of adjacent pavement, cycle routes and roads. Policy TR8 permits development proposals which provide for the needs of pedestrians by

creating short, safe attractive and direct routes for walking. TR18 and TR19 relate to the provision of parking spaces for people with disabilities and parking standards in general which are set out in detail in SPG4 ' Parking Standards'.

Cycle Parking

SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. The applicant has indicated that the proposed development would provide in excess of this including the provision within the curtilage of each dwelling with 4 Sheffield stands providing for the proposed flats. In addition covered storage for 14 cycles would be provided within the central amenity area.

In order to comply with policy TR14 cycle parking should be secure and wherever possible covered whilst the Highway Authority's preference is for Sheffield stands laid out in accordance with the Manual for Streets. It is considered that full details of the proposed cycle storage facilities can be obtained via a condition.

Disabled Parking

SPG04 states that the minimum standard for disabled parking, for a residential land use, is 1 disabled space per 10 residential units.

As part of the proposal 5 formal disabled parking spaces are proposed, namely 1 for each of the two proposed wheelchair accessible flats and 3 to the southern side of the proposed central open space area. The Highway Authority has no objections to the proposed disabled car parking provision or design.

Car Parking

SPG04 states that the maximum car parking standard for a residential unit outside of a Controlled Parking Zone is 1 space per dwelling, plus 1 car space per 2 dwellings for visitors. In this instance 48 spaces should therefore be provided. The proposal would provide the following;

- Unit 1 (4 flats) – 1 space per unit (including 2 disabled spaces for wheelchair accessible units),
- Units 2 to 15 – 2 car parking spaces per unit,
- Units 16 to 29 – 1 space per unit.

In addition to the 46 spaces listed above the applicant is proposing 11 marked on-street car parking spaces which include 3 disabled bays. This proposed level of car parking provision represents a reduction compared to the levels previously proposed. In addition the applicant has sought to justify the level of provision by reference to 2011 Census data for the Rottingdean Coastal ward and the DCLG's (2007) Residential Car Parking Research with respect to visitor parking. Taking into account the site characteristics the Highway Authority does not wish to object to the proposed level of car parking provision on this occasion, despite it exceeding the levels set out in SPG04,

Trip Generation/S106

Following the Council's Transport Officer's initial comments the applicant has submitted an amended trip generation exercise. The Transport Officer has stated that the parameters applied within the TRICS database and sites selected appear to be reasonable. In accordance with the Council's standard contribution methodology the transport contribution required for the development is £58,000. Such contribution would be used within the vicinity of the site to provide for the needs of pedestrians and public transport users accessing the development, in accordance with policies of the Brighton & Hove Local Plan.

The applicant has proposed a scheme for residential Travel Plan measures and it is recommended that these are also secured as part of the S106 Agreement. In addition, in accordance with policy TR4 a residential Travel Plan should be prepared within 3 months of occupancy of the development. This should include details of baseline surveys, targets for the uptake of sustainable modes and reducing single occupancy car use and be subject to ongoing monitoring for a period of 5 years.

It is acknowledged that the applicant has submitted a Residential Travel Pack as part of the application, which is welcomed. However it is considered that its current format will need developing prior to being issued to residents. It is considered that a brief leaflet with hard copies of the Brighton & Hove Cycle Map would be more appropriate than the current report-style document.

Although the stated mitigation is required to ensure that the development provides for the transport demand it generates and supports the use of sustainable modes, the forecast level of daily vehicle trips (137) and car trips during the AM and PM peak periods (14) is not considered to warrant further assessment including the undertaking of traffic monitoring or junction assessments in this instance.

Access

The proposed access road uses Homezone principles which are considered appropriate in this instance. Whilst the Highway Authority has no objections in principle with the access arrangements and the internal access road would not be adopted further details with regards to layout and design should be sought via a condition.

Since submission of the application the proposal has been amended to include a demarcated footway on both side of the access road.

It is recommended that signage permitting two-way cycling be included within the one-way arrangement.

Full details of the access at Falmer Avenue, including footway treatment and access road itself should be sought via a condition if overall approval is recommended.

As set out previously the proposal would result in the provision of a new 1.5m width footpath between Falmer Avenue and the existing SDNP footpath located

along the western side of the site. Such provision is considered welcome. The Council's City Park's Officer has confirmed that the Council would be happy for the footpath to be adopted to become a formal public right of way under s25 of the Highways Act by way of a legal agreement. However the applicant has confirmed that at this stage they do not wish to seek formal adoption of the proposed footpath as a public right of way but may do so at a later date.

The Council's Transport Officer has also assessed the proposal with regards to the provision of a new access road between nos. 4 and 8 Falmer Avenue and considers that whilst the proposal would increase traffic levels (as set out above) it is not considered that the proposed positioning of the access road itself presents undue concern with the existing turning head adjacent to no. 4 being retained. It is considered that speeds on Falmer Avenue would also be slow on the approach to the cul-de-sac whilst the proposed surface treatments within the site would also serve to encourage lower speeds. However the proposed visual screening adjacent to the new access road (which would be dealt with via a condition) should not infringe on visibility of the footway and carriageway on Falmer Avenue from the access road. Visibility splays of 43m measured 2.4m back from kerb would normally be expected for 30mph speeds but given that speeds approaching the cul-de-sac would be much lower in practice, relaxations of this standard would be appropriate in this instance.

The Council's Transport Officer notes that the site does have topographical constraints and the submitted plan indicates that the gradient of the proposed access road would range from 1:25 (4%) to 1:10 (10%) with the latter applying to a section of as opposed to the full length of the access road. In order to provide for the needs of cyclists and pedestrians, the Manual for Streets recommends that a maximum gradient of 7% over a distance of 30m length or less. Inclusive Mobility also notes that a gradient of more than 2.5% is not manageable for many manual wheelchair users. The proposal is therefore not desirable in this respect; however it is noted that existing gradients in the vicinity are also unlikely to be complaint and it is not considered that refusal on these grounds would be justified in this instance.

Arboriculture/Landscaping

The site as existing comprises of a grass field and a single sycamore tree in the south-western corner. However it is noted that the site is bounded on two sides by rear gardens all of which are well stocked with shrubs and some trees.

The proposal includes 3 main areas of landscaping;

- Buffer areas between the gardens of the proposed dwellings and the boundaries of the South Downs National Park and boundaries of the neighbouring properties located on Falmer Avenue and Bishopstone Drive,
- A central open space area/informal play area, and
- Front, side and rear garden areas for properties.

Since submission of the application the landscaping proposal has been amended including;

- The relocation of the gabion wall to the north of the site in order to provide an increased buffer area, and
- The replacement of proposed post and rail fencing with post and wire on the outer boundaries of the development in order to achieve a greater unity with the surrounding landscape character (boundary treatments will now comprise of post and wire, post and rail, hit and miss fencing or vegetative planter screens). It is considered that post and rail fencing would be suitable to define the shared space areas and garden boundaries.

Retaining walls would comprise of a gabion wall or a concrete blockwork and render wall.

The Council's Arboriculturist has assessed the application and acknowledges that the field is currently laid to pasture with one tree present in the site and two in close proximity outside of the site boundaries. Whilst no development would take place within the Root Protection Zones of the identified trees it is recommended by the Council's Arboriculturist that the existing trees including the existing sycamore tree within the site (which is stated to be retained but is not shown on all the proposed plans submitted) are protected during the course of the development.

Whilst the submitted detailed landscaping scheme shows many trees to be planted within the development, which is welcomed, the Council's Arboriculturist has stated that careful consideration to the proposed plant species is required as not many species are likely to thrive on the exposed, hill-top, site location. In addition it is considered that the proposed scheme requires planting of longevity and trees of stature in the proposed central area and the buffer to the north of the site. As a result, despite the submission of landscape plans at application stage, it is considered that some revisions are required and as such a landscaping condition is recommended.

Overall it is considered that sufficient but not extensive landscaping and planting across the development and within the proposed buffer area, which would soften the development edge adjacent to the SDNP, would help mitigate the impacts upon the visual amenities of the proposal, as discussed above.

Archaeology

Policy HE12 of the Local Plan relates to scheduled ancient monuments and other important archaeological sites. The policy states that development proposals must preserve and enhance sites known and potential archaeological interest and their setting.

The development site is situated within an Archaeological Notification Area, defining an area of prehistoric and Romano-British activity, including settlement and human burial.

The site has been subject to a geophysical survey which has not identified any obvious nationally important remains; however the County Archaeologist has stated that this archaeological technique has a low potential to identify more discrete below ground features such as burials. The local heritage interest of the site has therefore not been clarified, but given the evidence of some modern disturbance on this site, could be suitably mitigated through an appropriate planning condition.

The County Archaeologist recommends that, as a result of the potential loss of heritage assets on the site, the area affected by the proposal should be subject to a programme of archaeological works, an issue which can be dealt with via the attachment of a condition should overall the proposal be considered acceptable.

With regards to s5(1)(a) of the 1949 Act previously discussed, subject to the compliance with the recommended conditions it is considered that the proposal would help to conserve and enhance the cultural heritage in the adjacent SDNP.

Ecology/Biodiversity/Nature Conservation

Policy QD17 of the Local Plan requires development to minimise the impact on existing nature conservation features on site and also that new nature conservation features be provided as part of the design of the scheme. SPD 11 provides further guidance regarding nature conservation and development.

Paragraph 109 of the NPPF states that “The planning system should contribute to and enhance the natural and local environment by:minimising impacts on biodiversity and providing net gains in biodiversity where possible....”.

Paragraph 118 of the NPPF sets out that Local Planning Authority’s, in determining applications, should aim to conserve and enhance biodiversity by applying principles including “if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

The site is not covered by any designations, statutory or non-statutory for nature conservation interest. The County Ecologist has assessed the proposal and considers that as a result of the nature and scale of the proposed development there are unlikely to be any significant impacts on any other sites designated for their nature conservation interest (including the Whiteway Lane SNCI a boundary of which is located approximately 66m to the which is located to the west of the site).

The site currently comprises a dwelling and a stable block, hard-standing, bare ground, amenity grass land, poor semi-improved grassland and a sycamore tree and as such is considered to be of relatively low ecological value.

The site has the potential to support breeding birds and therefore in order to avoid disturbance to nesting birds it is recommended that any permission granted is

subject to a condition regarding the timeframe for the removal of existing scrub/trees or the demolition of the existing buildings.

The County Ecologist considers that the site has low potential to support reptiles and badgers (foraging). Whilst no further surveys are considered necessary, as a precautionary measure it is requested by the Ecologist that the grassland should be maintained as a regularly mown sward throughout the development in order to deter protected species from using the site and that if protected species are encountered during demolition/construction, works should stop and advice should be sought on how to proceed, issues which can be dealt with via a condition.

The proposal would include the seeding of wildflower meadows and the provision of gabion walls to create new habitats for insects and invertebrates.

The site offers opportunities for enhancement for biodiversity and ecology. Opportunities (some of which are identified in the submitted Preliminary Ecological Appraisal) that could be included within the development include;

- the use of species of known value to wildlife within the landscaping scheme which should be native and of local provenance wherever possible;
- the provision of bird boxes and/or bricks,
- the incorporation of Sustainable Urban Drainage Scheme (SUDs), and
- maintaining wildlife connectivity throughout the site.

With regards to s5(1)(a) of the 1949 Act referred to above, subject to the compliance with the recommended conditions it is considered that the proposal would help to conserve and enhance the wildlife in the adjacent SDNP.

Sustainability

In line with changes to national policy, local sustainability standards for Planning have recently changed. Current standards are based on saved Local Plan Policy SU2 requiring planning proposals to demonstrate a high standard of efficiency in the use of energy, water and materials; and Submission City Plan CP8 including Proposed Further Modifications September 2015.

Information submitted indicates the following positive sustainability measures: solar photovoltaic panels, sustainable materials: locally sourced, certified sustainable timber, reused materials, natural materials; connecting rainwater butts for garden irrigation; raised beds proposed; and composting provision. Sustainable drainage features include permeable surfaces, rain gardens and swales in the communal garden area, and storm water run-off directed to soakaways.

Within the information submitted as part of the application it is indicated that the minimum sustainability standards could be met by the proposal. The submitted documents set out how the Code for Sustainable Homes Level 4 could be met. It is noted that changes to national policy on Sustainability have occurred since submission of the sustainability checklist. Government have set out in the Written

Ministerial Statement of March 2015 that Local Planning Authorities may continue to set and apply standards of energy efficiency above Building Regulations, equivalent to a Code Level 4 standard until the amendment of the Planning and Energy Act (2008). The proposal would deliver a standard equivalent to 19% reduction in carbon emissions against Building Regulations Part L 2013, and water efficiency standards of 110 litres per person per day. It is recommended that standard conditions be applied to secure the energy efficiency and water standards.

Waste Management

No details of refuse and recycling storage facilities have been submitted as part of the application. The Council's City Clean Team has set guidelines for new developments as set out in the PAN05 Document which should be compiled with, such as maximum trundle distances from storage area to collection point, gradient of trundle distance and the minimum amount of bin and recycling storage facilities provided. Full details of refuse and recycling facilities can be obtained via a condition should the application be approved.

Policy SU13 of the Brighton & Hove Local Plan requires developments of the nature and scale proposed to be accompanied by a Waste Minimisation Statement to address the removal of any construction and demolition waste which will be produced as a result of the development. No information on waste management has been provided as part of the application however this issue can be dealt with and part of the Construction and Environmental Management Plan by requiring an audit of waste generated by the development.

Developer Contributions

Public Art/Realm

Local Plan policy QD6 states that the provision of public art will be sought from major development schemes appropriate to the development proposal. Submission City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works, policy CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm whilst policy CP13 seeks to improve the quality and legibility of the City's public realm by incorporating an appropriate and integral public art element. An 'artistic component schedule' could be included as part of a S106 agreement, to the value of at least £22,500, if overall the proposal is deemed acceptable, in order to ensure that the proposal complies with the stated policies.

Local Employment Scheme

Should the application be approved, the Developer Contributions Interim Technical Guidance provides the supporting information to request a contribution through a S106 agreement to the Local Employment Scheme in addition to the provision of 20% local employment for the demolition and construction phases. In this instance a financial contribution of £16,000 would be sought (based on £500 per residential unit).

Education

Should the development be considered acceptable, a contribution of £154,219.60 towards the cost of providing primary and secondary education infrastructure in the City for the school age pupils this development would generate has been requested by the Education Officer.

It is considered entirely appropriate to request a sum of money for primary and secondary education in respect of this development as it is expected by the Department of Education that the Council should maintain between 5% and 10% surplus places to allow for parental preference. There is currently no surplus in the related part of the City whatsoever. A development of residential units, such as that proposed, would have a serious impact on the school places issue in this part of the City and parents would have no choice whatsoever. The Council's Education Officer believes that developers should ensure that their developments are sustainable in the broadest sense of the work and this has to include funding the education infrastructure that their development demands via contributions such as that requested above.

Other Considerations

Flood Risk and Water Drainage

Policy SU4 of the Local Plan states that development will not be permitted if it would increase the risk of flooding is located in an area at risk of flooding or would create additional surface water run-off liable to harm people, property of the environment.

Plan no. FALMAV06 identifies the parts of the proposal which would comprise of permeable vegetation, permeable hardscape or non-permeable hardscape.

The Environment Agency has no comment to make on the proposed development however the Council's Flood Risk Management Officer has assessed the proposal and has noted the proposed sustainable drainage features and management plans set out in the documents submitted as part of the application.

In principle the proposals to manage the surface water within the proposed development are considered acceptable. However further information to ensure that flood risk would not increase as a result of the proposed development is required, information that can be obtained via a condition attached to an approval.

Land Contamination

With respect of land contamination a Phase 1 Environmental Assessment has been submitted as part of the application. This report has identified two former chalk pits to the west and south west of the site which could be a source of potential land contamination. The submitted report therefore recommends that a preliminary Phase II Intrusive Investigation is undertaken at the site. It is considered that this can be ensured via a condition should the application be approved.

In addition to the sources of potential contamination identified by the submitted report the Council's Environmental Health Officer has stated that the Council's

system shows other former in-filled chalk pits approximately 200m and 600m (near Looes Barn) to the north-east of the site. As a result of these other identified sources of contamination, in addition to there always remaining a degree of uncertainty over what else may be on the site which was not planned or expected, it is recommend that an approval is subject of a discovery strategy condition.

Air Quality

Policy SU9 of the Local Plan will only permit development which may cause pollution, when human health is not put at risk and it does not reduce the Local Planning Authority's ability to meet the Government's air quality targets.

An Air Quality Management Area (AQMA) is located in the centre of Rottingdean, declared in relation to nitrogen dioxide levels.

The Council's Air Quality Officer has stated that the air quality surrounding the development site is excellent and the application site is remote from the AQMA. It is noted that the proposal would result in traffic generated from the development being added to the existing traffic levels on the A259 and some entering Rottingdean High Street. It is stated by the Council's Air Quality Officer that the number of trips that would be generated by the proposal is below the IAQM/EPUK guidance that would trigger an Air Quality Assessment however as part of the application a detailed air quality assessment has been submitted to assess the impacts of the proposal on the AQMA following concerns regarding any small incremental increase in emission to the High Street.

Based on the assessment that most of the traffic generated by the proposal would utilise the A259 rather than Rottingdean High Street the Council's Air Quality Officer is satisfied that the proposal would contribute a negligible amount to the most sensitive residence in the existing zone of pollution.

It is noted that the applicant has stated they would be willing to make a financial contribution towards the Council's air quality mitigation strategy however such contributions cannot be applied as a tariff and no current, directly related, mitigation measures that require funding have been identified.

9 CONCLUSION

The proposed development would provide 32 new dwellings with a good standard of accommodation and of a design which is innovative and compatible with the immediate vicinity of the site and the wider Saltdean area. The development would include 40% affordable units and 2 wheelchair accessible units and would be built to meet the required sustainability standards.

Although the application is for more dwellings than indicated potential for the site in the 2014 Urban Fringe Assessment, overall it is considered that the potential impacts on the local landscape character and views would be mitigated by the proposed design and layout of the proposal and in the long-term by the landscape masterplan and as such the proposal would enhance the urban rural interface in this location and would not have a significant adverse

impact upon the conversation or enhancement of the adjacent South Downs National Parks natural beauty. Any short-term adverse harm upon the local landscape character and views does not significantly or demonstrably outweigh the benefits of the proposal, in accordance with the critical test as set out in the NPPF (paragraph 14) to warrant refusal of the application.

Furthermore it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties and the traffic impacts of the proposal are considered acceptable.

10 EQUALITIES

The scheme would provide for 40% affordable housing including 40% for Affordable Rental and 60% for Intermediate Affordable Housing (as set out by the applicant). If overall considered acceptable conditions are proposed which will ensure compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and that 5% of the overall development would be built to Wheelchair Accessible Standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

S106 Heads of Terms

- 40% affordable housing (40% for Affordable Rental and 60% for Intermediate Affordable Housing),
- A contribution of £22,500 towards an Artistic Component / public realm
- A contribution of £154,219.60 towards primary and secondary education;
- A contribution of £16,000 towards the Local Employment Scheme,
- Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A Construction Environmental Management Plan,
- A Transport Contribution of £58,000,
- A Residential Travel Plan
- A management and maintenance plan for the proposed open space areas, and
- A contribution of £126,007.10 towards open space and indoor sport.

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan & Wider	01	-	20/10/2014

PLANNING COMMITTEE LIST – 27 January 2016

Context			
Site Location	02	-	20/10/2014
Site Location - Showing Site & Wider Topography	04	-	20/10/2014
Topography Survey – Existing Site Plan	05	-	20/10/2014
Topography Survey – Existing Site Sections	06	-	20/10/2014
Proposed Site Layout and Landscaping	07	Rev. I	16/12/2015
Overall Site Layout Showing Distances from Neighbours & Boundaries	08	Rev. C	28/10/2015
House Types – 4 Bedroom Detached	09	Rev. D	03/12/2015
House Types – 3 Bedroom Open Market	10	Rev. D	03/12/2015
Houses Types – 3 Bedroom Semi-Detached	11	Rev. D	03/12/2015
House Types – 2 Bedroom Semi-Detached Shared Ownership	12	Rev. D	03/12/2015
Sections as Proposed – Section AA1	13	Rev. D	03/12/2015
Sections as Proposed – Section AA2	14	Rev. D	03/12/2015
Sections as Proposed – Section BB1	15	Rev. C	07/12/15
Sections as Proposed – Section BB2	16	Rev. D	03/12/2015
Sections as Proposed – Section CC1 & CC2	17	Rev. D	03/12/2015
Sections as Proposed – Sections DD1	18	Rev. D	03/12/2015
Sections as Proposed – Section DD2	19	Rev. D	03/12/2015
House Types – Flats	21	Rev. A	03/12/2015
Existing Site Plan & Camera Locations	FALMAV 01	Rev. B	28/10/2015
Landscape Site Plan	FALMAV 02	Rev. K	16/12/2015
Landscape Masterplan	FALMAV 02.1	Rev. A	28/10/2015
Retaining, Boundaries & Screening	FALMAV 03	Rev. J	16/12/2015
Detail Units 01-04	FALMAV 03.1	Rev. E	16/12/2015
Detail Units 05-10	FALMAV 03.2	Rev. D	01/12/2015
Details Units 11-14	FALMAV	Rev. D	01/12/2015

PLANNING COMMITTEE LIST – 27 January 2016

	03.3		
Details Units 15-24	FALMAV 03.4	Rev. D	01/12/2015
Detail Units 25-32	FALMAV 03.5	Rev. C	16/12/2015
Planting Zones/Species	FALMAV 04	Rev. G	16/12/2015
Lighting & Street Furniture	FALMAV 05	Rev. E	03/11/2015
Permeable Surfaces	FALMAV 06	Rev. F	03/11/2015
Pedestrian Footpath	FALMAV 07	Rev. F	03/11/2015
Tree Protection	FALMAV 08	Rev. F	03/11/2015
Landscape Sections	FALMAV 11.1	Rev. B	01/12/2015
Landscape Sections	FALMAV 11.2	Rev. B	01/12/2015
Landscape Sections	FALMAV 11.3	Rev. B	01/12/2015
Landscape Sections	FALMAV 11.4	Rev. B	01/12/2015
Landscape Sections	FALMAV 11.5	Rev. B	01/12/2015
Ownership/Mgt	FALMAV 12	Rev. B	28/10/2015

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 5) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST – 27 January 2016

- 6) Throughout the development period the grassland should be maintained as a regularly mown sward. If protected species are encountered during the demolition or construction phase works should stop and written advice should be sought from a qualified Ecologist on how to proceed. Any such written confirmation should be submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure the protection of any protected species and to comply with policy QD18 of the Brighton & Hove Local Plan.
- 7) No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive, unless a qualified Ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure that wild birds building or using their nests are protected, in accordance with QD18 of the Brighton & Hove Local Plan.
- 8) A minimum of 10% (2 units) of the affordable housing units and 5% (2 units) of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 9) The wheelchair accessible dwellings hereby permitted as detailed on drawing no. 21 Rev. A received on 3rd December 2015 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 dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 10) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST – 27 January 2016

- 11) The flank elevation of the corner windows of Units 11 to 14 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 QD14 and QD27 of the Brighton & Hove Local Plan.

- 12) Access to the flat roofs over the dwellings hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof gardens, terraces, patios or similar amenity areas.

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

Pre-Commencement Conditions:

- 13) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render (including technical specification) 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 of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 14) No development above ground floor slab level shall take place until 1:20 scale section plans of the proposed window cills, parapet and balcony copings, showing a projection of at least 40mm to 50mm, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 15) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance 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

PLANNING COMMITTEE LIST – 27 January 2016

- safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.
- 16) No development shall take place until detailed drawings of the internal access road and junction with Falmer Avenue, to include details of materials, the junction treatment, dropped kerbs/raised crossing, tactile paving signage/road lining and street lighting has been submitted to and approved in writing by the Local Planning Authority. The internal site works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.
Reason: In the interests of highway safety and for the benefit of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.
- 17) i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and, unless otherwise agreed in writing by the Local Planning Authority,
(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 BS10175:2001;
and, unless otherwise agreed in writing by the Local Planning Authority,
(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 scheme shall include the nomination of a competent person to oversee the implementation of the works.
(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
a) as built drawings of the implemented scheme;
b) photographs of the remediation works in progress; and
c) certificates demonstrating that imported and/or material left in situ is free from contamination.
Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 18) i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

PLANNING COMMITTEE LIST – 27 January 2016

ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

19) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage scheme for the site, using sustainable drainage methods, have been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the building work commencing.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

20) No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

21) No development shall commence until details of the proposed water infrastructure plans have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

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

PLANNING COMMITTEE LIST – 27 January 2016

- 23) The development hereby permitted shall not be commenced until details of electric vehicle charging points within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy TR1 and SU2 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 24) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 25) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 26) Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall include;
- i) details showing the type, number, location and timescale for implementation of the bird boxes and/or bricks,
 - ii) details showing the type, number, location and timescale for implementation of the bird boxes and/or bricks,
 - iii) details showing the type, number, location and timescale for implementation of the bat boxes,
 - iv) the use of species of known value to wildlife which should be native and of local provenance wherever possible,
 - v) the incorporation of Sustainable Urban Drainage Scheme (SUDS), and
 - vi) the maintenance of wildlife connectivity throughout the site.
- The agreed measures shall be implemented in full prior to the first occupation of the development hereby approved.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 27) Notwithstanding the information submitted prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been

submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 28) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved 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 policy QD27 of the Brighton & Hove Local Plan.

- 29) Prior to first occupation of the development hereby permitted, details of external lighting to the central public open space area shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Informatives:

PLANNING COMMITTEE LIST – 27 January 2016

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed development would provide 32 new dwellings with a good standard of accommodation and of a design which is innovative and compatible with the immediate vicinity of the site and the wider Saltdean area. The development would include 40% affordable units and 2 wheelchair accessible units and would be built to meet the required sustainability standards.

Although the application is for more dwellings than indicated potential for the site in the 2014 Urban Fringe Assessment, overall it is considered that the potential impacts on the local landscape character and views would be mitigated by the proposed design and layout of the proposal and in the long-term by the landscape masterplan and as such the proposal would enhance the urban rural interface in this location and would not have a significant adverse impact upon the conservation or enhancement of the adjacent South Downs National Parks natural beauty. Any short-term adverse harm upon the local landscape character and views does not significantly or demonstrably outweigh the benefits of the proposal, in accordance with the critical test as set out in the NPPF (paragraph 14) to warrant refusal of the application.

Furthermore it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties and the traffic impacts of the proposal are considered acceptable.

3. The applicant is advised that the above conditions on land contamination have been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on

both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk). The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Act 1990.

4. The applicant is advised that in addition to the sources of contamination identified within the submitted Geo-Environmental Desk Study the Council's system identifies a former in-filled chalk pit approximately 200m and 600m (near Looes Barn) to the north-east of the site which raise concerns about the possibility of other potential contaminants.
5. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by condition 18 above.
6. The application is advised that with regards to condition 19 within the required Surface Water Drainage Scheme it must be demonstrated through appropriate calculations that the drainage system can cope with events up to and including the 1 in 100yr plus climate change (30%) event. The applicant is also advised that both summer and winter events for the 15, 30, 60, 120, 180, 240, 360, 480, 600, 720, 960, 1440, 2160, 2880, 4320, 5760, 7200, 8640, 10080 minute storms must be considered. The management plan should contain details of how the system will be monitored, managed and maintained.
7. The applicant is advised that with regards to condition 5, information regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
8. The applicant is advised that with regards to condition 24 accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
9. The water efficiency standard required under condition 25 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.
10. With regards to condition 28 above the applicant is advised that the Council's Arboriculturist considers that the scheme lacks tree planting of longevity and trees of stature. Recommended larger trees for the site are hybrid Elm Disease Resistant varieties and the following are suggested:

PLANNING COMMITTEE LIST – 27 January 2016

Ulmus 'Mofeo', Ulmus 'Columella' (not grafted), Ulmus 'Homestead' and/or Ulmus 'New Horizon.

11. The applicant is advised that with regards to condition 28 guidelines for refuse and recycling facilities for new developments are set out in the Council's Design Guidance for the Storage and Collection of Recyclable Materials and waste (PAN 05) which can be accessed on the Council's website(https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/local_plan_2005/PAN05_Design_Guidance_for_the_Storage_and_Collection_of_Recyclable_Materials_and_Waste_Sept_07.pdf)
12. The applicant is advised that the details of external lighting required by the condition 29 above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
13. The applicant is advised that all precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency's guidance 'PPG1 – General Guide to the Prevention of Pollution', which is available on the Environment Agency's website at Pollution Prevention Guidance. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via the incident hotline on 0800 806060.
14. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
15. The applicant is advised that formal applications for connection to the public sewerage system and to the water supply are required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
16. The applicant is advised that a formal application to requisition water infrastructure is required in order to service the development. Please

PLANNING COMMITTEE LIST – 27 January 2016

- contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
17. The applicant is advised of the presence of Low/Medium/Intermediate Pressure gas mains in the proximity to the site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. Where required the position of the main should be confirmed using hand dug trial holes.
 18. The applicant is advised that the planning permission granted includes a vehicle access which requires alterations and amendments to areas of the public highway. All necessary costs including the appropriate license and application fees for the access 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. All works on the public highway should be constructed under license from the Head of Asset and Network Management. The application must contact the Streetworks Team (01273 293366) prior to any works commencing on the public highway.
 19. The application is advised that the Constriction Environment Management Plan should include commitments to implementing appropriate working practices and managing construction vehicle movements to that these avoid peak times and in particular the start and end of the school day for the nearby Saltdean Primary School.

PLANNING COMMITTEE LIST – 27 January 2016

**Land adjacent 6 Falmer Avenue, Saltdean, Brighton – BH2014/03394
Appendix A**

Letters of Objection

Property Name / Number	Street	Town	Postcode
14	Ainsworth Avenue		BN2 7BG
11	Ardingly Road		BN2 8EG
36	Arundel Drive East	Saltdean	BN2 8SL
38	Arundel Drive East	Saltdean	BN2 8SL
40	Arundel Drive East	Saltdean	BN2 8SL
45	Ashurst Avenue		BN2 8DR
57	Bannings Vale	Saltdean	BN2 8DF
109	Bannings Vale	Saltdean	BN2 8DH
130	Bannings Vale	Saltdean	BN2 8DJ
135	Bannings Vale	Saltdean	BN2 8DH
139 (x2)	Bannings Vale	Saltdean	BN2 8DH
151B	Bannings Vale	Saltdean	BN2 8RL
161	Bannings Vale	Saltdean	BN2 8PL
176 (x2)	Bannings Vale	Saltdean	Bn2 8DJ
4	Berwick Road		BN2 8QF
7	Berwick Road		BN2 8QF
60	Bevendean Avenue	Saltdean	BN2 8PF
70	Bevendean Avenue	Saltdean	BN2 8PF
48	Bishopstone Avenue	Saltdean	BN2 8FF
4	Bishopstone Drive		BN2 8FF
6 (x2)	Bishopstone Drive	Saltdean	BN2 8FF
12 (x2)	Bishopstone Drive	Saltdean	BN2 8FF
17	Bishopstone Drive	Saltdean	BN2 8FF
20	Bishopstone Drive	Saltdean	BN2 8FF
32	Bishopstone Drive	Saltdean	
35	Bishopstone Drive	Saltdean	BN2 8FF
40	Bishopstone Drive	Saltdean	BN2 8FF
42 (x2)	Bishopstone Drive		BN2 8FF
44	Bishopstone Drive	Saltdean	BN2 8FF
47	Bishopstone Drive		
48	Bishopstone Drive	Saltdean	BN4 8FF
49	Bishopstone Drive		BN2 8FF
52	Bishopstone Drive		BN2 8FF
7A (x2)	Brambletyne Avenue		BN2 8EL
38	Brambletyne Avenue		BN2 8EJ
46	Brambletyne Avenue	Saltdean	BN2 8EJ
52	Brambletyne Avenue	Saltdean	BN2 8EJ
65	Brambletyne Avenue		BN2 8EL

PLANNING COMMITTEE LIST – 27 January 2016

73	Brambletyne Avenue	Saltdean	BN2 8EL
24	Chichester Drive West		BN2 8SH
27	Chichester Drive West		BN2 8SH
31	Chichester Drive West	Saltdean	BN2 8SH
35	Chichester Drive West	Saltdean	BN2 8SH
36	Chichester Drive West	Saltdean	BN2 8SH
44	Chichester Drive West	Saltdean	BN2 8SH
57	Chichester Drive West	Saltdean	BN2 8SF
9	Chiltington Way	Saltdean	BN2 8HB
62	Chiltington Way	Saltdean	BN2 8HB
12	Chorley Avenue	Saltdean	BN2 8AQ
13	Chorley Avenue		BN2 8AQ
18	Chorley Avenue		BN2 8Aq
31	Chorley Avenue	Saltdean	Nn2 8AQ
33 (x2)	Chorley Avenue	Saltdean	BN2 8AQ
55	Cissbury Crescent	Saltdean	BN2 8RH
3	Coombe Meadow	Saltdean	BN2 8PQ
9	Coombe Rise		BN2 8QN
10	Coombe Rise	Saltdean	BN2 8QN
13	Coombe Rise		BN2 8QN
21	Coombe Rise	Saltdean	BN2 8QN
25	Coombe Rise	Saltdean	BN2 8QN
32	Coombe Rise	Saltdean	BN2 8QN
16	Coombe Vale	Saltdean	BN2 8HL
19	Coombe Vale	Saltdean	BN2 8HN
39	Coombe Vale	Saltdean	BN2 8HN
71	Coombe Vale		BN2 8HN
72	Coombe Vale	Saltdean	BN2 8HL
79	Coombe Vale		BN2 8HN
91	Coombe Vale		BN2 8HN
99	Coombe Vale		
101	Coombe Vale	Saltdean	
34	Cranleigh Avenue		BN2 7GN
7 (x2)	Crowborough Road	Saltdean	BN2 8EA
16	Crowborough Road	Saltdean	BN2 8EA
26	Crowborough Road	Saltdean	BN2 8EA
38	Crowborough Road	Saltdean	BN2 8EA
89	Dean Court Road	Rottingdean	
96	Dean Court Road	Rottingdean	BN2 7DJ
98	Dean Court Road	Rottingdean	BN2 7DJ
100	Dean Court Road		BN2 7DJ
104	Dean Court Road	Rottingdean	BN2 7DJ
110	Dean Court Road	Rottingdean	BN2 7DJ
112	Dean Court Road	Rottingdean	BN2 7DL
113	Dean Court Road	Rottingdean	BN2 7DJ
114	Dean Court Road	Rottingdean	BN2 7DJ
115	Dean Court Road		BN2 7DL

PLANNING COMMITTEE LIST – 27 January 2016

116	Dean Court Road	Rottingdean	BN2 7DJ
117	Dean Court Road	BN2 7DL	
4	Effingham Close	Saltdean	BN2 8FX
8	Effingham Close	Saltdean	BN2 8FX
14	Effingham Close		BN2 8FX
2	Eillen Avenue	Saltdean	BN2 8AD
4	Falmer Avenue	Saltdean	BN2 8FH
8	Falmer Avenue		BN2 8FH
10	Falmer Avenue	Saltdean	
12	Falmer Avenue	Saltdean	BN2 8FH
13	Falmer Avenue	Saltdean	BN2 8FH
16	Falmer Avenue	Saltdean	BN2 8FH
17	Falmer Avenue		BN2 8FH
18	Falmer Avenue	Saltdean	BN2 8FH
19 (x2)	Falmer Avenue	Saltdean	BN2 8FH
20 (x2)	Falmer Avenue	Saltdean	BN2 8FH
21 (x2)	Falmer Avenue		BN2 8FH
22	Falmer Avenue		BN2 8FG
29	Falmer Avenue	Saltdean	BN2 8FG
47	Falmer Avenue		BN2 8FG
48 (x2)	Falmer Avenue	Saltdean	BN2 8FG
50	Falmer Avenue	Saltdean	BN2 8FG
50	Gorham Avenue	Rottingdean	BN2 7DP
19	Grand Crescent	Rottingdean	BN2 7GL
83	Greenbank Avenue	Saltdean	BN2 8QQ
87	Greenbank Avenue		BN2 8QQ
107	Greenbank Avenue		BN2 8PQ
119	Greenbank Avenue	Saltdean	BN2 8QP
8	Hamsey Road	Saltdean	BN2 8DE
2	Hawthorn Close	Saltdean	BN2 8HX
4	Hawthorn Close		BN2 8HX
5	Hawthorn Close		
24	Hawthorn Close	Saltdean	BN2 8HX
5	Heathfield Avenue	Saltdean	BN2 8QB
8	Heathfield Avenue		BN2 8QB
20	Heathfield Avenue	Saltdean	BN2 8QB
21 (x2)	Heathfield Avenue		BN2 8QB
7	Hilgrove Road	Saltdean	BN2 8QG
11A	Hilgrove Road	Saltdean	Bn2 8QG
6	Lenham Avenue	Saltdean	BN2 8AE
30	Lenham Avenue	Saltdean	BN2 8AE
69	Lenham Avenue	Saltdean	BN2 8AG
20	Lenham Road West	Rottingdean	BN2 7GJ
20	Linchmere Avenue		BN2 8LE
25	Linchmere Avenue	Saltdean	BN2 8LE
96	Longridge Avenue	Saltdean	BN2 8RB
129	Longridge Avenue		BN2 8RB

PLANNING COMMITTEE LIST – 27 January 2016

9 (x2)	Lustrells Close		BN2 8As
67	Lustrells Crescent		BN2 8FL
71	Lustrells Crescent		BN2 8FL
80	Lustrells Crescent	Saltdean	BN2 8FL
94	Lustrells Crescent		BN2 8FL
116 (x2)	Lustrells Crescent	Saltdean	BN2 8FL
1	Lustrells Vale	Saltdean	BN2 8FD
30	Lustrells Vale	Saltdean	BN2 8FE
31 (x3)	Lustrells Vale	Saltdean	BN2 8FD
39 Westbrook	Lustrells Vale	Saltdean	BN2 8HS
48 Westbrook	Lustrells Vale	Saltdean	BN2 8EZ
114	Lustrells Vale	Saltdean	BN2 8FB
164	Lustrells Vale	Saltdean	BN2 8FB
215	Marine Drive	Saltdean	BN2 8DA
16	Meadow Close	Rottingdean	BN2 7FB
15 (x2)	Mount Drive		BN2 8QA
28	Nevill Road		BN2 7HG
17A	Nutley Avenue		BN2 8RH
41	Nutley Avenue	Saltdean	BN2 8ED
53	Oaklands Avenue		BN2 8PB
100	Oaklands Avenue		BN2 8PD
101	Oaklands Avenue		BN2 8PD
106	Oaklands Avenue	Saltdean	BN2 8PA
109	Oaklands Avenue		BN2 8PD
138	Oaklands Avenue	Saltdean	BN2 8PD
Woodingcote House (x2)	Ovingdean Road	Brighton	BN2 7AA
8	Perry Hill	Saltdean	BN2 8FT
48	Princes Road	Brighton	BN2 3RH
17 (x2)	Ridgewood Avenue	Saltdean	BN2 8HH
19	Ridgewood Avenue	Brighton	BN2 8HH
24	Rodmell Avenue		BN2 8LT
39A	Rodmell Avenue	Saltdean	BN2 8PG
61A	Rodmell Avenue	Saltdean	BN2 8PG
62 (x2)	Rodmell Avenue		BN2 8PG
78	Rodmell Avenue	Saltdean	BN2 8PJ
81	Rodmell Avenue		BN2 8PH
102	Rodmell Avenue		BN2 8PJ
111 (x2)	Rodmell Avenue	Saltdean	BN2 8PH
125	Rodmell Avenue		BN2 8PH
132	Rodmell Avenue		BN2 8PJ
145	Rodmell Avenue		BN2 8PH
149A	Rodmell Avenue		BN2 8PH
28	Saltdean Drive	Saltdean	BN2 8SB
67	Saltdean Drive	Saltdean	BN2 8SD
74	Saltdean Drive		BN2 8SD
90	Saltdean Drive	Saltdean	BN2 8SD

PLANNING COMMITTEE LIST – 27 January 2016

84 (x2)	Saltdean Vale		BN2 8HF
117	Saltdean Vale		BN2 8HE
129	Saltdean Vale		BN2 8HE
42	Stanmer Avenue		BN2 8QL
49	Stanmer Avenue		BN2 8QL
5	Sudeley Street		BN1 1HE
2 Court House Close	The Green	Rottingdean	BN2 7HA
Pax	The Green	Rottingdean	BN2 7HA
5	Tumulus Road		BN2 8FR
8	Tumulus Road	Saltdean	BN2 8FS
62 (x2)	Tumulus Road		BN2 8FS
101 (x2)	Tumulus Road	Saltdean	BN2 8FR
113 (x2)	Tumulus Road		BN2 8HG
12 (x2)	Wanderdown Way	Ovingdean	BN2 7BX
19	Westfield Avenue	Saltdean	BN2 8HU
39	Westfield Avenue	Saltdean	BN2 8HS
59A	Westfield Avenue North		BN2 8HS
80	Westfield Avenue North	Saltdean	BN2 8HS
83	Westfield Avenue North		BN2 8HQ
88	Westfield Avenue North	Saltdean	BN2 8HQ
11	Westfield Rise	BN2 8HR	
5	Westmeston Avenue	Saltdean	BN2 8AL
6	Westmeston Avenue	Saltdean	BN2 8AN
7	Westmeston Avenue	Saltdean	BN2 8AL
14	Westmeston Avenue	Saltdean	BN2 8AN
15 (x2)	Westmeston Avenue	Saltdean	BN2 8AL
18	Westmeston Avenue		BN2 8AN
19	Westmeston Avenue	Saltdean	BN2 8AL
23	Westmeston Avenue		BN2 8AL
25	Westmeston Avenue	Saltdean	BN2 8AL
26 (x2)	Westmeston Avenue	Saltdean	BN2 8AN
29	Westmeston Avenue	Saltdean	BN2 8AL
33	Westmeston Avenue	Saltdean	BN2 8AL
34	Westmeston Avenue	Saltdean	BN2 8AN
36	Westmeston Avenue	Saltdean	BN2 8AN
42	Westmeston Avenue		BN2 8AN
43	Westmeston Avenue	Saltdean	BN2 8AL
44	Westmeston Avenue	Saltdean	BN2 8AN
49	Westmeston Avenue	Saltdean	BN2 8AL
51	Westmeston Avenue	Saltdean	BN2 8AL
57	Westmeston Avenue	Saltdean	BN2 8AL
58	Westmeston Avenue	Saltdean	BN2 8AN
59	Westmeston Avenue	Saltdean	BN2 8AL
61	Westmeston Avenue	Saltdean	BN2 8AL
62	Westmeston Avenue		BN2 8AN
63	Westmeston Avenue	Saltdean	Bn2 8AL
66	Westmeston Avenue	Saltdean	BN2 8AN

PLANNING COMMITTEE LIST – 27 January 2016

67	Westmeston Avenue	Saltdean	BN2 8AL
73	Westmeston Avenue	Saltdean	BN2 8AL
19	Wicklads Avenue	Saltdean	BN2 8LN
23	Wicklads Avenue	Saltdean	BN2 8LN
92	Wicklads Avenue		BN2 8EP
93	Wicklads Avenue		BN2 8EQ
1	Wivelsfield Road	Saltdean	BN2 8FP
3	Wivelsfield Road	Saltdean	BN2 8FP
4	Wivelsfield Road		BN2 8FQ
5	Wivelsfield Road		BN2 8FP
8	Wivelsfield Road	Saltdean	BN2 8FQ
9 (x2)	Wivelsfield Road	Saltdean	BN2 8FP
10	Wivelsfield Road	Saltdean	BN2 8FQ
11	Wivelsfield Road	Saltdean	BN2 8FP
12	Wivelsfield Road	Saltdean	BN2 8FQ
14	Wivelsfield Road		BN2 8FQ
15	Wivelsfield Road		BN2 8FP
18	Wivelsfield Road	Saltdean	BN2 8FQ
20	Wivelsfield Road	Saltdean	BN2 8FQ
36	Wivelsfield Road	Saltdean	BN2 8FQ
37	Wivelsfield Road		BN2 8FP
49	Wivelsfield Road		BN2 8FP
51	Wivelsfield Road	Saltdean	BN2 8FP
59 (x3)	Wivelsfield Road	Saltdean	BN2 8FP
15	Unknown	Unknown	BN2 8FP
9	Fordel Road	London	SE6 1XS
Unknown (Ashdown)	Unknown	Saltdean	Unknown
Unknown (McCarthy)	Unknown		BN2 8QB
Unknown (Rayne)	Unknown	Unknown	Unknown
Unknown (Thomson)	Unknown	Unknown	Unknown
Unknown (Williams)	Unknown	Saltdean	Unknown

Letters of Support

Property Name / Number	Street	Town	Postcode
83A	Bannings Vale	Saltdean	BN2 8DF
28	Falmer Avenue		BN2 8FG
4	Hilgrove Road		BN2 8QG
6	Springfield Avenue		BN10 7AP

PLANNING COMMITTEE LIST – 27 January 2016

Land adjacent 6 Falmer Avenue, Saltdean, Brighton – BH2014/03394

Appendix B

Letters of Objection

Property Name / Number	Street	Town	Postcode
Mrs M Young	Unknown		
D Young	Unknown		
Geoff& Carol Southgate	Unknown		
Darren Ferris	Unknown		BN2 8AH
78A	Bannings Vale		BN2 8DG
6	Bishopstone Drive		BN2 8FF
40	Bishopstone Drive		BN2 8FF
42	Bishopstone Drive		BN2 8FF
44	Bishopstone Drive		BN2 8FF
47	Bishopstone Drive		BN2 8FF
49	Bishopstone Drive		BN2 8FF
50	Bishopstone Drive		BN2 8FF
22	Chailey Avenue		BN2 7GH
24	Chichester Drive West		BN2 8SH
63	Chichester Drive West		BN2 8SF
18	Chorley Avenue		BN2 8AQ
33(x2)	Chorley Avenue		BN2 8AQ
9	Coombe Vale		BN2 8HN
59	Coombe Vale		BN2 8HN
72	Coombe Vale		BN2 8HL
79	Coombe Vale		BN2 8HN
93	Coombe Vale		BN2 8HN
99	Coombe Vale		BN2 8HN
21	Cranleigh Avenue		BN2 7GN
44(x2)	Cranleigh Avenue		BN2 7GN
10	Dean Court Road		BN2 7DJ
100	Dean Court Road		BN2 7DJ
114	Dean Court Road		BN2 7DJ
24	Eley Drive		BN2 7FH
5	Elvin Crescent		BN2 7FF
4	Falmer Avenue		BN2 8FH
8	Falmer Avenue		BN2 8FH
10	Falmer Avenue		BN2 8FH
12	Falmer Avenue		BN2 8FH
13	Falmer Avenue		BN2 8FH
13	Falmer Avenue		BN2 8FH
16	Falmer Avenue		BN2 8FH
19(x2)	Falmer Avenue		BN2 8FH

PLANNING COMMITTEE LIST – 27 January 2016

20	Falmer Avenue		BN2 8FH
21(x2)	Falmer Avenue		BN2 8FH
12	Goldstone Road		BN3 3RP
20	Heathfield Avenue		BN2 8QB
49 Benson Court	Ingram Crescent		BN3 5LY
61(x2)	Lenham Avenue		BN2 8AG
20	Linchmere Avenue		BN2 8LE
8 Greenway Court	Little Crescent		BN2 7GS
66	Lustrells Crescent		BN2 8FJ
116(x2)	Lustrells Crescent		BN2 8FL
Unknown (x2)	Lustrells Vale		
1	Lustrells Vale		BN2 8FD
114	Lustrells Vale		BN2 8FB
164	Lustrells Vale		BN2 8FB
157	Marine Drive		BN2 8AA
101	Oaklands Avenue		BN2 8PD
21	Phyllis Avenue	Peacehaven	
62	Saltdean Drive		BN2 8SD
74	Saltdean Drive		BN2 8SD
166	Saltdean Vale		BN2 8HF
2 Court House Close	The Green		BN2 7HA
14	Tumulus Road		BN2 8FS
4 Forge House	Vicarage Lane		BN2 7HD
39	Westfield Avenue North		BN2 8HS
82	Westfield Avenue North		BN2 8HS
82	Westfield Avenue North		BN2 8HS
90(x2)	Westfield Avenue North		BN2 8HQ
126	Westfield Avenue North		BN2 8HQ
Paul Baker	Westfield Avenue South	Saltdean	
18	Westfield Avenue South		BN2 8HT
34	Westfield Avenue South		BN2 8HT
14	Westfield Rise		BN2 8HR
6	Westmeston Avenue		BN2 8AN
15	Westmeston Avenue		BN2 8AL
19	Westmeston Avenue	Saltdean	BN2 8AL
28	Westmeston Avenue		BN2 8AN
29	Westmeston Avenue		BN2 8AL
37(x2)	Westmeston Avenue		BN2 8AL
43	Westmeston Avenue		BN2 8AL
44	Westmeston Avenue		BN2 8AN
49	Westmeston Avenue		BN2 8AL
51(x2)	Westmeston Avenue		BN2 8AL
58	Westmeston Avenue	Saltdean	BN2 8AN
66	Westmeston Avenue		BN2 8AN
67	Westmeston Avenue		BN2 8AL
6	Winton Avenue		BN2 8FN
22	Winton Avenue	Saltdean	BN2 8FN

PLANNING COMMITTEE LIST – 27 January 2016

1	Wivelsfield Road		BN2 8FP
3	Wivelsfield Road		BN2 8FP
4	Wivelsfield Road		BN2 8FQ
5	Wivelsfield Road		BN2 8FP
8	Wivelsfield Road		BN2 8FQ
10	Wivelsfield Road		BN2 8FQ
11	Wivelsfield Road		BN2 8FP
12	Wivelsfield Road		BN2 8FQ
20	Wivelsfield Road		BN2 8FQ
25	Wivelsfield Road		BN2 8FQ
31	Wivelsfield Road		BN2 8FP
37	Wivelsfield Road		BN2 8FP

Letters of Support

None Received



Councillor Mary Mears

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

Andrew Huntly.
Senior Planning Officer.
Development Control
Brighton & Hove City Council.

Dear Andrew Huntly.

Re Planning Application BH2014/03394 – Land at 6 Falmer Avenue.

As a ward Councillor for Rottingdean Coastal, I wish to object to the above planning application for the following reasons

Part of the application falls within the Rottingdean Parish. Rottingdean has been designated as a Conservation Area. In my view this application for 36 dwellings on a site that has been designated as an area of outstanding natural beauty, and was previously included in the South Downs National Park, is entirely inappropriate,

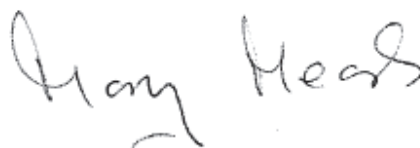
The infrastructure is already under strain in the surrounding area, including Saltdean Primary School, which has had to increase it's building by 3 extra classes for accommodation that is needed now. This application would put the school under extreme pressure, and in my opinion would be detrimental, not only to the school but also to pupils, and their families. New families will also need to access not only school places but health facilities which are also under pressure

Saltdean is accessed by the A259 one of the busiest roads in the city. Roads are already very busy, and parking has become a serious issue in the surrounding area,

In my view this application is one of the worst I have seen, it looks like a large Launderette with over-sized washing machines and it totally out of keeping with the street scene and surrounding area. And would be blight on the landscape.

I reserve my right to speak on this application at the planning committee.

Yours Sincerely





COUNCILLOR DAVID SMITH
17 Pitt Gardens
Woodingdean
Brighton
BN2 6LR

19 DEC 2014

Andrew Huntly
Senior Planning Officer
Development Control
Brighton & Hove City Council
Kings House
Grand Avenue
Hove BN3 2LS

17th December 2014

Dear Sir

Re: Planning application BH2014/03394 – Land at 6 Falmer Avenue

As a Rottingdean Coastal Ward councillor, I wish to register my objection to this planning application for the following reasons which I understand are similar to those of my colleague, Cllr Mary Mears.

- a) Rottingdean has been designated as a Conservation area and part of this application falls within Rottingdean Parish. Therefore a proposal to build 36 dwellings on this area of outstanding natural beauty is, in my opinion, entirely inappropriate.
- b) The existing infrastructure is already strained in Rottingdean and Saltdean and school children's education could be badly effected by large scale housing development. Health facilities are also under pressure as are the problems caused by the A259, one of the busiest roads in the City.

My colleagues and I have consulted with many residents on this planning application and I have taken the view that this development is completely out of keeping with this neighbourhood and would be a blight on the landscape.

I understand that Cllr Mears has reserved her right to speak on this application at the planning committee meeting.

Yours sincerely



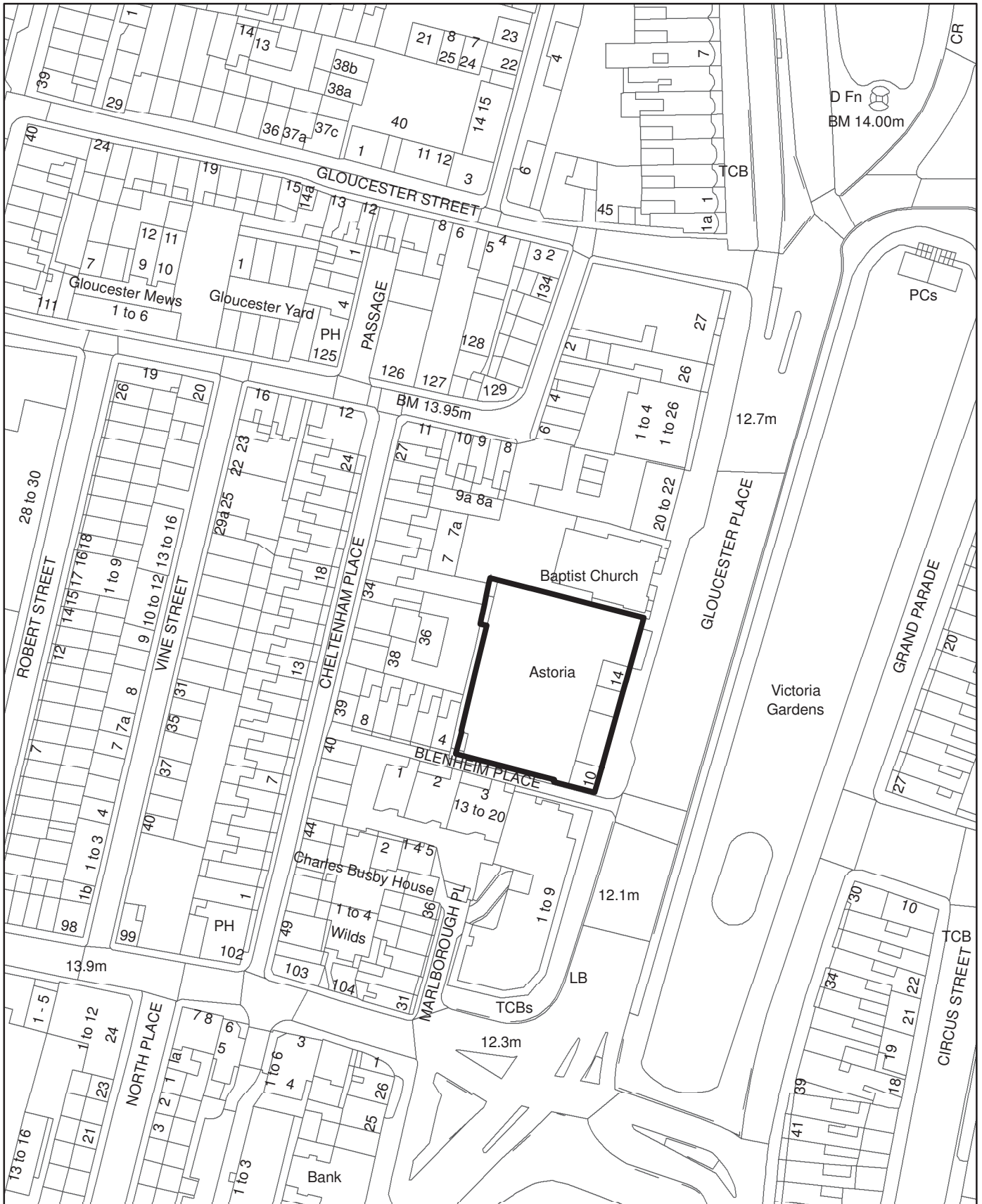
ITEM B

**The Astoria, 10-14 Gloucester Place,
Brighton**

**BH2014 /03394
Full Planning**

27 January 2016

BH2015/01471 The Astoria, 10-14 Gloucester Place, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/01471	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Astoria 10-14 Gloucester Place Brighton		
<u>Proposal:</u>	Demolition of existing Grade II listed building (approved under BH2013/03927) and construction of a new part 3/part 7 storey building (plus basement) to form 70no one, two, three and four bedroom self-contained residential units (C3) and incorporating commercial units (A1/A2/B1) in the basement and on the ground floor fronting Gloucester Place, a community room (D1) on the ground floor fronting Blenheim Place together with refuse/recycling facilities, cycle storage and other associated works.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	06/05/2015
<u>Con Area:</u>	Within Valley Gardens and adjacent to North Laine.	<u>Expiry Date:</u>	05 August 2015
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Unicity XXVI Brighton 2 sarl, c/o Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The Astoria site lies within the Valley Gardens Conservation Area and abuts the North Laine Conservation Area. The Valley Gardens Conservation Area is characterised by mostly grand Regency and Victorian terraces fronting onto public gardens. Gloucester Place has been much more significantly redeveloped in the 20th century than other frontages in the area, with buildings of generally larger scale. The North Laine Conservation Area is characterised by contrastingly smaller scale, mixed-use buildings on a tight urban grain of mainly north-south streets.
- 2.2 The building is currently vacant and has been since circa 1996/97 when the previous use as a Bingo Hall (D2) vacated. Prior to operating as a Bingo Hall the building operated as a cinema between 1933 and 1977.

- 2.3 The property is set out over three storeys and the accommodation includes vacant commercial units on the ground floor, the previous tea room above at first floor level and the manager's flat at second storey level. The auditorium takes up some 55% of the internal space. The property is Grade II Listed and has been since 2000.
- 2.4 The surrounding area is contained within a Controlled Parking Zone (CPZ). Gloucester Place is a three lane one way road heading north and to the front of the building is an existing layby containing pay and display, disabled and taxi spaces. Blenheim Place is a narrow no through road with double yellow lines to either side.

3 RELEVANT HISTORY

BH2013/03926- Demolition of existing Grade II listed building and construction of new building consisting of 3no storeys in height at rear and 6no storeys in height at front (including basement) incorporating retail/café/restaurant (A1/A3) on the ground floor fronting Gloucester Place and community rooms (D1) on the ground floor fronting Blenheim Place with offices (B1) above and to the rear, together with 6no residential units (C3) on the fifth floor. Approved 05/03/2015

BH2013/03927- Listed Building Consent for demolition of existing Grade II listed building. Approved 05/03/2015

BH2010/03760- Listed Building Consent for demolition of existing Grade II listed building. Approved 15/05/2012.

BH2010/03759- Demolition of existing Grade II listed building and construction of new office block consisting of 2no storeys at rear and 6no storeys at front incorporating café and community rooms on ground floor at front of development. Approved 14/05/2012

BH1997/02007/FP- Change of use from bingo hall (class D2) to music/dance venue and public house (class A3) including internal alterations. Approved 13/03/1998.

BN75.2505- Change of use from Cinema to Cinema Class XVII and for indoor games including bingo and ancillary social club. Approved 16/12/1975.

4 THE APPLICATION

- 4.1 The application seeks planning permission for the demolition of the Grade II listed Brighton Astoria and the construction of a replacement part seven, part three storey building comprising 70 residential flats, a 70sqm community room, and 259sqm of A1/A2/B1 floorspace. The development would provide 11 studio units, 5 one-bedroom units, 34 two-bedroom units, 6 two-bedroom duplex units, 12 three-bedroom units, and 2 four-bedroom units, all for private rent.

- 4.2 The application follows recent permission for the demolition of the building and its replacement with a part 6, part 2 storey office building incorporating retail, café and community rooms and six residential apartments under application BH2013/03926. This permission remains extant, expiring on 5 March 2018.
- 4.3 The pallet of suggested materials is as previous and includes brickwork, render, metal panels, aluminium windows, flint work and anodized metal screens/solar shading.
- 4.4 As previous, the application proposes to extend the existing layby to the front of the site on Gloucester Place to provide a loading bay. This is to be facilitated by the removal of two Elm trees and their replacement with five new Elm trees set along the length of the bay. Public realm improvements are proposed to Blenheim Place including resurfacing and raising the carriageway to footway level
- 4.5 No formal pre-application advice was sought from officers prior to submission.

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours:

Twelve (12) letters have been received from Flat 12 23-25 Gloucester Place; Flat 10 2 Blenheim Place (x4); Flat 20 3 Blenheim Place; 8 Blenheim Place; 12, 14, 31 & 33 Cheltenham Place; and 36 Marlborough Place, objecting to the proposed development on the following grounds:

- The seven storey building is too high and not in keeping with other properties on Gloucester Place
- 70 flats is too many. It is unacceptably high density and an overdevelopment
- Impact on Blenheim Place and Cheltenham Place
- Loss of North Laine Conservation Area character
- The Astoria frontage should be retained as it is grade II listed and unique
- Noise, odour and privacy issues to properties on Blenheim Place from increased footfall, facing windows, refuse and cycle stores
- Overshadowing
- Loss of privacy
- Increased noise and anti-social behaviour
- Insufficient communal bin storage
- Doors opening onto Blenheim Place
- Parking pressure, even if car free, and increased pressure on blue badge spaces
- There are no assurances it will not be occupied by students
- Construction noise and disturbance

5.2 The Theatres Trust: Objection.

The Theatres Trust remains opposed to the total demolition of the Grade II statutory listed Astoria Theatre. While the Trust acknowledges that Council has granted approval for the demolition of the building (BH2013/03927), it has never accepted the case for demolition presented in this or previous applications. The Trust believes that the Astoria is of special architectural significance and historic value, as per its statutory designation and believe as a heritage asset that the building should be reused or be incorporated into the proposed development for the benefit of the community.

5.3 The Cinema Theatre Association (CTA): Objection.

The Cinema Theatre Association object on the grounds that the proposal involves the total demolition of the Grade II listed cinema, which was listed for its architectural and historical significance in cinema design. This contradicts the protection given to heritage assets in the NPPF. Neglect of the building over the last 20 years and its consequent deterioration should not be reason for de-listing and demolition. This would set a very bad precedent in the conservation of our built heritage. Given its landmark position in Brighton, the Astoria could and should be restored and re-used.

5.4 Historic England: Comment

Historic England do not wish to comment in detail, but offer the following general observations:

5.5 The current proposals for the Gloucester Place facade remain broadly similar to the previously consented scheme with the most noticeable change relating to the provision of additional development on the top storey. This has created a more uniform height of building across this elevation rather than the slight dropping down of scale, as shown in the previous scheme, which was to respect the height of the adjacent Baptist Church. Historic England did not make substantial representations on this aspect in the last advice letter and note that due to the maintenance of the recessed design of the top floors of the building, the impact of this slight increase in scale in relation to the adjacent Baptist church is lessened. Historic England therefore consider that this change is not significant enough to cause harm to the character and appearance of the conservation area.

5.6 On the Blenheim Place elevation, an additional bay of accommodation together with the creation of a more consistent design is proposed. Despite the additional bay, this elevation will still drop down from 7 storeys to three where it adjoins the domestic terrace, with sufficient separation between this and the building's higher elements. Importantly, the proposed scale here is much less than that of the existing Astoria Theatre, the full height of which abruptly meets the terraces. This together with the enlivenment of the Blenheim Place elevation, which currently comprises a very tall blank wall, would enhance this part of the conservation area.

5.7 Historic England would advise that for the success of this scheme, high quality detailing and materials should be secured.

5.8 **CAG: Objection**

The Group recommend refusal of the application, on the grounds that the tall building may have a detrimental impact on the building to streets on the west and south side, and the gardens opposite to the site. Give the prominent position of the building which is on the main route into the city, the Group suggest that the change of use to residential should be taken as an opportunity to design a building which better reflects the historic context of the area. The Group recognise this does not necessarily exclude high quality contemporary design.

5.9 **Environment Agency: No objection**

5.10 **Southern Water: No objection**

5.11 **Sussex Police: No objection.**

5.12 **County Archaeology: No objection**

No objection subject to a programme of archaeological works

5.13 **Southern Gas Networks: No objection**

5.14 **UK Power Networks: No objection**

5.15 **East Sussex Fire and Rescue Service: No objection**

5.16 **District Valuation Office (DVS): Comment**

Based on their assessment the DVS consider the proposed scheme can viably support a 27% intermediate rent contribution which translates to a commuted sum payment of £2,432,255.

Internal:

5.17 **Heritage: No objection**

The Planning Statement notes that there is an extant Listed Building Consent for the demolition of the building and concludes that the LPA has therefore simply accepted the loss of the building. However, that consent was intrinsically linked to the previously approved scheme for the redevelopment of the site and was dependent upon meeting the ‘tests’ set out in paragraph 133 of the NPPF to justify substantial harm. All of those tests must be met. Three of those tests are in effect unchanged from the previous approval but the fourth is that “the harm or loss is outweighed by the benefit of bringing the site back into use”. The proposed uses, scale and design of the current proposal must therefore be considered in relation to the loss of the listed building. Policy HE2 of the Local Plan refers to the need for “substantial benefits for the community” when considering the demolition of a listed building and goes on to say that demolition will not be considered without acceptable detailed plans for the site’s development.

5.18 At the time of the extant approvals the public benefits were considered to include bringing this site back into use and providing an active ground floor frontage on this key route; preserving the appearance and character of Valley Gardens

conservation area; positively enhancing the appearance and character of the adjoining North Laine conservation area, by virtue of the substantial reduction in scale to the rear (west) of the site; and making significant improvements to the public realm in Blenheim Place. The mix of uses and the scale, massing design and materials of the proposed development are crucial to achieving these essential public benefits.

- 5.19 The residential use now proposed is considered to be appropriate in maintaining the character of both conservation areas and the scheme proposes active ground floor uses and design to Gloucester Place and an enlivened elevation to Blenheim Place (though it is regrettable that one bay to Gloucester Place would be taken up by refuse store and plant room doors).
- 5.20 The current application has been amended since submission and the scale and design of the proposed development is now similar to the approved scheme. The overall height of the key east (front) and south (side) elevations matches the approved scheme although the actual flat roof height behind the parapet is marginally higher. On Blenheim Place the scale and massing of the lower (3 storey) section of the development would provide a more appropriate neighbour to the two storey Victorian houses than the approved scheme and this offsets the greater length and massing of the higher (7 storey) section on this elevation. This 7 storey section would now be slightly visible in the key views looking north along Marlborough Place but this would still represent a significant enhancement to the North Laine conservation area over the bulky intrusion of the current building. The rear block, backing onto Cheltenham Place, would also be lower than the approved scheme and this would also help to make a successful transition from the grander scale of the Valley Gardens conservation area to the more intimate scale of the North Laine conservation area.
- 5.21 The front elevation to Gloucester Place has kept within the design approach of the approved scheme but the insertion of an extra floor, with lower floor to ceiling heights on each floor, has resulted in a less balanced sense of proportion between vertical and horizontal elements whilst the wider corner tower is a somewhat heavier feature than that approved. In addition the top storey is not set quite as far back from the main building line as in the approved scheme and so would not be as recessive a feature as that approved. Nevertheless, assessing the proposed development as submitted it is considered that the design would be of sufficient quality and interest for this important location in the Valley Gardens conservation area and adjacent to North Laine. The materials would though be crucial to achieving sufficient articulation and texture to help offset the scale of the building and these will need to be carefully controlled by condition if they are not submitted with the application.
- 5.22 The other enhancement associated with the approved scheme was to the public realm, particularly to Blenheim Place, and this is largely unchanged from the approved scheme, the only noted difference being that one less new tree would be planted on Gloucester Place.

- 5.23 Overall it is considered that this application would bring a similar level of public benefits as the previously approved scheme, through bringing the site back into use and providing an active ground floor frontage; preserving the appearance and character of Valley Gardens conservation area; positively enhancing the appearance and character of the North Laine conservation area; and making significant improvements to the public realm in Blenheim Place. The loss of the listed building therefore remains justified.
- 5.24 **Planning Policy: No objection**
The provision of 70 self-contained residential units is welcomed as a contribution towards the city's significant housing requirement as identified in the Submission City Plan Part 1.
- 5.25 **Affordable Housing:**
The original scheme proposed 73 apartments all for private rent, with no affordable housing offered as part of the overall housing provision. The applicant has now reduced the overall number of homes to 70 flats and 14 units have been offered for 'Intermediate Market Rent' for the affordable housing component of the scheme. This equates to 20% of the total number of proposed units.
- 5.26 An Intermediate Market Rent Statement and an Intermediate Market Rent Marketing, Allocations & Lettings Policy are provided to support this offer. The proposal is that the developer will let and manage the properties themselves rather than disposing / leasing the properties to a Registered Provider (housing association).
- 5.27 Policy HO2 of the adopted Local Plan (2005) seeks a contribution of 40% affordable housing on all suitable sites of 10+ dwellings. The emerging City Plan Part 1 Policy CP20 seeks 40% affordable housing on all suitable sites of 15+ dwellings. Both policies include provisions for viability issues to be considered and tested. Where an applicant claims meeting the 40% affordable housing target is not viable, they are asked to provide robust evidence to justify this.
- 5.28 It is understood the District Valuer has undertaken an independent review of the applicants' viability assessment. This appears to confirm that 27% intermediate rent affordable housing is the maximum contribution that could be provided for this proposal.
- 5.29 In terms of the Intermediate Rent offer, the NPPF definition of affordable housing does include 'Intermediate Housing' (e.g. shared ownership) and 'Intermediate Rent'. Intermediate forms of affordable housing (whether for home ownership or for rent) still have to meet all the general criteria outlined in the opening paragraph of the NPPF definition of affordable housing in terms of subsidy, eligibility and perpetuity (provision to ensure the affordable housing remains affordable or that the subsidy can be recycled).

- 5.30 The council's Affordable Housing Brief (AHB) clearly identifies that the city's greatest need is for the 'Affordable Rent' tenure of affordable housing provided either by the Local Authority or by Registered Providers. The preferred citywide tenure split is for 55% affordable rent and 45% shared ownership. Furthermore, through its Partnership Agreement with Registered Providers (housing associations) that operate in the City there is a commitment to keep rents within Local Housing Allowance levels which ensures they are affordable.
- 5.31 The Intermediate Rent which is being offered by the applicant at 80% market rent levels does not include provisions to ensure rents will be secured at Local Housing Allowance levels.
- 5.32 Furthermore, the applicant's allocation and lettings statement makes clear that this model of provision will not be available to anyone not in work and/or in receipt of Housing Benefit. In this sense, the proposals do not meet the council's preferred requirements for rented affordable housing albeit that Intermediate Rent is a tenure identified within the NPPF definition.
- 5.33 There is also concern that the perpetuity element of the affordable housing definition is not adequately met by the proposed Intermediate Rent model. The Intermediate Market Rent statement refers to four year tenancies followed by a review mechanism which *could* be applied to re-set rents at this time. This is not considered robust enough in terms of ensuring the accommodation will remain at 80% market rent levels and that this will equate to an identified local need. Further views should be sought from Housing regarding this issue and the eligibility criteria being proposed by the applicant.
- 5.34 In terms of unit size, the preferred affordable housing mix across the city is for 30% one bed units; 45% two bed units and 25% three + bed units as set out in CP20 in City Plan Part 1 and the AHB. The proposed scheme offers 4 x 1 bed (29%); 6 x 2 bed (42%) and 4 x 3 bed (29%). This is broadly in line with the council's requirements and is welcomed.
- 5.35 Alternative Developer Contribution
Given the concerns highlighted above regarding the applicant's offer of 'Intermediate Rent' for the affordable housing provision an alternative would be to negotiate for a commuted payment in lieu of onsite provision. The AHB (at section 3) sets out circumstances which might justify such a payment and also makes clear that any such payment must be equitable (in financial terms) to onsite provision. Further guidance is set out in the council's Developer Contributions Technical Guidance Document.
- 5.36 A good planning or housing reason is required to make an exception to onsite provision. Given the nature of this development proposal (private sector renting in high value central location coupled with the concerns outlined above, it is considered that the affordable housing offer made by the applicant will not secure long term affordable housing of a tenure for which there is a strong priority need in the city. Further that the provisions put forward by the applicant

for allocation and management of the affordable housing do not meet the council's requirements and do not guarantee that the affordable housing will remain available in perpetuity.

5.37 Should a commuted sum be secured this could help fund the construction of more genuinely affordable rented housing provision in the city. It is suggested that the option of seeking a satisfactory commuted payment is discussed with the council's strategic housing service.

5.38 The DVS viability assessment report dated 5 January 2016 identifies that 27% Intermediate Rent affordable housing is viable. On that basis the report calculates a commuted sum of £2,432,255 is payable and this is supported.

5.39 **Housing: Comment**

The city-wide Housing Strategy adopted by Council in March 2015, has a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent. The council has an Affordable Housing Brief (AHB) in place to inform developers of the council's requirements. The AHB is evidenced based and reflects housing needs across the city. Providing affordable housing properties within broader developments is always the preferred housing option but commuted sums are also an option with the Affordable Housing Brief where the proposed development proves either unviable or unsuitable for some other reason.

5.40 The proposed scheme offers 70 flats which, unusually, will be built for long term rental. Within this the developer has offered 20% (14 units) to be let and managed by them direct. An Intermediate Market Rent Statement and an Intermediate Market Rent Marketing, Allocations & Lettings Policy has been provided to support this offer. The proposal is that the developer will manage the properties themselves rather than disposing / leasing the properties to an RP (Registered Provider).

5.41 The Intermediate Rent product outlined is not considered the equivalent of Affordable Rent, as currently provided in the city. The Intermediate Market Rent Marketing, Allocations and Lettings Policy provided outlines that the developer will advertise the properties through various means and lists eligibility including that applicants must be 'in employment and not in receipt of housing benefit'. The Intermediate Market Rent statement provided refers to four year tenancies followed by a review mechanism which *could* be applied to re-set rents at this time.

5.42 Affordable housing properties should be provided in perpetuity which is generally achieved by sale to a Registered Provider. Allocation of properties are generally agreed through an individual LLP (Local Lettings Plan) for each scheme, with reference to the agreed frameworks and procedures in place including that those allocated housing must be on the council's Housing Register. Properties are required to be advertised and

allocated through the council's allocations process – Homemove. The agreed policies and procedures are in place to ensure that properties provided meet the required criteria for: affordability, meeting housing need and ensuring those housed have a local connection.

- 5.43 The District Valuer considers that providing the proposed Intermediate Rent housing (19 units / 27%) is financially viable at this scheme. However, the developers are not offering Affordable Housing in the standard model at this scheme, and would prefer to pay a commuted sum (as assessed by the District Valuer) in this instance.
- 5.44 **Sustainable Transport: No objection**
General parking: The applicant is not proposing any on-site car parking. In order to meet policy H07 and TR1 of the Brighton & Hove Local Plan the Highway Authority would look for the development to be made car free. The development site lies within CPZ Y and benefits from being in a central sustainable location close to public transport routes and local services. The applicant is also not proposing any on-site parking for the commercial land uses. The vehicle parking demand for these land uses would be accommodated on-street or in existing off-street car parks in local area.
- 5.45 Disabled parking: For this development of this size (73 units) the minimum disabled car parking standard is 7 spaces. As with the existing unit the applicant is not proposing any on-site disabled parking. Currently there are 2 on-street disabled parking spaces directly to the front of the property and 2 bays on Gloucester Street (130 meters from site) and 1 bay on Cheltenham Place (120 meters from site). Residents with a permit; for which any disabled resident in this unit would be entitled to apply for would also be able to park in CPZ bays. Blue Badge holders are also able to park in Pay & Display bays for free and for an unlimited time and where it is safe to do so, on double yellow lines for 3 hours. Given the opportunities in the form of on-street parking opportunities for disabled residents and that the applicant is contributing S106 funds which could be used for accessibility improvements to public transport in the form of accessible Kassel kerbs and Real Time Passenger Information signs in this instance the Highway Authority would not consider the lack of on-site disabled car parking to be a reason for refusal.
- 5.46 Suitable loading and access for servicing vehicles will be provided either through the proposed highway works associated with this planning application or the Valley Gardens project.
- 5.47 Highways alterations: This application again includes the previously approved off-site highway improvements which were put forward by the applicant under the previous planning applications (BH2010/03759 and BH2013/03926). These works involve highway works including the resurfacing of Blenheim Place and Gloucester Place to the front of the site. The proposals also include the provision of a loading bay and parking adjacent to the site on Gloucester Place and the relocation of on-site cycle parking. The proposed highway works plan (drawing number A(PL)019 details these works.

- 5.48 Given that these works on the highway fall within the scope of the Valley Gardens project which currently has funding in place a collaborative approach between the applicant and the Highway Authority will be required to ensure that if these works are implemented in advance of the Valley Gardens project the design and materials will have to be complimentary. This collaborative approach will be undertaken through a S278 agreement with the Highway Authority.
- 5.49 These proposed works should be secured through a S106 agreement and delivered via a S278 agreement with the Highway Authority. The wording of the S106 agreement securing the need to enter into a S278 agreement must take account of the fact that if Valley Gardens progresses in advance of this planning application the works to Gloucester Place would no longer be required but the applicant must still deliver the Blenheim Place works.
- 5.50 Sustainable modes/Contributions: The Highway Authority would look for a S106 contribution of £42,500 to go towards the Valley Gardens project and/or pedestrian and public transport accessibility improvements in the vicinity of the site.
- 5.51 **Economic Development:** No objection.
No objection subject to a contribution through a S106 agreement for the payment of £35,000 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during demolition and construction phases of the development.
- 5.52 **Arboricultural Services:** No objection.
To facilitate the loading bay, 2 juvenile on-street Elms (*Ulmus glabra*) will need to be removed, which is to be regretted. The Arboricultural Section would not object to this, subject to a condition requiring replacement trees of the same species to be planted further along the road beside the new parking bays. It is recommended that an Arboricultural Method Statement on size of Elms to be planted, staking, size of planting pits etc is sought prior to development commencing.
- 5.53 **Environmental Health:** No objection
- 5.54 **Air Quality:** No objection
- 5.55 **Sustainable Drainage:** No objection
- 5.56 **Ecology:** No objection
- 5.57 **Sustainability:** No objection
- 5.58 **Education:** No objection
- 5.59 **Access:** Comment.

No wheelchair accessible units appear to be proposed

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality

PLANNING COMMITTEE LIST – 27 January 2016

SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing- ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR7	Local parades
SR12	Large use class A3 (food and drink) venues and use class A4 (pubs and clubs)
SR21	Loss of indoor recreation facilities
HE1	Listed buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH13	Listed Building – General Advice

SPGBH15 Tall Buildings

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development
SA3 Valley Gardens
CP8 Sustainable buildings
CP15 Heritage
CP20 Affordable housing

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Planning permission has previously been granted for the demolition of the Astoria and its replacement with an office-led mixed use schemes under applications BH2010/03759 and BH2013/03926. Planning permission is extant and the deadline for commencement of works expires on 5 March 2018.
- 8.2 The main considerations in the determination of this application relate to the principle of the development in relation to demolition of this grade II listed building and the principle of the proposed development, the impact of the design on the character and appearance of the Valley Gardens Conservation Area and the North Laine Conservation Area and the setting of the nearby grade II* listed St Peter's Church, its impact on neighbouring amenity, the standard of accommodation to be provided, the transport implications of the development and sustainability matters. Also material is the extant permission BH2013/03926.
- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.
- 8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.

Principle of demolition:

- 8.4 The Astoria was listed grade II in 2000. The significance of Brighton Astoria lies in its architectural and artistic interest as a 1930s super-cinema with associated tea room, shops and manager's flat, with the surviving architectural design of its

exterior reflecting the ‘moderne’ style and its interior in a French Art Deco style, though the interior was altered in both 1958 and, especially, 1977 when it was converted to a bingo hall.

- 8.5 The case for demolition has been previously accepted under both applications BH2010/03759 and BH2013/03926. The most recent planning consent under BH2013/03926 fully considered the case for demolition against paragraph 133 of the NPPF, policy HE2 of the Brighton & Hove Local Plan and policy CP15 of the submission City Plan Part One. In the ten months since planning permission was granted, there have been no material changes to local or national policy, or to the site or surrounds, that would warrant a departure from this conclusion. The applicants have submitted an updated Marketing and Viability Report (Graves Jenkins) which continues to identify no demand for re-use of the building.
- 8.6 The District Valuation Office assessed the reports submitted in respect of BH2013/03926 and concluded that the site was unviable for alternative uses and would have a significant negative residual value if its current use is maintained. Although no further assessment has been made by the DVS on this matter under this application, given that these conclusions were reached in June 2014 and relate to an extant permission, it is considered that they remain fully relevant. The case therefore remains convincing beyond reasonable doubt that the condition of the building, the nature of its special interest, and broader market conditions render its restoration and conservation as a going concern unviable.
- 8.7 The site has been vacant for some 18 years and given its scale and prominent location along a key route through the City, its continued vacancy and poor condition has undoubtedly caused blight to the Valley Gardens Conservation Area. The redevelopment of the site would both bring the site back into active use and bring significant benefits to the area. Such benefits include the provision of an active and attractive street frontage to Gloucester Place, the opportunity to substantially reduce the scale and massing of building to the rear, and the opportunity to introduce improvements to the public realm along Blenheim Place. By association these benefits would serve to both preserve and enhance the character and appearance of both the Valley Gardens Conservation Area and the adjoining North Laine Conservation Area to the wider public benefit.
- 8.8 On this basis, and in line with extant permission and English Heritage advice, it is considered that the tests under paragraph 133 of the NPPF and those set out in Local Plan policy HE2 have been met and the case for the demolition of the Astoria remains justified. In reaching this conclusion regard has been had to duty set out in Sections 16, 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.9 Proposed development and mix of uses
The site’s existing planning use is D2 (assembly and leisure) and was last in operation as a Bingo Hall up until circa 1996/97. This constitutes a community

use protected under Local Plan Policy HO20 and paragraph 70 of the NPPF. Paragraph 70 of the NPPF seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs, whilst policy HO20 contains an exception to allow the loss of community facilities where it can be demonstrated that the site is not needed for such uses. In this instance, the site has been redundant for over seventeen years therefore its value to the local community as a Bingo Hall or other community facility is now negligible. In terms of alternative community provision, it has been evidenced through the marketing and viability appraisals that the building is unsuitable for retention as a Bingo Hall or conversion in its entirety to any other community use. As such, and as previous, it is considered that the exception test d) in policy HO20 has been met.

- 8.10 In such circumstances policy HO20 priorities the residential and mixed use schemes which may provide 'live-work' and/or starter business units to meet local need. In this instance, although the absence of the office accommodation previously approved is regrettable, the provision of 70 residential units carries significant weight in light of the identified housing needs of the city. The absence therefore of any employment floorspace other than the proposed A1/A2/B1 units fronting Gloucester Place is therefore considered acceptable. The proposal retains a 70sqm community/exhibition room at the rear of the site accessed off Blenheim Place to help retain an element of community provision within the development. The standard of community space is considered to remain sufficient having regard the difficulties in finding a community use for the building as a whole. On this basis the proposed development remains acceptable in compliance with paragraph 70 of the NPPF and as an exception to policy HO20.
- 8.11 To ensure that the community space operates to its potential, a management plan can be sought via a legal agreement, as previous. The plan will include details such as method of advertising to ensure community groups are aware of its availability, agreement on how to use/book the facility and details of rates to ensure it is affordable.
- 8.12 Policy SR21 seeks to resist the loss or reduction of indoor recreation and sporting facilities such as Bingo Halls however as previous no conflict is identified given the provision of a Bingo Hall on Eastern Road to the east of the site.
- 8.13 The front portion of the site at ground floor level opening out onto Gloucester Place formerly function as a local parade of shops (3-5 units) which are all now vacant and have been for some time. The loss of the parade was previously considered acceptable under policy SR7 given the close proximity of convenience shops and the London Road District Centre. The application proposes A1/A2/B1 retail/office units at ground floor and lower ground floor levels which would bring suitable active frontage to the site to the benefit of the street scene.

Design and Appearance

- 8.14 Local Plan policies QD1, QD2, QD3, QD4 and QD5 relate to the design quality of a development, the emphasis and enhancement of the positive quality of the local characteristics, making efficient and effective use of sites, the enhancement and preservation of strategic views and presenting an interesting and attractive frontage particularly at street level. Policies HE3 and HE6 relate to development within or affecting the setting of a listed building and conservation areas respectively.
- 8.15 The main building fronting Gloucester Place remains of broadly the same height, scale, design and overall appearance as previously considered acceptable under the extant scheme. In this respect the proposal continues to suitably preserve the setting of Grade II* Listed St Peter's Church to the north, and views within the Valley Gardens Conservation Area and towards the North Laine Conservation Area. The only changes of note have been to include a sixth level of accommodation within the frontage as opposed to the five office levels previously approved. Whilst this has altered some of the building's proportions, the overall effect and impact on the area remains acceptable. Although the building does not lie within one of the tall buildings nodes or corridors identified on SPGBH15, as previous it is considered that the proposed height is acceptable within its context.
- 8.16 The main alterations are to the Blenheim Place elevation, with the south elevation to the main building 1.3m deeper than approved, linking to a revised three storey rear element. The third storey to the rear element would retain a suitable transition in scale from the front to the rear of the site and be set broadly at the same height as the ridge to the adjacent building immediately to the rear at 38 Cheltenham Place. The treatment of this elevation, following amendments, remains acceptable, with the overall scale reduced in height when compared to the extant permission.
- 8.17 Within the site the previous ground level courtyard has been lowered to basement level to provide an additional storey of accommodation. This is only visible from within the site and has no bearing on the wider street scene or conservation area. The previous four storey link between the main and rear buildings has been omitted, thereby reducing some of the massing of the development.
- 8.18 One of the main benefits of the extant scheme was its reduction in scale at the rear of the site compared to existing. The Astoria building currently has a poor relationship with the two/three storey buildings and the intimate character of Blenheim Place and Cheltenham Place by virtue of its scale and proximity. In particular, the blank rear/south elevation rises up some 22.4m in height within 3.5m of a two storey residential terrace adjacent along Blenheim Place, creating significant bulk and a poor transition in massing and form. As previous, the proposed building breaks up this bulk dramatically with the southern elevation stepping down from six storeys to three storeys to complement the residential terrace, with the materials and openings proposed improving its articulation. This arrangement greatly improves the relationship between the site and the scale and character of Blenheim Place and Cheltenham Place to the rear, to the

benefit of the wider North Laine Conservation Area. The reduction in massing at the rear also benefits views of the site from Marlborough Place to the south, with the bulk of the south elevation removed in longer views and the rooflines of buildings in the foreground better silhouetted against the sky.

- 8.19 The mix of materials remains as per the extant scheme, including brickwork, render, flintwork and aluminium windows. Final details of all materials can be secured by condition in the event permission is granted, along with details of the array of solar panels proposed at roof level.
- 8.20 Trees, Landscaping and Ecology
Policies QD15 and QD16 relate to landscape design, trees and hedgerows and require that proposals for new development must submit details to show that adequate consideration has been given to landscape design at an early stage in the design process.
- 8.21 As previous, the applicants are proposing to remove two of the semi-mature street Elm trees adjacent to the entrance to Blenheim Place, to be replaced with five Elms lining the pavement in front of the site adjacent to the parking layby and loading bay. Further new hardsurfacing fronting the site along Blenheim Place and Gloucester Place is proposed as before, with details to be secured by condition in the event permission is granted. No objection is raised to these works. A provisional landscape scheme for the courtyard and public areas fronting the site on Blenheim Place and Gloucester Place has been provided, with final details to be secured by condition in the event permission is granted. A landscaping scheme for the central courtyard can also be sought.
- 8.22 The County Ecologist has identified that the existing building has very limited ecological value, however demolition works may uncover bats or nesting birds. An informative is attached to advise the applicant of their responsibilities under the Wildlife and Countryside Act 1981 as amended. As previous a condition can be attached in the event permission is granted to seek a scheme to improve the nature conservation interest of the site to comply with policy QD17.

Affordable Housing:

- 8.23 The application, as revised, proposes 70 residential flats which would be provided in the form of the Private Rented Sector model. The Planning Statement states that the units would be let directly by Knightsbridge Student Housing's (now known as Three Sixty Developments) internal Private Rental Sector marketing team on an Assured Shorthold Tenancy basis for a term of 52 weeks, with the opportunity to renew. Whilst the letting company has been identified as a student housing company, the application has been submitted on the basis of being general market housing, not specific student housing, and is considered on this basis.
- 8.32 No affordable housing was initially proposed within the development. This conflicted with policy HO2 of the Brighton & Hove Local Plan and policy CP20 of the Submission City Plan Part One which require a 40% provision (28 units). The applicants contended that the nature of the Private Rental Sector model does not

readily lend itself to the provision of affordable units, particularly intermediate housing. A further argument was placed that the high specification of the design, which includes a 24 hour concierge service, fitness studio, cinema room, dining and entertainment space, and a courtyard garden, would contribute to higher running costs that would not be acceptable to a Registered Social Landlord.

- 8.33 To demonstrate their case, the applicants submitted a Financial Viability Assessment which concluded that the provision of affordable housing on this site is unviable. This case was forwarded to the District Valuation Service for independent analysis. Following discussions and clarifications with the DVS, the applicants re-iterated their case that no affordable housing provision was viable, before placing an offer to provide 20% affordable housing within the development, to be allocated for occupation on an 'intermediate rent' tenure. This equates to 14 units comprising 4 one-bed units, 6 two-bed units, and 4 three-bed units, a split that accords with the preferred mix set out in the Affordable Housing Brief. The intermediate rent tenure falls within the definition of affordable housing set out in the NPPF, and comprises market housing set at 80% of full market rental level for the development. Housing officers have advised that the applicant's intermediate rent offer, whilst complying with the definition of affordable housing, does not meet the priorities of the housing team as set out in the Brief (see paragraphs 5.25-5.38 above for further detail). The DVS have explored the intermediate rent approach and concluded that a 27% intermediate rent provision could be viably secured within the proposed development.
- 8.34 Given the nature of this development proposal, it is considered that the affordable housing offer made by the applicant will not secure long term affordable housing of a tenure for which there is a strong priority need in the city. Further, the provisions put forward by the applicant for allocation and management of the affordable housing do not meet the council's requirements and do not guarantee that the affordable housing will remain available in perpetuity. In this instance there is sufficient reason to request the 27% affordable housing offer be provided by way of a commuted sum in order to help fund the construction of more genuinely affordable rented housing provision in the city. Such an approach is supported in exceptional circumstances within the Affordable Housing Brief and Developer Contributions Technical Guidance document.
- 8.35 The DVS have calculated that a 27% intermediate rent provision would equate to a commuted sum of £2,432,255. The applicants have agreed to this figure which can be secured within the s106 Heads of Terms in the event permission is granted.
- 8.36 Housing mix:
No harm is identified in terms of the overall unit mix, which although primarily two bedroom units, contains a provision of both smaller units and larger family units suitable to comply with policy HO3.

Standard of accommodation:

- 8.37 The application has been amended to improve the layout of the development and the overall quality of accommodation. This has resulted in a loss of three units. The proposal is now for 70 units comprising 11 studio units, 5 one-bedroom units, 34 two-bedroom units, 6 two-bedroom duplex units, 12 three-bedroom units, and 2 four-bedroom units.
- 8.38 The size and layout of each unit is generally considered acceptable, with each unit generally meeting or exceeding the minimum recommended in the Nationally Described Space Standards.
- 8.39 Concern is though raised at the overall quality of accommodation in terms of daylight and outlook to each unit, particularly those facing into the internal courtyard. The plans show that 49 of the 70 units would be single aspect, with 24 studio and two-bed flats and duplexes to the lower four floors facing each other across the communal courtyard at a separation of 10.5m. Given this proximity, and the scale of the east and west sections of the building, concern is raised at the amount of daylight that would reach the lower units and their quality of outlook
- 8.40 A Sunlight, Daylight and Overshadowing report has been submitted with the application. The report only calculates light levels for 9 of the 70 units, with two of these units set at third and fifth floor levels where outlook is largely unobstructed. For the remaining 7 units, the report calculates that the Average Daylight Factor for the lower ground floor studio flat and living room to a two-bedroom flat facing into the courtyard was 0.3% and 0.42% respectively, well below the minimum recommended level of 2% set out in BS8206-2:2008. This shortfall repeats for the two-bedroom ground floor flat above (now the bedrooms to a duplex). The remaining calculations are for first floor south facing units within the outer part of the layout, where the BS minimum standard would be met. No calculations have been submitted for the first and second floor units facing into the courtyard, however given the massing of the southern part of the building, outlook and light at first floor level in particular would likely also be unduly limited. A supplementary report has subsequently been received that calculates daylight levels for further unspecified units at lower ground and ground floor level, but with broadly the same outcome.
- 8.41 The information submitted in the report, although limited, provides statistical evidence to support the concerns identified above that the units facing into the internal courtyard at lower ground floor and ground floor level in particular would suffer from significantly low levels of natural light. This is borne out of the close proximity of the various elements of the building around the central courtyard, an arrangement that would be significantly enclosing and harmful to the outlook of the flats that face into this space.
- 8.42 The close facing separation is such that the opportunities for inter-overlooking between units would be significant and intrusive for future occupiers. To overcome this, the applicants are proposing obscure bands across the windows to the flats to the lower four floors to the main Gloucester Place building. These

bands would be set 1.4m-1.75m above internal floor level to limit standing persons from direct views to the flats opposite. The beneficial impact of these bands would be limited, and would not remove the strong perception of being overlooked given the proximity of the facing windows. Given this arrangement occupiers of the flats would likely feel compelled to keep curtains shut or otherwise block opportunities for overlooking. This would result in the units being unduly deprived of natural light and outlook.

- 8.43 Two units, a three-bed flat and a two-bed flat, would be located in the rear part of the side return fronting Blenheim Place. These single aspect units would face principal windows within flats at 3 Blenheim Place at a separation of 6.5m resulting in a significant overlooking impact. To overcome this harm, obscure glazed angled screens are proposed to all facing windows within both flats. Whilst reducing overlooking potential, these screens would serve to restrict all outlook to both flats. As a result the accommodation provided by the flats would feel unduly enclosed and claustrophobic, with only slithers of outlook to the side of the screens. This provides for an unacceptable standard of accommodation that would be detrimental to the amenities of future occupants.
- 8.44 In terms of amenity space, the courtyard at lower ground floor level would be communal providing both benches for residents as well as access to the gym and TV room and six flats at this level. Further balconies are proposed throughout the development sufficient to provide some amenity space for occupants. The communal use of the courtyard would introduce further amenity harm for occupiers of the lower units, with direct views from the courtyard into the lower ground floor units. Further, noise from users of the courtyard would likely echo within this confined space resulting in potential disturbance to all adjacent occupiers.
- 8.45 The courtyard provides the only means of access to six flats and the communal TV room and gymnasium therefore any condition to limit occupancy of this space would be limited in its scope and not readily enforceable. A Planning Noise Assessment has been submitted to address potential impact from road traffic noise, noise from commercial operations in the building, use of the courtyard, stairs and lifts. The Assessment concludes that all such impacts can be suitably mitigated through measures such as enhanced double glazing alternative, ventilation systems and improved wall and floor insulation. Notwithstanding this, potential disturbance and overlooking from use of the courtyard would be potentially significant resulting in occupiers being compelled to keep windows and curtains closed at all times reducing the quality of their accommodation and well-being accordingly. For these reasons, and those detailed above, the proposal fails to provide a suitable standard of accommodation for future occupiers contrary to policy QD27 of the Brighton & Hove Local Plan.
- 8.46 Given the tight constraints of the site no communal amenity space is possible within the development beyond that provided by the internal courtyard. To offset this shortfall a contribution of £205,727 can be sought to improve local amenity and recreational facilities in the vicinity of the site in the event permission is granted.

8.47 The requirement under policy HO13 for all new dwellings to meet Lifetime Homes standards has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the building is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the four wheelchair accessible units required by policy HO13, and Requirement M4(2) for all other units.

Impact on Amenity:

8.48 Local Plan policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health.

8.49 The main impact would be on the amenities of adjacent occupiers adjoining the site along Blenheim Place, Cheltenham Place and Gloucester Road. As per the previous schemes, the building represents a general improvement for these neighbouring occupiers with the reduced bulk and massing to the rear having a less oppressive impact than existing.

8.50 The Sunlight, Daylight and Overshadowing Report confirms that the building would improve daylight levels to the windows to all adjoining buildings on Blenheim Place, Gloucester Road and Cheltenham Place. Although some windows to adjacent properties on Gloucester Road and Cheltenham Place would experience a small drop in sunlight levels, the report indicates that this drop would be minimal and well within the recommended tolerance set out in the BRE guidance. In terms of overshadowing, the report calculates the impact to be neutral. On this basis it is concluded that the impact of the proposed building on daylight, sunlight and overshadowing levels to adjacent occupiers is acceptable.

8.51 In terms of overlooking, all rear/west facing windows would be high level serving bathrooms, stairwells and corridors. As such no harmful overlooking would occur. The rear windows and balconies to the main seven storey element would be set approximately 57m from the nearest front facing windows on Cheltenham Place and approximately 40m from the nearest rear facing windows, sufficient to ensure that any overlooking is distant and not unduly intrusive within this city centre context.

8.52 The main potential impact would be on the flats within 2 & 3 Blenheim Place to the south, however the introduction of angled screens would result in no direct or significant overlooking potential. The scale of the building is reduced at this point from existing such that it would have a less oppressive impact on outlook from these properties than current. Whilst some overlooking would occur into the side office windows of 1 Gloucester Place, given the nature of its occupancy no significant harm is identified.

8.53 The main seven storey element remains a suitable distance from neighbouring dwellings, with a minimum distance of 20m between the closest windows and balconies and the western elevation of number 4 Blenheim Place. This is sufficient to ensure that any overlooking would not be significant or harmful, despite the number of west facing windows and balconies to this part of the building.

Sustainable Transport:

8.54 Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling. TR7 will only permit developments that do not increase danger to other road users. While policy TR19 requires development proposals to accord with the Council's maximum car parking standards, as set out in Supplementary Planning Guidance Note 4: Parking Standards.

8.55 The site is in a sustainable City Centre location which benefits from strong public transport links. The area surrounding the site is part of a Controlled Parking Zone (CPZ). Sustainable Transport officers have raised no objection to the proposed development.

8.56 The transport and highways aspects of the proposal remain as previous. No onsite car parking is proposed however given the sustainable location of the site within a CPZ this aspect of the scheme is considered acceptable. In accordance with policy HO7 a condition can be attached in the event permission is granted to ensure that occupiers of the residential units are ineligible for parking permits.

8.57 SPGBH 4 requires a development of this size to provide 7 disabled bays, however none are proposed given the constraints of the site. The Sustainable Transport officer has noted that there are currently two disabled bays fronting the building with a further two bays nearby on Gloucester Street. There are also a number of other parking bays in the area that blue badge holders can use for free. In this instance the shortfall in disabled parking is considered acceptable having regard the town centre location of the development on public transport routes, and the availability of this alternative disabled parking provision in the local area.

8.58 The submitted plans detail 70 cycle parking places at lower ground floor level to service the residential units, and a further four spaces within the ground floor commercial unit. This complies with SPGBH04 requirements. No visitor cycle parking is proposed however, where SPGBH would require 24 spaces. In the event permission is granted a condition can be attached to secure this extra provision where appropriate.

8.59 The off-site works to Gloucester Place and Blenheim Place remain largely as previously approved, with the applicants proposing to fund the creation of a new loading bay on Gloucester Place and improvements to Blenheim Place involving resurfacing and raising the carriageway to footway level. This would make Blenheim Place and Gloucester Place more attractive pedestrian routes and prevent unintended and obstructive loading and unloading in Blenheim Place.

These works can be secured via the s106 agreement and delivered by a s278 agreement in the event permission is granted.

- 8.60 In order to off-set the impact of the proposal and make improvements to sustainable infrastructure in the vicinity of the site in compliance with policy TR1, a contribution of £42,500 is sought via the s106 agreement. This sum would contribute towards the Valley Gardens highway and public realm improvements and/or pedestrian and public transport accessibility improvements in the vicinity of the site. The applicants have submitted an acceptable travel plan, final details of which can be secured by condition in the event permission is granted.

Sustainability:

- 8.61 Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One (proposed further modification September 2015) require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. It also requires the non-residential element to meet BREEAM 'very good'. The Energy and Sustainability Strategy submitted with the application states that the scheme will meet Level 4 of the Code for Sustainable Homes and BREEAM 'very good'. In the event permission is granted conditions can be attached to ensure the above standards set out in policy CP8 are met.

9 CONCLUSION

- 9.1 It is considered that, on balance, the demolition of the building as an exception to national and local policy remains justified by the evidence submitted in support of the application. Subject to conditions the design of the replacement building and the increased massing proposed to the rear would preserve the character and appearance of the North Laine and Valley Gardens Conservation Areas and the setting of nearby listed buildings without resulting in harm to neighbouring amenity.
- 9.2 Following independent viability appraisal, the applicants have agreed to provide a commuted sum of £2,432,255 towards offsite affordable housing, an approach which is considered acceptable in this instance having regard the nature of the development and the detail of the applicant's intermediate rent affordable housing offer.
- 9.3 However, the overall standard of accommodation to be provided within the development is not considered acceptable, with a significant number of single aspect units having insufficient access to natural light, an unduly enclosed outlook, a lack of suitable privacy, and vulnerable to potential noise disturbance from use of the inner courtyard. This long term harm to housing provision within the city and the amenities of future occupants of the development is considered sufficient to outweigh the benefits of the developments when considered against the NPPF as a whole, in particular having regard paragraphs 14 & 49.

10 EQUALITIES

- 10.1 The development is required to provide four wheelchair accessible units that meet Requirement M4(3) of the optional requirements in Part M of the Building Regulations, with Requirement M4(2) to be met for all other units. Sufficient parking spaces for blue badge holders have been identified in the area to serve existing and future demand.

11 REASON FOR REFUSAL / INFORMATIVES

Reason for Refusal:

1. The proposed development includes a significant number of single aspect dwellings that would provide for a sub-standard form of accommodation by reason of insufficient access to natural light, an unduly enclosed outlook, potential noise disturbance from use of the inner courtyard, and lack of suitable privacy. The proposal therefore results in an unacceptable standard of residential accommodation for future occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

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

Plan Type	Reference	Version	Date Received
Existing site plan	A(PL)017	-	29/04/2015
Existing elevations	A(PL)018	A	06/05/2015
Proposed site plan	A(PL)010	A	29/04/2015
Proposed lower ground floor plan	A(PL)201	-	04/12/2015
Proposed ground floor plan	A(PL)202	-	04/12/2015
Proposed first floor plan	A(PL)203	-	04/12/2015
Proposed second floor plan	A(PL)204	-	04/12/2015
Proposed third floor plan	A(PL)005	D	19/10/2015
Proposed fourth floor plan	A(PL)006	D	19/10/2015
Proposed fifth floor plan	A(PL)007	D	19/10/2015
Proposed sixth ground floor plan	A(PL)008	D	19/10/2015
Proposed roof plan	A(PL)009	A	19/10/2015
Proposed highway works	A(PL)019	-	29/04/2015
Proposed courtyard elevations	A(PL)027	B	04/12/2015
Proposed front elevation	A(PL)031	D	04/12/2015
Proposed side elevation	A(PL)032	D	04/12/2015
Proposed north elevation	A(PL)028	-	04/12/2015
Proposed west elevation	A(PL)029	-	04/12/2015
Typical bay study	A(PL)036	A	19/10/2015

PLANNING COMMITTEE LIST – 27 January 2016

Proposed site sections	A(PL)020	A	19/10/2015
Proposed section A-A	A(PL)021	A	19/10/2015
Proposed section B-B	A(PL)022	A	19/10/2015
Proposed section C-C	A(PL)023	A	19/10/2015
Proposed section D-D	A(PL)024	A	19/10/2015
Proposed section E-E	A(PL)025	A	19/10/2015
Typical sections comparison	A(PL)026	-	19/10/2015
Courtyard glazing detail	A(PL)037	A	04/12/2015

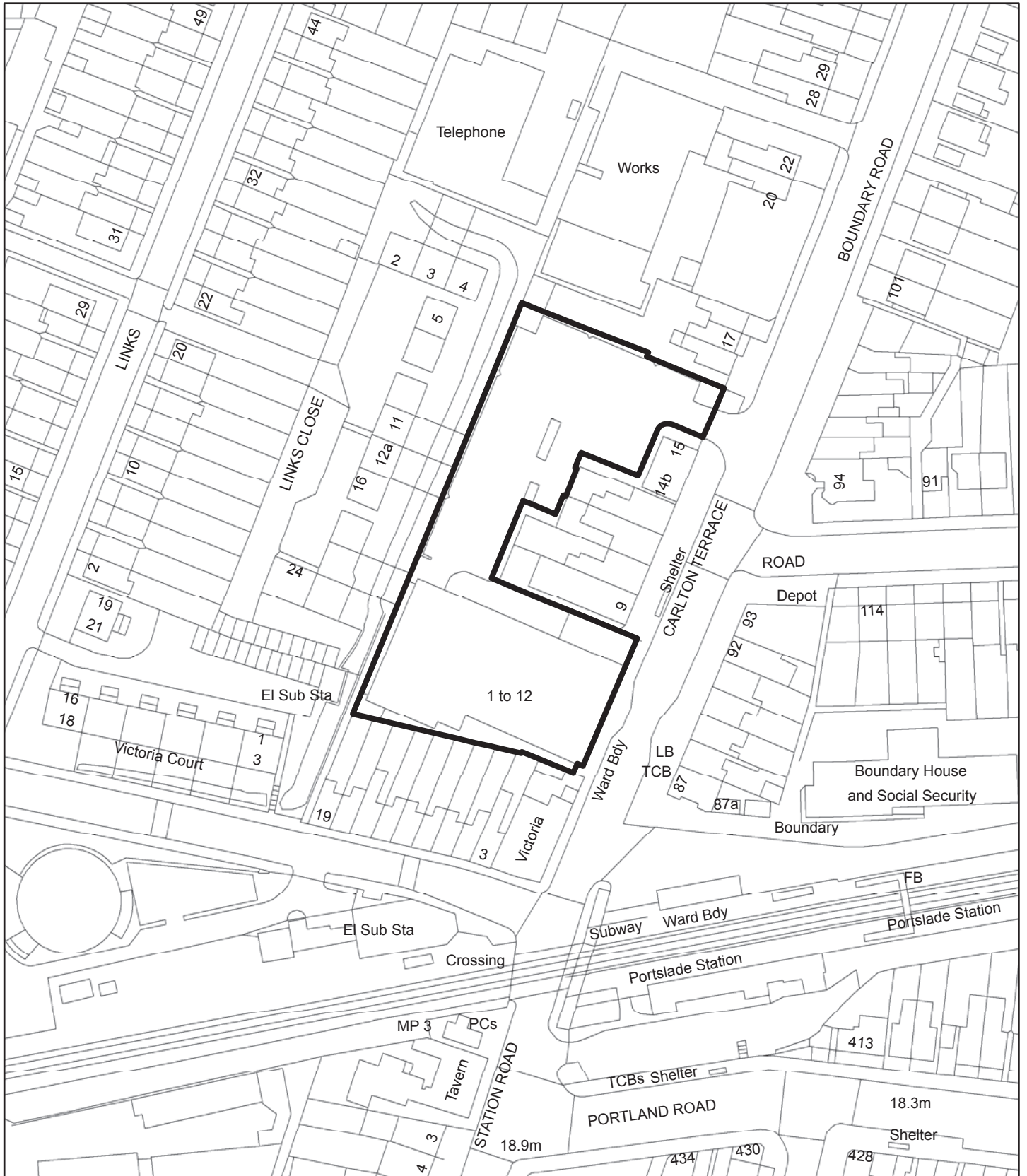
ITEM C

**Aldi Stores Ltd, 7 Carlton Terrace, Portslade
BN41 1XF**

**BH2014 /03715
Variation of Condition**

27 January 2016

BH2014/03715 Aldi, 7 Carlton Terrace, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/03715	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Aldi Stores Ltd 7 Carlton Terrace Portslade		
<u>Proposal:</u>	Application for variation of condition 1 of application BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 to 16:00 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 09:30 to 17:30 on Sundays and Bank Holidays.		
<u>Officer:</u>	Jonathan Puplett Tel 293334	<u>Valid Date:</u>	12/11/2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 February 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Planning Potential Ltd, Magdalen House 148 Tooley Street London SE1 2TU		
<u>Applicant:</u>	Aldi Stores Ltd, c/o Planning Potential Ltd Magdalen House 148 Tooley Street London SE1 2TU		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

The application relates to the Aldi situated on Carlton Terrace in Portslade. The store is a supermarket with a car park to the north of the main building. 14 residential units are housed within the upper floors of the store building.

3 RELEVANT HISTORY

BH2014/03715: Application for variation of condition 1 of application BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 to 16:00 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 09:30 to 17:30 on Sundays and Bank Holidays. Application not decided. Disposed of 09/11/2015.

BH2013/04263: Application for variation of condition 12 of application BH2011/02857 (Application for variation of conditions 11 & 12 of application BH2010/01684) (original permission BH2006/00834) to amend the hours of free parking at Portslade Shopping Centre from two hours to one and a half hours. Refused 14/03/2014. Appeal allowed 17/12/2014.

BH2013/02050: Application for variation of condition 1 of BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 0800 and 2100 on Monday to Saturday and 1000 to 1600 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 0700 and 2200 hours on Mondays to Saturdays and 0930 and 1730 on Sundays and Bank Holidays. Refused 27/09/2013 for the following reason:

The noise assessment is considered inadequate by reason of the limited location from which measurements were taken. Therefore the applicant has failed to demonstrate that the additional hours proposed would not have a detrimental impact on the amenity of neighbouring residents by reason of noise nuisance, contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan 2005.

BH2013/02049: Application for variation of condition 12 of BH2011/02857 for a reduction in the free parking allowance to read: The first one and a half hours of parking shall be free of charge for visitors of the Portslade Shopping Centre. Refused 03/09/2013.

BH2012/04062: Application for variation of 5 of previously approved application BH2006/00834 (Mixed use development comprising food retail unit & separate shop unit, 14 residential units with associated parking. (Revision of BH2004/00571/FP)). Condition 5 to be varied to alter allowed delivery times. Amended condition to read as follows - 'No HGV movements nor any loading or unloading of vehicles associated with the retail uses hereby permitted shall take place between the hours 20.30 and 07.00 Monday to Saturday. Deliveries on Sundays/Bank Holidays shall be limited to one main delivery and a milk delivery only between the hours of 09.30 and 17.30, with no deliveries outside these hours'. Withdrawn 14/05/2013.

BH2011/02857: Application for variation of conditions 11 & 12 of application BH2010/01684. Variation of condition 11 to provide 2 car parking spaces for residential use and variation of condition 12 to provide 2 hours of free car parking to all visitors of the Portslade shopping centre. Split decision 07/12/2011- Variation of Condition 12 approved, variation of condition 11 refused.

BH2011/01104: Application for variation and removal of conditions of application BH2010/01684 to vary condition 12 to reduce free car parking to all visitors of the Portslade Shopping Centre from 3 hours to 2 hours and removal of condition 11 in order not to provide 5 resident parking spaces. Refused 28/07/2011.

BH2010/01684: Application for variation and removal of conditions to application BH2006/00834 to vary condition 5 to allow an extended delivery period at the store, vary wording of condition 4 to allow the premises to trade to the public between 8.00 and 20.00 hours and for ancillary activities to take place outside of these hours when the store is closed to the public, vary condition 16 to reduce free car parking to all visitors of the Portslade Shopping Centre from 3 hours to 1 hour, removal of condition 15 in order not to provide 5 resident parking spaces. Split decision 30/12/2010. Appeal Allowed 07/06/2011.

BH2006/00834: Mixed use development comprising food retail unit & separate shop unit, 14 residential units with associated parking. (Revision of BH2004/00571/FP). Approved 31/05/2006.

BH2004/00571/FP: Mixed use development comprising food retail unit and separate shop unit with 5, 2-bedroom flats and 9, 1-bedroom flats at first floor level, associated parking and highway works (existing buildings to be demolished). Approved 15/10/2004.

4 THE APPLICATION

A variation of Condition 1 of permission ref. BH2011/02857 is sought. It is proposed that opening hours be increased by two hours in the evening Monday to Saturday, and the hours the staff are permitted to be in the store by 90 minutes in the evening:

Condition 1 of BH2011/02857 restricts the hours of operation of the store to:

08.00 to 20.00 Monday to Saturday and 10.00 to 16.00 for members of the public.

07.00 to 21.30 Monday to Saturday and 09.30 to 17.30 for staff

It is proposed that these hours be amended to:

08.00 to 22.00 Monday to Saturday and 10.00 to 16.00 for members of the public.

07.00 to 23.00 Monday to Saturday and 09.30 to 17.30 for staff

5 PUBLICITY & CONSULTATIONS

External

Neighbours: Nine (9) letters of representation have been received from **Flats 1, 6, 8, 10 and 11, 4 Carlton Terrace (Ronuk House) Flat 6, 9-10 Carlton Terrace, Flat 2, 14 Carlton Terrace, and from a Liz Hennessy (full address not given)** objecting to the application for the following reasons:

- The operation of the store, its refuse compactor, and the activities associated with the opening and closing of the store (shutters coming up and down, trolleys cages and pallets being moved, staff talking) causes significant disturbance for neighbouring occupiers. An increase in opening hours would increase disturbance further. This is not acceptable.
- The use of the car park and deliveries to the store cause noise, pollution and congestion. The proposed increase in hours would worsen these impacts.
- Increased opening hours could mean increased hours within which deliveries take place, and / or an increased number of deliveries.

A letter has been received from no. **16a Carlton Terrace** questioning the hours within which the store is permitted to take deliveries.

Sussex Police: No objection.

Internal

Environmental Health: Comment (03/12/2014): The report submitted is not sufficient to enable a full assessment of the proposal.

Further Comment (11/12/2015): A further Acoustic report has now been submitted for the proposed application to extended trading and working hours. This report shows that this noise from the store is significantly below the guideline values contained within BS 8233:2014 and the WHO Guidelines for Community Noise.

That being said residents will still likely hear some low level noise from the store during the extended opening hours.

Given the noise levels are well with the required criteria it is believed the application should be granted with conditions relating to the operation of the compactor.

Transport: Comment The trip generation associated with the proposed additional hours would be very low and therefore no objections are raised.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU10	Noise nuisance
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the amenity impacts of the increased hours of operation which are proposed.

Neighbouring amenity:

The proposed increase in hours would extend opening hours to the public from 20.00 to 22.00 Monday to Saturday. Staffed hours would extend from 21.30 to 23.00 Monday to Saturday. Delivery restrictions are not proposed to change, neither are the hours the operation the refuse compactor is permitted to operate.

During the increased opening hours noise would be caused in the form of vehicular and pedestrian movements within the car park, and activity within the store. Between the hours of 22.00 and 23.00 staff would continue to work within the store and such activity may be audible to some extent from neighbouring properties, particularly those directly above the store.

The original acoustic report submitted in support of the application was considered to be insufficient in terms of its methodology and content. Comments were provided by the Environmental Health Officer as to the further information required. It was recommended at this time that the acoustic report include readings taking within the flats above the store. Access was not provided to the flats above the store to carry out such work, and therefore an alternative methodology was agreed where sound measurements were taken at ceiling level within the store and this data was considered having regard to the structural make up of the building, specifically the structure between the store ceiling and the flats above. An updated acoustic report was subsequently submitted.

The Environmental Health Team have commented on this updated report and consider that its findings demonstrate that the proposed additional hours of use would not cause significant disturbance to the occupiers of the flats situated directly above the store.

In regard to the amenity of other neighbouring occupiers, whilst the additional hours of operation will result in increased activity at these times, it is considered that given the location of the store, and the fact that other businesses along the Station Road / Boundary Road frontage are open in to the evening, it is considered that the level of additional activity would not cause significant harm to amenity.

It is recommended that the hours of operation of the compactor continue to be controlled by condition as they were under previous permissions for the development, i.e. 08.00 to 20.00 hours Monday to Saturday, and 10.00 to 16.00 Sundays and Bank holidays.

Similarly it is recommended that the authorised hours for delivery continue to be controlled by condition, i.e. that no HGV movements nor any loading or unloading of vehicles shall take place between the hours of 20.30 and 07.30 Monday to Saturday, and that deliveries on Sundays/Bank Holidays shall be limited to one main delivery and a milk delivery only between the hours of 09.30 and 17.30, with no deliveries outside these hours.

Transport:

The proposed additional hours will result in some increased trips and traffic in the evening. The Transport Team have however commented upon the proposal and consider that the increase would not be significant and no objections are raised in this regard.

9 CONCLUSION

The proposed additional hours of operation would not cause significant harm to neighbouring amenity and would not substantially increase the transport impact of the development. The proposal is considered to be acceptable in all other regards. Approval is therefore recommended.

10 EQUALITIES

No implications identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Conditions:

1. The store shall not be open for trading to the public except between the hours of 08.00 and 22.00 hours on Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank holidays. Staff may be within the premises between the hours of 07.00 and 23.00 hours on Monday to Saturday, and 09.30 to 17.30 on Sundays and Bank Holidays.
Reason: To allow satisfactory operation of the store and to protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
2. The compactor machine shall only be operated between the hours of 08.00 and 20.00 hours on Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank holidays.
Reason: To accord with the previous permission and to protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. No HGV movements nor any loading or unloading of vehicles associated with the retail uses hereby permitted shall take place between the hours of 20.30 and 07.30 Monday to Saturday. Deliveries on Sundays/Bank Holidays shall be limited to one main delivery and a milk delivery only between the hours of 09.30 and 17.30, with no deliveries outside these hours.
Reason: To allow satisfactory operation of the store and to protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The approved and implemented refuse and recycling facilities shall 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 SU2 and QD27 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST- 27 January 2016

5. The wall along the western boundary of the site shall be a minimum of 2.4m and shall be maintained as such to the satisfaction of the Local Planning Authority.
Reason: To effectively screen the development from adjacent residential properties and to reduce the effect of noise and disturbance from the development in the interests of amenity and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
6. The windows on the ground floor of the east elevation of the main store fronting Carlton Terrace shall be clear glazed only, and shall be kept free of internal or external advertisements unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure these is an interesting and attractive frontage at street level, to comply with policy QD10 of the Brighton & Hove Local Plan.
7. Not used.
8. The approved and implemented cycle parking facilities shall be retained for such use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.
9. The approved Travel Plan shall be implemented to the satisfaction of the Local Planning Authority at all times.
Reason: To promote sustainable travel choices for employees of the main store to reduce reliance on the private car, to comply with policies TR1, TR2 and TR14 of the Brighton & Hove Local Plan.
10. The first floor kitchen and living/dining room windows on the southern elevation serving Flat 1 above the main store, and the first floor glazing to the entrance to the flats on the southern elevation, shall not be glazed otherwise than with obscure glass and either fixed shut or top hung and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of adjacent properties in Victoria Road, to comply with policy QD27 of the Brighton & Hove Local Plan.
11. The 5 resident parking bays indicated on the approved plans in association with application BH2006/01684 shall not be used other than for occupiers of the residential units. The residents' car parking spaces shall be clearly signed/labelled as such. The agreed scheme shall be implemented to the satisfaction of the Local Planning Authority and thereafter retained.
Reason: To ensure adequate car parking provision to serve residential occupiers of the development, to comply with policies QD1, TR1, TR4, TR18 and TR19 of the Brighton & Hove Local Plan.
12. The first one and a half hours (90 minutes) of parking shall be free of charge for visitors of the Portslade District Shopping Centre. **Reason:** To ensure parking provision is made available to shoppers not using the main store as there is an identified shortage of shopper's parking spaces within the Portslade District Shopping Centre, in the interests of enhancing the vitality and viability of the Centre, to comply with policies SR6 and TR2 of the Brighton & Hove Local Plan.
13. The access gates shall be locked

PLANNING COMMITTEE LIST- 27 January 2016

outside of opening hours of the main store except for purposes of loading/unloading and access by residents of the flats.

Reason: In the interests of visual amenity and to ensure adequate security for the site, to comply with policy QD7 of the Brighton & Hove Local Plan.

Informatives:

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

2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

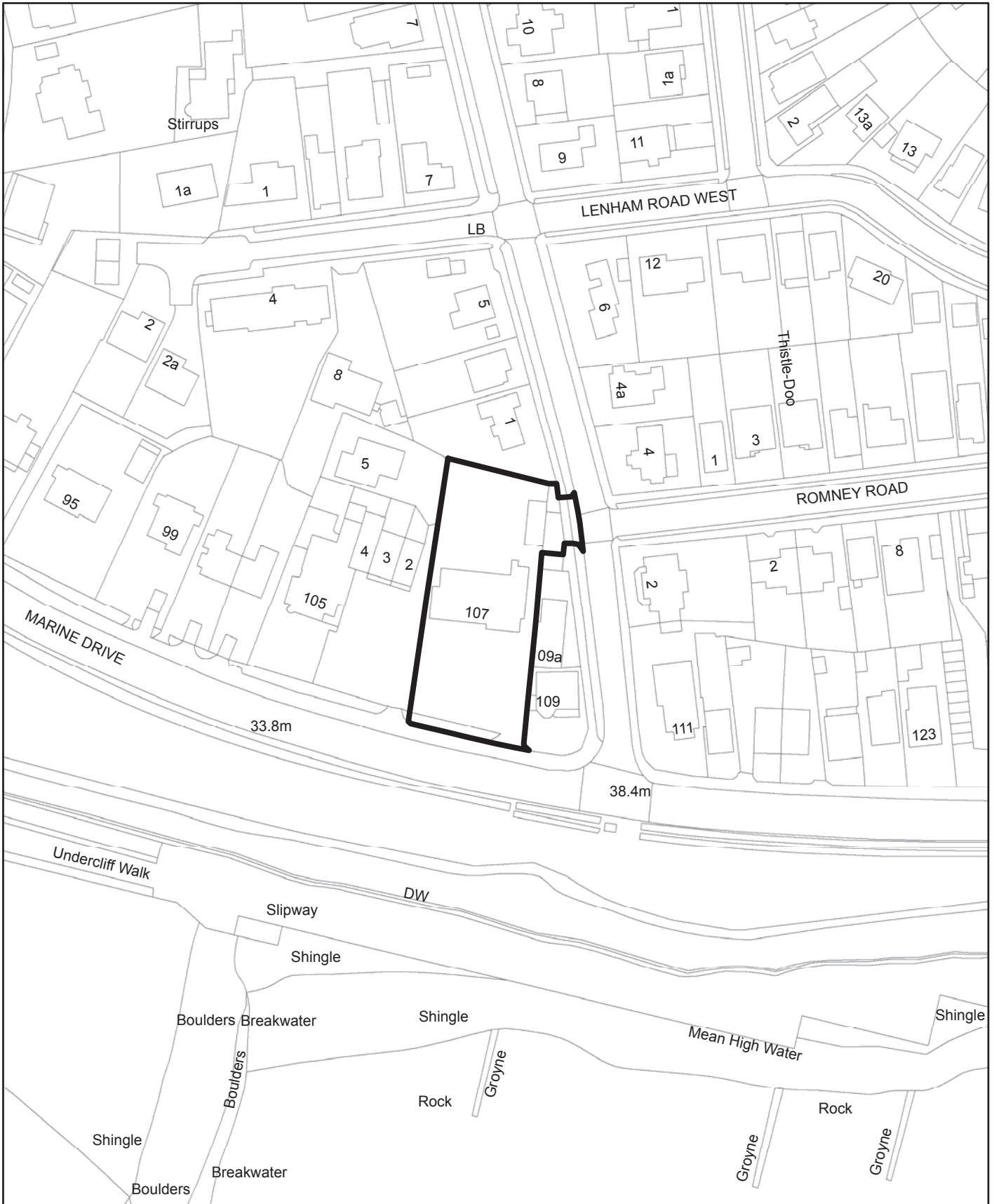
 - (ii) for the following reasons:
The proposed additional hours of operation would not cause significant harm to neighbouring amenity and would not substantially increase the transport impact of the development. The proposal is considered to be acceptable in all other regards.

ITEM D

**107 Marine Drive, Rottingdean, Brighton
BN2 7GE**

**BH2015 /01745
Full Planning**

27 January 2016



Scale: 1:1,250

<u>No:</u>	BH2015/01745	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	107 Marine Drive Rottingdean Brighton		
<u>Proposal:</u>	Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	26 May 2015
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	21 July 2015
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<u>Applicant:</u>	PVJ Developments Ltd, C/O Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		

The application was deferred at the last Planning Committee meeting on 9 December 2015 for a site visit.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a plot of land located on the northern side of Marine Drive, close to the junction with Chailey Avenue. The pre-existing detached property (now demolished) was of chalet bungalow style that had been substantially extended in the past, at the rear and at roof level. The site has boundaries fronting Marine Drive and Chailey Avenue, but the actual corner itself comprises two adjacent dwellings outside of the site boundary (nos. 109 and 109A Marine Drive). Vehicular access to the site is from Marine Drive.
- 2.2 No. 109 Marine Drive is set to the east of the application site. This neighbouring property has limited space to the side and rear of the dwelling. No. 109A is located immediately to the north of 109 and abuts the boundary with 107.
- 2.3 The site is elevated above Marine Drive and as a result the property has a wall at the pavement edge to address the level change. The related part of Marine

Drive is sited on a slight west to east gradient, which is reflected in the heights of the properties. In addition the application site is located at a significantly higher level than that related to no. 105 to the west. No. 1 Chailey Avenue to the north is located at a higher level than the site due to the presence of a slight south to north gradient.

- 2.4 An established hedge and fencing is located along the western and northern boundaries of the site. The southern most section of the eastern boundary adjoins nos. 109 and 109A Marine Drive and comprises walls of various heights whilst the northern section faces directly onto Chailey Avenue and comprises fencing, the height of which reflects the slight north to south gradient.
- 2.5 Development along the related section of Marine Drive is characterised by large scale, single and two storey, residential properties, set within generous plots. Exceptions to this are the block of flats located on the corner of Marine Drive and Newlands Road, no.105 Marine Drive which comprises both flats and dwellings, and 109 and 109A Marine Drive which have significantly smaller plots.

3 RELEVANT HISTORY

107 Marine Drive

BH2014/04169 Demolition of existing dwelling and outbuildings and erection of three storey building to provide 9no flats accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage – Refused 31/03/2015

BH2012/02416 Demolition of existing dwelling, with associated B&B facilities and erection of new building to provide 6no 2 bed flats and 1no 1 bed flat. Erection of 1no detached 4 bed house accessed via Chailey Avenue – Approved 05/04/2013.

BH2006/01287 Demolition of existing house. Construction of 3 terraced three-bedroom town houses and 6 linked houses comprising 3 three-bedroom, 2 four-bedroom and 1 two-bedroom units. Provision of 10 car-parking spaces. Refused 26/07/2006.

BH2004/01680/FP Demolition of existing building (C1/C3 use) and erection of two/three storey building (with cycle parking and car parking) to provide 14 (two-bedroom) residential units. Refused 12/08/2004. Appeal Dismissed.

Land at 105 & 107 Marine Drive

BH2007/03898 Demolition of existing buildings and erection of 6 one-bedroom; 15 two-bedroom; and 10 three-bedroom apartments, together with associated access, car parking and landscaping. Refused 28/01/2008. Appeal Dismissed.

105 Marine Drive

BH2011/01827 Erection of single storey 2 bed dwelling. Approved 20/03/2012.

BH2010/03444 Conversion of existing building to create eight unit residential development comprising 3no two storey houses and 5no flats. Demolition of

single storey extension to North, creation of dormer to South elevation and associated altered fenestration and landscaping. Approved 09/02/2011.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.
- 4.2 During the process of the application, amendments to the scheme were made, including the reduction in width of the proposed building fronting onto Marine Drive, alterations to materials to the building and the boundary treatment, and alterations to the proposed entrance gates.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eleven (11)** letters of representation have been received from the occupiers of: **1(x2), 2, 3(x2), 4a, 6 Chailey Avenue, 14 Knole Road, 109A Marine Drive, 20(x2) Lenham Road West** objecting to the application for the following reasons:
- Loss of previous hotel use;
 - Overdevelopment of the site;
 - Concerns over parking and new vehicle entrance onto Chailey Avenue which is already congested;
 - Design is out of context;
 - Inappropriate height, size and bulk of building;
 - Loss of light and loss of privacy to no. 109A Marine Drive and 1 Chailey Avenue;
 - Effect on foundations of no. 109a Marine Drive;
 - Increased noise and disturbance.

A petition of **89 signatures** has been received objecting to the application for the following reasons:

- Overdevelopment
- Inappropriate size
- Noise and disturbance
- Overshadowing and loss of privacy
- Concerns over new vehicle entrance, traffic congestion and air quality.

Internal

- 5.2 **Transport: no objection**

The Highway Authority has no objections to the proposals subject to the inclusion of the necessary conditions on any permission granted and that the

applicant enters into a s106 or UU for a contribution of £6750 towards sustainable transport measures in the vicinity of the site. These would specifically relate to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area.

5.2 Trip Generation

The trip generation is forecast to increase slightly above existing levels. The proposals comprise of 9 residential units (7 flats and 2 houses). Currently on-site there is a single residential property. Therefore the proposals are likely to increase trips above existing levels. However, subject to the suggested mitigation this increase in trips is not considered to warrant a reason for refusal.

5.3 Car Parking

The applicant is proposing 12 car parking spaces, 8 garages for the flats and 2 car parking spaces each for the houses. SPG04 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. Therefore for this development of 9 residential units the maximum car parking standard is 9 spaces for residents and a maximum of 5 visitors' spaces. Therefore the proposed level of car parking is in line with the maximum standard quoted within SPG04 and is deemed acceptable.

5.4 A development of this size is likely to have 13 vehicles associated with it. Therefore the proposed level of car parking is deemed acceptable and not likely to result in significant levels of overspill car parking which would warrant a reason for refusal.

5.5 Cycle Parking

SPG04 states that a minimum of 1 cycle parking space is required for every dwelling for residents and 1 space per 3 dwellings for visitors. For this development of 9 residential units the minimum parking standard is 9 cycle parking spaces for residents and 3 spaces for visitors. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

5.6 The applicant intends to provide a cycles store for the flats but it is not apparent as to the nature of these stands or what provision there is for the 2 houses. Therefore further details should be secured via condition to ensure the cycle parking stands are policy compliant.

Pedestrian Access

5.7 Pedestrian accesses provided from Marine Drive for the flats and Chailey Avenue for the 2 houses. The Highway Authority has no objections to these pedestrian access arrangements. However, it is noted that the pedestrian access to the flats is through the parking area which is not the most attractive

route. The Highway Authority would look for further details as to how this route will be delineated to reduce conflict between pedestrians and vehicles.

Vehicular Access

- 5.8 The applicant is intending to retain the existing vehicular access point to the site, from Marine Drive. The number of vehicles likely to use this access is the same as a previous approval and therefore deemed acceptable. Due to the width of the access in order to ensure vehicles do not reverse back out onto the highway the Highway Authority would look for details of road safety signage within the site that states priority should be given to vehicles entering the site.
- 5.9 The applicant is also proposing 2 new vehicle crossover to access the 2 properties on Chailey Avenue. The Highway Authority has no objections in principle to these. It is recommended that the standard new vehicle crossover condition is included on any permission granted.

Developer Contribution

- 5.10 To comply with the Brighton and Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the applicant is expected to make a financial contribution of £5250.
- 5.11 Overall contribution of £6750 towards sustainable transport measures in the vicinity of the site. These would specifically relate to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area

5.12 **Environmental Health:** No comment

5.13 **Access Officer:** no objection

The layouts mainly look acceptable. The inside size of the lift should be 1400mm x 1100mm but it appears on plan to be about 1400mm x 900mm.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1 Development and the demand for travel
TR7 Safe development
TR14 Cycle access and parking
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
SU13 Minimisation and re-use of construction industry waste
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD3 Design – efficient and effective use of sites
QD4 Design – strategic impact
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of Amenity
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO7 Car free housing
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development, the impact of the proposal upon the character and appearance of the area, the impact upon the living conditions of neighbouring properties, the standard of accommodation proposed, the impact upon the local highway network/parking and sustainability issues.

Background

- 8.2 A previous application (BH2014/04169) - for the demolition of existing dwelling and outbuildings and erection of three storey building to provide 9no flats accessed from Chailey Avenue – was refused for the following reasons:
- 8.3 *“The development, by reason of its flat roofed design, would have significantly more mass and bulk at a higher level than the existing building and would have a materially greater visual impact on the street scene. The additional mass and bulk at first floor level in close proximity to the side boundaries of the site would result in a building which would not be in sympathy with nearby buildings. The development, by reason of its design, mass and bulk would appear an overly dominant and intrusive addition to the street scene and would be of detriment to the character and appearance of the street scene and surrounding area. The development would therefore fail to emphasise and enhance the positive qualities of the local neighbourhood. This harm outweighs the benefit provided by the proposal, which is contrary to Local Plan policies QD1, QD2, QD3 and QD5.”*
- 8.4 *“The development, by reason of its siting, mass and bulk, would be overbearing and result in a harmful loss of light for occupants of 109a Marine Drive. The off-street parking to the rear of the building would be in close proximity to residential gardens at 109 Marine Drive and 1 Chailey Avenue and would result in increased noise and disturbance for occupants of these adjoining properties, to the detriment of their residential amenity. This harm outweighs the benefit provided by the proposal, which is contrary to policy QD27 of the Brighton & Hove Local Plan.”*
- 8.5 In this current application, the number of flats proposed within the building has been reduced to 7 (with 2 additional dwellings now proposed in a separate building to the north of the site), there has been a reduction in the width of the building, alterations to the materials, and the parking spaces are relocated to the south of the site.

Principle of development

- 8.6 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City

Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.

- 8.7 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.
- 8.8 The pre-existing two storey dwelling and attached single storey annexe has recently been demolished on site. Historically this building had bed and breakfast facilities, however according to the applicant this use of the building had ceased, and before demolition there was no evidence on site of bed and breakfast facilities. It is not clear the extent to which the B&B function of the premises operated and if it was incidental to a primary residential use. This is not though considered a key determining issue as the building has now been demolished and so the previous use has been lost. The application site is outside the core area boundary, as outlined in SR15 and emerging City Plan policy, and there would be no objection to its loss. The principle of residential development on the site is therefore considered acceptable.

Design

- 8.9 Policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage where appropriate.
- 8.10 The pre-existing building on the application site was a single storey property with accommodation located within the hipped roof. The property included a large dormer window within the front roofslope, with an associated terrace area and a large rear dormer window. A single storey hipped roof annexe extended to the north at the rear of the property, on the eastern side.
- 8.11 The proposal is for the erection of a replacement three-storey building, which also includes a lower ground floor, containing 7 flats. The proposed building would have a similar siting to the previous but with a longer footprint at the rear. The proposed excavation to enable a lower ground floor would mean that the height of the proposed development would not exceed that of the pre-existing dwelling. Therefore the ridge of the proposed property would remain located just below that related to no. 109A Marine Drive.
- 8.12 The immediate part of Marine Drive is characterised by a wide range of

properties generally set back from the street. There are many dwellings with a traditional appearance with traditional pitched roofs with red/brown concrete tiles and dormers. Many properties are fully rendered, some have brickwork or a mix of both. There are also examples of more modern design buildings including the flat roof design of 93 Marine Drive which includes rendered walls, extensive glazing, balconies and metal cladding.

- 8.13 The proposed flat roof design of the building with a metal clad top floor and glass balustrades would contrast somewhat with the more traditional dwellings to either side of the application site. In the appeal decision for proposed apartments at 105 & 107 Marine Drive in 2008 (BH2007/03898), the Inspector stated that the contrasting design set well back from the road could be regarded as acceptable in this seafront location.
- 8.14 It is accepted that the proposed building would have more mass and bulk at a higher level than the existing building, and that it would have a greater visual impact on the street scene. However the bulk at upper floor level has been significantly reduced from the previously refused application (BH2014/04169). In this application the building has been amended to be reduced further in width, and so the mass and bulk at first floor level has now been set further away from the side boundaries of the site. The external materials include a combination of render and facing brick which relates to the form and rhythm of the building, and would break down the horizontal emphasis of the building.
- 8.15 The proposed pair of semi-detached dwellings would front onto Chailey Avenue. This street scene, within the immediate vicinity of the site, comprises a mix of 1 and 2 storey detached houses of various sizes, style, designs, building forms and with various roof rooms. However one common characteristic is the presence of large dominant roofslopes, a characteristic which the proposed dwellings would replicate.
- 8.16 The proposed dwellings would be sited on a similar footprint to that of the detached dwelling approved under BH2012/02416. It is acknowledged that the proposed dwellings would be set at an angle and so would not truly reflect the common building line formed by the properties to the north on the western side of Chailey Avenue. However the built form of the proposed building could not replicate this common building line due to the restrictions of the orientation and shape of the related plot. It is not considered that the failure to respect the existing building line would have a detrimental impact upon the visual amenities of Chailey Avenue and the wider area given that nos. 109 and 109A, which are also viewed with the Chailey Avenue street scene, have a staggered eastern building line.
- 8.17 The proposed ridge height and form of the dwellings would be comparable to the approved detached dwelling under BH2012/02416. The eaves height of the proposed detached dwelling would respect the south to north gradient presence within Chailey Avenue as it would be located higher than that of the eaves related to nos. 109A Marine Drive, but would be lower than that related to no. 1 Chailey Avenue.

- 8.18 Currently a large visual gap is located between the roof forms of nos. 1 Chailey Avenue and 109A Marine Drive. The proposed building fronting Chailey Avenue would result in this gap between roof forms reducing, however it is considered that the proposal would retain a significant gap between the roof form no. 109A Marine Drive, and as a result it is not considered that the proposal would have a harmful impact upon the amenities of the Chailey Avenue street scene or appear as a cramped form of development.
- 8.19 It is recommended that a condition is attached requiring samples of the proposed external finish materials to be submitted and approved by the Local Planning Authority. Overall it is considered that the design, scale and style of the proposed buildings would integrate well within the existing street scenes and therefore will not be of detriment to the visual amenities of the Marine Drive or Chailey Avenue street scenes or the wider area.

Standard of Accommodation

- 8.20 In general the proposed dwellings would benefit from acceptable levels of natural light, outlook and privacy. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the dwellings is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 8.21 Local Plan policy HO5 requires the provision of private and useable external amenity space with new residential development. Each flat would benefit from a private outdoor terrace. A communal outdoor amenity space is also shown to the south. The proposed semi-detached pair would have access to private outdoor gardens. Overall the size of the proposed outdoor amenity space is considered acceptable given the scale of the development.
- 8.22 Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The proposal makes provision for refuse storage and cycle storage in purpose built stores at the south of the site. These are considered acceptable in principle subject to further details required via condition. The proposed cycle storage and refuse storage of proposed semi-detached properties does not appear on the drawing, however this could be accommodated on the site and details of this can be conditioned.

Impact on Amenity

- 8.23 Policy QD27 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.

The proposed ground and first floor of the building facing Marine Drive would be in close proximity to the rear garden of no. 109a Marine Drive to the east. The distance between the proposed building and the boundary line of this neighbouring property would be approximately 2.2m at ground floor level and 3m at first floor. The development would be more visible for the occupiers of this neighbouring property which has a relatively small rear garden area. However the building would now be set at a distance away that would mean that the impact of loss of light, overshadowing and sense of enclosure would not be so significant as to warrant refusal of the application.

- 8.24 To the west, the proposed building would have greater bulk toward the western boundary with no. 105 Marine Drive, which is a flatted development. However, due to the retained distances between the buildings it is considered that the overbearing nature of the proposed building would not be so significant or harmful as to warrant refusal of the application.
- 8.25 The new building would include upper floor south facing balcony areas. These external amenity areas would create views overlooking the front communal garden and beyond towards Marine Drive. The proposed upper floor windows on the side elevations would be obscure glazed apart from 3 east facing windows that would face directly toward the blank side elevation of no. 109A Marine Drive. Due to the oblique nature of the views from the balconies towards neighbouring properties and the use of obscure glazing it is considered that the proposal would not have a significant adverse impact upon the amenities of neighbouring properties from overlooking and a loss of privacy. Views from windows to the northern elevation of the proposed development would be towards the semi-detached properties with a level of overlooking that would be expected in this circumstance.
- 8.26 It is not considered that the provision of 9 dwellings within an established residential area, and the intensification of the use of the site, would have a significant adverse impact upon the amenities of neighbouring properties by way of increased noise or disturbance.
- 8.27 The proposed semi-detached properties would be located approximately 1.2m from the boundary with no. 1 Chailey Avenue. It is noted that this neighbouring property comprises two windows within the southern elevation at first floor level. This northern neighbouring property is located at a slight angle onto Chailey Avenue and as a result a minimum distance of approximately 2.5m would be located between the northern elevation of the proposed house and the southern most elevation of no. 1 Chailey Avenue which relates to the attached side garage. A minimum distance of approximately 4.8m would be located between the northern elevation of the development and the main elevation of no. 1 which comprises south facing windows. Overall it is not considered that the construction of the proposed semi-detached properties would have a significant adverse impact upon the amenities of the northern neighbouring property, no. 1 Chailey Avenue, with regards to loss of light/sunlight or having an overbearing impact.

- 8.28 Windows are proposed within the northern elevation of the proposed new house. The proposed north facing first floor windows would be obscure glazed and fixed shut and so would not have a significant adverse impact upon the amenities of no. 1 with regards to loss of privacy or overlooking. Furthermore it is not considered that views from the glazed openings within the front and rear elevation of the dwellinghouse would have a significant adverse impact upon the amenities of neighbouring properties given the distance between neighbouring properties, the development's orientation in respect of no 1 Chailey Avenue and the oblique views which would be provided.

Sustainable Transport

- 8.29 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.
- 8.30 The site is not within a Controlled Parking Zones (CPZ) and as a result uncontrolled on-street parking is available within the vicinity of the site. The future occupiers of the proposed flats would have use of 12 parking spaces located to the south of the site, accessed via Marine Drive. SPG04 sets out the maximum parking standards for developments and as a result the provision of parking spaces accords with SPG04.
- 8.31 The proposed cycle store would provide spaces for the flats, however further details by condition would be required with regard to the type of cycling parking proposed as well as details of the cycle storage for the houses.
- 8.32 The development would result in an increased demand for travel and the transport team has identified off-site improvements which would be required to facilitate the development. An agreement would be required for the developer to either carry out the identified works or to provide a contribution towards the improvements being carried out by the Council.

Sustainability:

- 8.33 Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One (proposed further modifications September 2015) require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This is secured by condition.

9 CONCLUSION

- 9.1 For the reasons set out above it is concluded that proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided.
- 9.2 Subject to the compliance with the attached conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage. In addition it is deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties.

10 EQUALITIES

- 10.1 The development would need to comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- A contribution of £6750 towards sustainable transport measures, specifically relating to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area.

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site location plan	1486-P-200	P1	27 October 2015
Proposed block plan	1486-P-201	P1	27 October 2015
Proposed site plan_ground floor	1486-P-204	P2	27 October 2015
Proposed site plan_lower ground level	1486-P-205	P1	27 October 2015
Lower ground floor plan	1486-P-206	P1	27 October 2015
Ground floor plan	1486-P-207	P1	27 October 2015
First floor plan	1486-P-208	P1	27 October 2015

PLANNING COMMITTEE LIST – 27 January 2016

Second floor plan	1486-P-209	P1	27 October 2015
Roof plan	1486-P-210	P2	27 October 2015
Site sections 1	1486-P-211	P2	27 October 2015
Site sections 2	1486-P-212	P2	27 October 2015
South elevation	1486-P-213	P2	27 October 2015
North elevation	1486-P-214	P1	27 October 2015
North elevation indicating proposed garden fence	1486-P-215	P1	27 October 2015
East elevation	1486-P-216	P2	27 October 2015
West elevation	1486-P-217	P2	27 October 2015
Marine Drive boundary elevation	1486-P-219	P1	27 October 2015
Marine Drive vehicular access elevation	1486-P-220	P1	27 October 2015
Chailey Avenue elevation – existing and proposed	1486-P-224	P1	27 October 2015
Proposed 'figure & ground' plan	1486-P-226		27 October 2015
Proposed site plan key to sections	1486-P-227	P2	27 October 2015
Site sections 1 overlay of existing building	1486-P-228	P1	27 October 2015
Site sections 2 overlay of existing building	1486-P-229	P1	27 October 2015
South elevation overlay of existing building	1486-P-230	P1	27 October 2015
North elevation overlay of existing building	1486-P-231		27 October 2015
Marine Drive boundary elevation – existing	1486-P-218		12 May 2015
Proposed house floor plans	1486-P-221		12 May 2015
Proposed house elevations	1486-P-222		12 May 2015
Proposed house elevations 2	1486-P-223		12 May 2015
Site survey	1486-P-202	P1	27 October 2015
Existing plans and elevations	1486-P-203		12 May 2015

3. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the properties.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse 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 QD14 and QD27 of the Brighton & Hove Local Plan.
5. The upper floor windows indicated as obscure glazed on the drawings hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
7. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

8. The 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 HO13 of the Brighton & Hove Local Plan.
9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

Pre-commencement conditions

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of existing and proposed ground levels (referenced as Ordinance 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 QD2 and QD27 of the Brighton and Hove Local Plan.
12. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted 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 policy QD1 of the Brighton & Hove Local Plan.

13. Notwithstanding the information submitted, no development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. The scheme shall include indications of existing hedgerows on the land together with measures for their protection during the course of the development.

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

14. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of a scheme of works to provide a segregated footway in the car park area to the new residential access have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

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

Pre-occupation

15. Prior to first occupation of the development hereby permitted, details of appropriate signage to the access, to ensure vehicles entering the site have priority 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 improve visibility and awareness of vehicles and other users entering and exiting the site via the access, and to comply with policy TR7 or the Brighton & Hove Local Plan.

16. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved 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 policy QD27 of the Brighton & Hove Local Plan.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
For the reasons set out above it is concluded that proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided.

Subject to the compliance with the attached conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage. In addition it is deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties.

3. The applicant is advised to contact the Council's Network Co-ordination team and obtain the necessary license prior to any works commencing on the adopted highway and that they are liable for all the associated costs including the relocation of the street lighting.

4. 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 must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition 13 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.

ITEM E

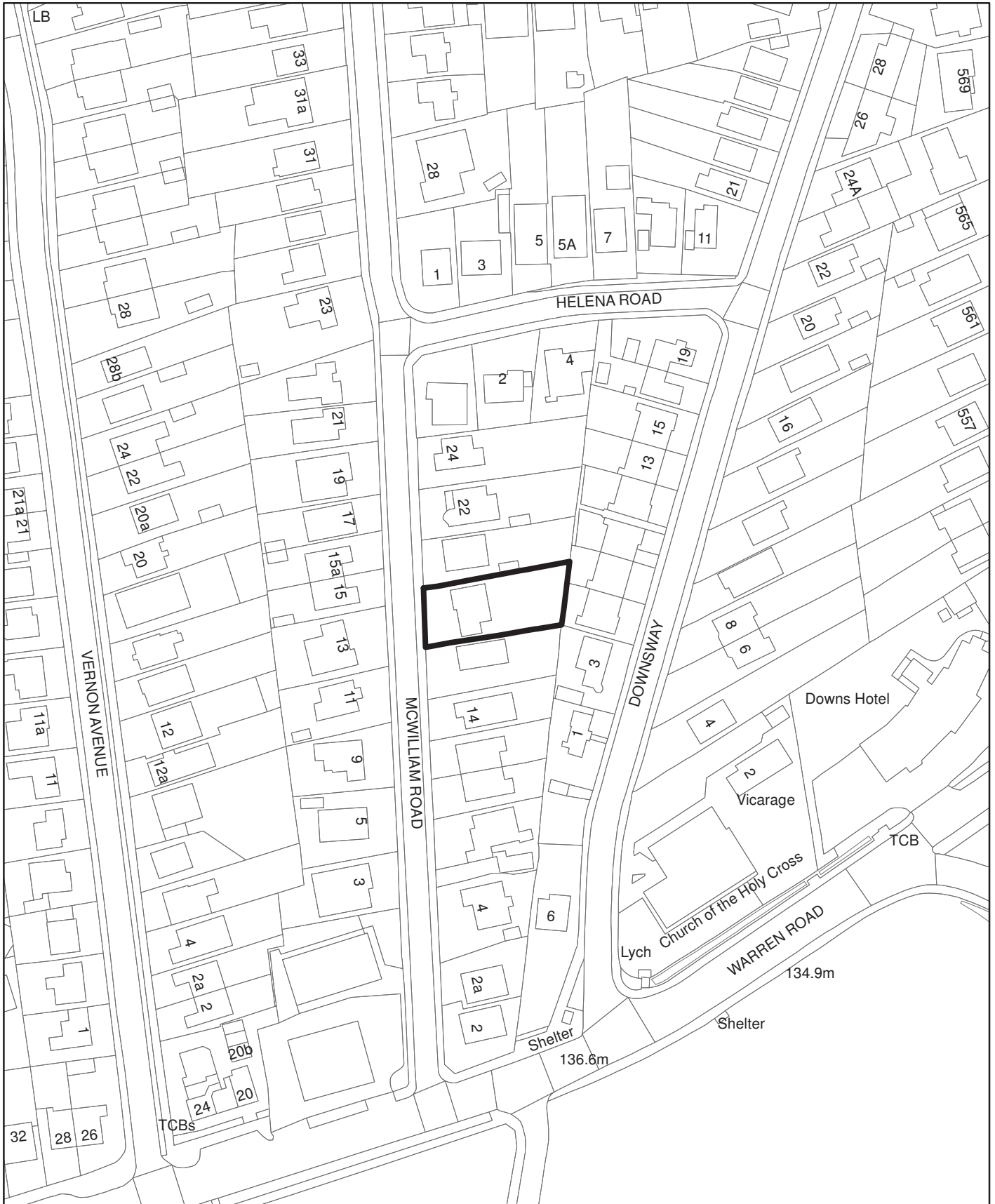
18 McWilliam Road, Brighton BN2 6BE

BH2015/03422

Householder Planning Consent

27 January 2016

BH2015/03422 18 McWilliam Road, Woodingdean



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/03422	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	18 McWilliam Road Brighton		
<u>Proposal:</u>	Hip to gable roof extensions, creation of rear dormers and insertion of front rooflights.		
<u>Officer:</u>	Rebecca Fry Tel 293773	<u>Valid Date:</u>	30 September 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25 November 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Malcolm Lewis, 18 Brgy Narra San Manuel Pangasinan 2438		
<u>Applicant:</u>	Mr Ryan Kendall, 18 McWilliam Road Brighton BN2 6BE		

The application was deferred at the last Planning Committee meeting on 9 December 2015 for a site visit.

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

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

3 RELEVANT HISTORY

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

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

4 THE APPLICATION

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

5 PUBLICITY & CONSULTATIONS

External

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

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

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

Planning Policy:

- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Design:

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

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

of the rooflines within the street scene would be detrimentally affected, by virtue of the scale and bulk of the proposed roof alterations. As such, and for the above reasons, the proposal represents a harmful over extension of the roof of the recipient property resulting in harm to the street scene contrary to policy QD14 and SPD12 guidance.

- 8.12 It is acknowledged inappropriate alterations to the roof could be carried out under permitted development rights, indeed there are examples of unsympathetic roof alterations in the street, however, this does not set a precedent or justification for accepting further incongruous, bulky and unsympathetic alterations.
- 8.13 It is also acknowledged that opposite the application site are side gable ended semi-detached bungalows with rooflights to the front, however, the gable ends form part of the bungalows original design. Other than these properties hip roofs prevail within the surrounding area, in particular there are similar bungalows to the application site immediately adjacent along the east side of the street.

Impact on Amenity:

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

9 CONCLUSION

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

10 EQUALITIES

None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

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

11.2 Informatives:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan			22/09/2015
Existing floor and sections plan	1201 01		22/09/2015
Existing elevations plan	1201 02		22/09/2015
Proposed ground floor plan	1201 03		30/09/2015
Proposed first floor plan <i>(nb. this states in error roof plan and does not accurately show the two dormers)</i>	1201 04	A	30/09/2015
Proposed elevations plan	1201 05	A	22/09/2015



PLANNING COMMITTEE LIST
9 DECEMBER 2015

COUNCILLOR REPRESENTATION

COUNCILLOR DEE SIMSON
Chair of Overview & Scrutiny

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

Rebecca Fry
Planning Department
Brighton & Hove City Council

20 October 2015

Re: 18 McWilliam Road, Woodingdean
BH2015/03422

Dear Ms Fry

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

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

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

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

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

Regards

Dee Simson

Conservative Member for Woodingdean Ward

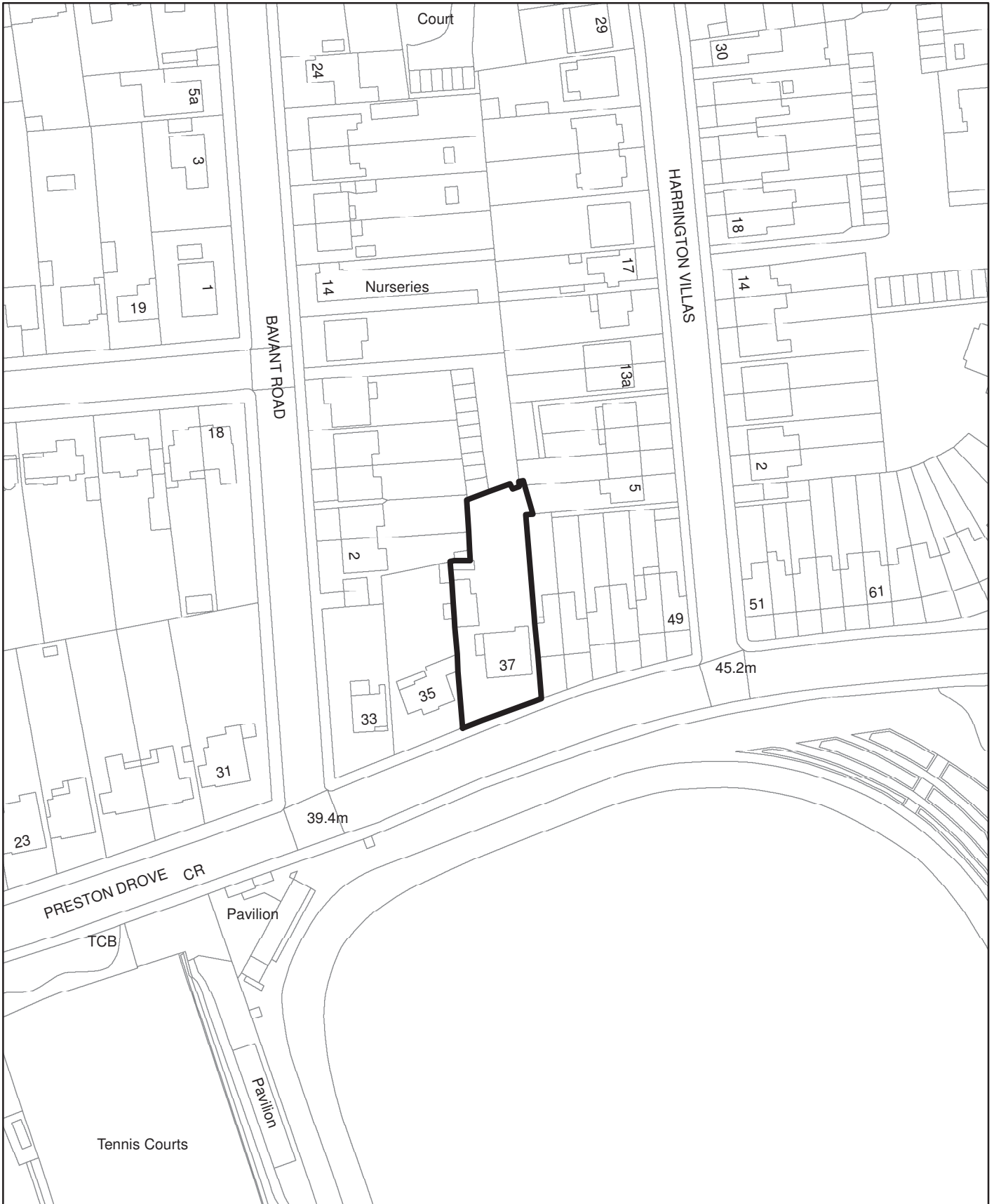
ITEM F

37 Preston Drove, Brighton BN1 6LA

**BH2015 /02881
Variation of Condition**

27 January 2016

BH2015/02881 37 Preston Drive Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/02881	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	37 Preston Drove Brighton		
<u>Proposal:</u>	Variation of condition 2 of application of BH2004/03648/FP (Change of use from house (C3) and Doctor's Surgery (D1) to children's nursery for 60 children and bedsit. Erection of part single storey/part two storey rear extension) to state the number of children using the day nursery at any time shall not exceed 80 without the prior approval of the Local Planning Authority.		
<u>Officer:</u>	Helen Hobbs Tel 293335	<u>Valid Date:</u>	17/08/2015
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	12 October 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Roger O'Hara, 37 Preston Drove Brighton BN1 6LA		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to an extended two-storey property, with lower ground floor level, on the northern side of Preston Drove. The property features a detached coach house sited to the rear of the main building. The surrounding area is predominantly residential with Preston Park adjoining to the south. The site lies within the Preston Park Conservation Area. The property is currently in use as a children's day nursery.

3 RELEVANT HISTORY

BH2010/01863 – Change of use and conversion of existing outbuilding with new single storey extension to form additional nursery accommodation with an increase to 75 children. Approved 5 October 2010. The approved scheme has not been implemented.

BH2004/03648/FP – Change of use from house (C3) and Doctor's Surgery (D1) to children's nursery for 60 children and bedsit. Erection of part single storey/part two storey rear extension. (Resubmission of previously refused application BH2004/02339/FP). Approved 23 February 2005. The approved scheme has not been implemented.

BH2004/02339/FP – Change of use from House (C3) and Doctor's Surgery (D1) to Children's Nursery (D1). Erection of single storey rear extension. Provision of external fire escape staircase from second floor level on west side elevation. Refused 15 September 2004.

96/1113/FP – Change of use of one room on ground floor for D1 physical therapy/osteopathy. Approved 19 December 1996.

4 THE APPLICATION

4.1 Permission is sought for the variation of condition 2 of application BH2004/03648/FP to state that the number of children using the day nursery at any time shall not exceed 80 without the prior approval of the Local Planning Authority.

4.2 Presently, the maximum authorised number of children permitted is 60.

4.3 No external alterations or extensions to the buildings are proposed.

4.4 The applicant has submitted a supporting statement in response to the neighbour representations which provides clarification on issues such as Noise, Parking/Traffic and Waste Collection, summarised below;

- The nursery has acoustic fencing or thick stone walls around the garden area and limit the number of children in the garden at any one time. The garden is open between the hours of 9am-5pm. These measures attempt to mitigate noise and disturbance to neighbouring properties.
- Staff are encouraged to use public transport to and from work or park away from the application site. The increase in children would result in a small rise in car movements.
- The waste collection was missed in September which resulted in the bins overflowing. This was a rare instance and to prevent overflowing bins in the future, an additional bin will be kept empty in the event that a collection is missed again.

5 PUBLICITY & CONSULTATIONS

External

Neighbours:

Eight (8) letters of representation have been received from **5, 8 and 9 Harrington Villas; and 43, 45 and 49 Preston Drove (x3)**, objecting to the application for the following reasons:-

- Noise during the day.
- Neighbours cannot enjoy their gardens when nursery is open.
- Loss of privacy.
- Overlooking.
- More traffic.
- More pressure on on-street parking.
- More staff so more parking.
- Increased congestion.

- Hazards on busy road.
- People double park to drop off and collect children.
- Unsightly waste management and overfilled industrial size bins.
- Will affect proposals for Zone F parking plan.

Internal:

City Early Years, Childcare & Play: No objection

The proposed management of outdoor play is compatible with the Early Years Foundation Stage requirements.

The owners and managers at Pumpkin Patch nurseries have always worked well with the City Early Years team, undergoing a number of quality initiatives over the years and attending network meetings. The Preston Drove nursery provides children with an environment suitable for learning in the EYFS, in particular the outdoor area. Although there is not a shortfall of nursery places in this area there are no objections from the Early Years team.

Sustainable Transport: No objection

The applicant has submitted an updated and satisfactory Travel Plan and agreement to implement additional sustainable transport initiatives.

Environmental Health: No objection

There is no history of noise complaints from the nursery.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
TR4 Travel Plans
TR7 Safe development
TR14 Cycle access and parking
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
SU10 Noise nuisance
SU13 Minimisation and re-use of construction industry waste
QD27 Protection of Amenity
HO8 Retaining housing
HO26 Day nurseries and child care facilities
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, the impact on neighbour amenity and the effect on sustainable transport.
- 8.2 The applicant proposes to increase the number of children at the nursery from 60 to 80. Two rooms on the first floor, which are used for staff, training and meetings, are proposed to be used to accommodate children. The lower ground floor, which is not presently used, is proposed to be converted for storage and for the accommodation of additional children.
- 8.3 The kitchen and flat on the first floor will be retained. The present staff room would be re-located to an un-used room within the coach house so members of staff would still have a place to store belongings, take lunch and breaks.

- 8.4 There is no objection to the expansion of the children’s nursery in principle. The City Early Years, Childcare & Play team raises no objection to the proposals. Environmental Health has no objections to the proposal and it is understood that there is no history of noise complaints from local residents, notwithstanding the comments received from some neighbouring residents on the application.
- 8.5 The applicant has submitted a document entitled “Management plan for supporting children in the outdoor space”. This has been reviewed by the City Early Years, Childcare & Play team and is considered acceptable. For the majority of the day less than half of the children are outside in the play area at any one time. The busiest times of day are presently 11am until midday and between 3pm and 4pm. With the proposed increase to 80 children, no more than 38 children would be outside at any one time, and only then for a one hour period. The children would be supervised by 8 adults. Compared to the current situation where 60 children are at the nursery, the proposals would result in an additional 6 children outside at any one time and this is not considered to pose a significant additional risk to the living conditions and amenity of neighbouring residents.
- 8.6 There is no reason to believe that the property does not function acceptably as a childcare facility and there is no suggestion that the nursery (as proposed) would not meet the Council’s accommodation and staffing standards. The applicant has also referred to a nearby nursery at 44-46 Harrington Road as being comparable to the current application and Environmental Health has advised that this property is permitted to accommodate up to 71 children on three floors. In view of the above, taking into account the comments of the City Early Years and Childcare Team, it is considered the additional nursery accommodation is acceptable in principle. In addition, permission has been granted previously for increase in numbers to 75.
- 8.7 The nature and description of the nursery that would result from implementation of the proposed increase from 60 to 80 children would be materially different from that currently operating at the site. A number of conditions are therefore recommended relating to hours of use and preventing outdoor amplified music: these conditions are comparable to those on the original planning permission for the nursery (ref: BH2004/02648/FP) and the previous application (ref: BH2010/01863/FP).
- 8.8 The nursery incorporates a non-self-contained residential unit at first floor level. This would not be affected by this application and as such there is no conflict with local plan policy HO8 which seeks to retain residential accommodation.
- 8.9 For the above reasons the proposal is considered to be compliant with policies SU10, QD27 and HO26 of the Local Plan.

Sustainable transport

- 8.10 In order to meet the requirements of policies TR1 and TR19 of the Local Plan, development must provide for the transport demand generated by the scheme.

- 8.11 In accordance with the parking standards set out in SPGBH4, the development could provide a maximum of 1 car parking space per staff member plus 1 additional car parking space per 3 staff members along with 2 spaces for visitors.
- 8.12 The property has an in-out driveway with parking for 2 cars and this is considered an acceptable provision for staff. There is also capacity with the front area of the site to provide secure and covered cycle parking. At the moment, the cycle parking facility is a small room within the coach house and there are no fixing points for bikes and the space is inadequate, although there is sufficient space for parents to store children's buggies. The provision of two Sheffield type stands for securing up to 4 bikes would be sufficient to meeting the minimum standards set out in SPGBH4 and a condition requiring further details is recommended.
- 8.13 A number of representations have been received objecting to the proposal due to parking problems caused during peak drop-off and collection times for the nursery. However, it is ultimately the responsibility of the individual to comply with necessary legislation relating to parking and waiting. Whilst it is appreciated there may be instances where parking contraventions occur it could not be demonstrated that this application would create a safety hazard. The possibility that someone might park inappropriately would not warrant refusal of the application and existing parking issues in the locality, such as the high demand for street parking, go beyond this specific application.
- 8.14 There is no technical evidence to suggest that the proposed capacity would lead to localised congestion, highway safety or on-street parking issues. It is considered that spread over the course of the peak times and the day as a whole, the increase in vehicle movements would not have a materially harmful impact on the highway network that would warrant refusal of the application.
- 8.15 The applicant has also submitted a revised Travel Plan. This is updated annually and measures include providing information such as bus and train timetables on a noticeboard; providing a secure area for parents to leave their bikes while they drop children off; provision of a secure place for storing buggies; providing information on car sharing; and encouraging parents to 'park and walk' to prevent localised congestion. Sustainable Transport raises no objection and is satisfied with the updates to the Travel Plan. A regulatory condition is recommended to ensure the Travel Plan proposals are adhered to.
- 8.16 The proposal is therefore considered acceptable and would not conflict with the aims of saved local plan policies TR1, TR4 or TR7.

9 CONCLUSION

- 9.1 The proposal increase in the capacity of the nursery from 60 to 80 children would not lead to an adverse impact on amenity for occupiers of neighbouring properties or lead to a harmful demand for travel subject to the suggested conditions.
- 9.2 Accordingly approval is recommended.

10 EQUALITIES

- 10.1 The existing access arrangements to the property would not be altered and the development will increase childcare options in this part of the City.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

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
Ground Floor As Proposed	WFL/P104	A	16 Nov 2015
First Floor As Proposed	WFL/P105	A	16 Nov 2015
Lower Ground Floor As Proposed	WFL/P106	A	16 Nov 2015
Ground Floor As Existing	WFL/P104	A	16 Nov 2015
First Floor As Existing	WFL/P105	A	16 Nov 2015
Lower Ground Floor As Existing	WFL/P106	A	16 Nov 2015
Management plan for supporting children in the outdoor space			9 Nov 2015
Location Plan			5 Aug 2015
Travel Plan			5 Aug 2015

2. The number of children using the day nursery at any time shall not exceed 80 without the prior approval of the Local Planning Authority. **Reason:** To prevent over intensive use of the premises, disturbance to neighbouring properties and adverse impact upon the character of the area and to comply with policies SU10, QD27 and HO26 of the Brighton & Hove Local Plan.
3. The day nursery shall not be open or in use except between the hours of 08:00 and 18:00 hours on Mondays to Fridays. The day nursery shall not be in use at any time on Saturdays, Sundays or Bank Holidays. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10, QD27 and HO26.
4. The rear garden shall not be in used by children attending the day nursery except between the house of 09:00 to 17:00 on Mondays to Fridays. **Reason:** To safeguard the amenities of the locality, avoid disturbance to neighbouring

residential properties and to comply with policies SU10, QD27 and HO26 of the Brighton & Hove Local Plan.

5. Not Used.
6. Not Used.
7. Prior to proposed increase in the number of children hereby permitted being implemented, details of secure cycle parking facilities for the staff 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 development hereby permitted taking place, and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
8. The development hereby permitted shall be operated in accordance with the measures detailed in the Travel Plan submitted. The Travel Plan shall be reviewed annually thereafter. **Reason:** To comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.
9. No amplified music or musical equipment shall be used in the outdoor play area at any time. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10, QD27 and HO26 of the Brighton & Hove Local Plan.
10. Not Used.
11. Not Used.
12. Not Used.
13. The Old Coach House shown on the approved drawings shall be used for storage ancillary to the day nursery and the residential use hereby approved and as a staff room/staff facility, only, and for no other purpose unless approved in writing by the Local Planning Authority. **Reason:** To safeguard the amenities of the locality, avoid disturbance to neighbouring residential properties and to comply with policies SU10, QD27 and HO26 of the Brighton & Hove Local Plan.
14. Not Used.
15. 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 to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

New Condition for Use of Outdoor Space

Informatives:

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

PLANNING COMMITTEE LIST – 27 January 2016

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-
The proposal increase in the capacity of the nursery from 60 to 80 children would not lead to an adverse impact on amenity for occupiers of neighbouring properties or lead to a harmful demand for travel.

PLANNING COMMITTEE	Agenda Item 132 Brighton & Hove City Council
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Information on upcoming Pre-application Presentations and Requests

Date	Address	Ward	Proposal
16 th February 2016	Shelter Hall, Kings Road (opposite bottom of West Street), Brighton	Regency	Demolish and rebuild larger seafront structure as part of wider structural seafront Department for Transport funded works
16 th February 2016	Land east of Genome Building University of Sussex, Brighton	Hollingdean and Stanmer	Erection of 3/4 storey Life Science Building for teaching and research purposes with a link to and refurbishment of the existing Genome Building and landscaping.

Previous presentations

Date	Address	Ward	Proposal
08 December 2015	251- 253 Preston Road, Brighton	Withdean	Demolition of non-original two storey link building. Erection of new three storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units, incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.
08 December 2015	Former Texaco Garage, Kingsway, Hove	Central Hove	Circa 50 flats set out over 7 storeys with basement car parking accessed off St Aubyns South, circa 400sqm retail floorspace on the ground floor with associated surface parking accessed off Kingsway.
17 th November 2015	University of Sussex	Hollingdean and Stanmer	Reserved matters application for approximately 2000 new student accommodation bedrooms.
27 th October	78 West Street & 7-	Regency	Demolition of vacant night club

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in King's House on the date given after scheduled site visits unless otherwise stated.

2015	8 Middle Street, Brighton		buildings and erection of mixed use building 5-7 storeys high plus basement comprising commercial A1/A3/A4 (retail/restaurant/bar) uses on ground floor & basement and C1 (hotel) use on upper floors with reception fronting Middle St.
4 th August 2015	121-123 Davigdor Road, Brighton	Goldsmid	Replacement of existing building with three-part stepped building comprising 48 residential flats and 153sqm of community floorspace.
23 rd June 2015	Land directly adjacent to American Express Community Stadium, Village Way, Falmer	Moulsecoomb & Bevendean	Erection of a 150 bedroom hotel.
23 rd June 2015	Former St. Aubyns School, High Street, Rottingdean	Rottingdean Coastal	Residential development of the site to provide 48 dwellings through refurbishment and conversion of Field House to provide 6no. apartments; refurbishment of 4no. existing curtilage listed cottages; demolition of remaining former school buildings and former headmaster's house; erection of 38 new dwellings and 62 bed care home; retention of sports pavilion and war memorial; provision and transfer of open space for public use; formation of accesses to Newlands Road and alterations to existing access off Steyning Road; provision of associated car parking and landscaping; alterations to flint wall.
2 nd June 2015	Land bound by Blackman Street Cheapside and Station Street, Brighton	St Peter's and North Laine	Proposed part nine, part seven storey building to provide office and student accommodation for Bellerby's College.
2 nd June 2015	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing Sports and Science building fronting Sutherland Road and erection of new three storey Sports and Science building comprising swimming pool, Sports Hall, teaching rooms and rooftop running track and gardens.
10 th March 2015	106 Lewes Road, Brighton	St Peter's and North Laine	Eight storey block of student accommodation.

18 th November 2014	15 North Street & Pugets Cottage, Brighton	Regency	Demolition of 15 North Street to be replaced with a new feature entrance building.
7 th October 2014	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works.
1 st April 2014	Land at Meadow Vale, Ovingdean	Rottingdean Coastal	Construction of 112 new dwellings with vehicular access provided from a new junction on Ovingdean Road, on-site open space and a landscaping buffer along the Falmer Road boundary.
11 th March 2014	Hove Park Depot, The Droveaway, Hove	Hove Park	Demolition of existing buildings and construction of a new two storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping
18 th February 2014	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 th October 2013	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 th Sept 2013	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 th Aug 2013	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 th July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re- development

PLANS LIST 27 JANUARY 2016**BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS
DETERMINED BY THE HEAD OF PLANNING & PUBLIC PROTECTION UNDER
DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS
COMMITTEE DECISION****PATCHAM****BH2015/02947****50 Vale Avenue Brighton**

Certificate of lawfulness for proposed erection of a single storey rear extension and roof alterations incorporating hip to gable roof extension, additional front rooflight and a rear dormer.

Applicant: Ms Rebecca Stevens

Officer: Charlotte Bush 292193

Approved on 30/11/15 DELEGATED

BH2015/03331**17 Old Farm Road Brighton**

Creation of roof terrace with metal railings and other associated works to side elevation.

Applicant: Mr J Allen

Officer: Rebecca Fry 293773

Refused on 30/11/15 DELEGATED

BH2015/03412**Unit 1-5 Crowhurst Corner Crowhurst Road Brighton**

Prior approval for the installation of PV solar panel equipment to roof of building.

Applicant: CBRE Thames Water Pension Schemes PIF

Officer: Mark Thomas 292336

Prior Approval is required and is approved on 25/11/15 DELEGATED

BH2015/03433**56 Carden Hill Brighton**

Erection of first floor side extension.

Applicant: Mr & Mrs Cliff Fuller

Officer: Justine Latemore 292138

Approved on 01/12/15 DELEGATED

BH2015/03438**8 Winfield Avenue Brighton**

Erection of 1no four bedroom detached house (C3).

Report from 19/11/2015 to 09/12/2015

Applicant: Mr Peter Truong
Officer: Emily Stanbridge 292359
Approved on 26/11/15 DELEGATED

BH2015/03553**68 Woodbourne Avenue Brighton**

Prior approval for change of use from retail (A1) to 1no two bedroom flat (C3) with associated alterations.

Applicant: Mr M Roberts
Officer: Mark Thomas 292336
Prior Approval is required and is refused on 02/12/15 DELEGATED

BH2015/03594**Patcham Service Station Patcham Bypass Brighton**

Application for Approval of Details Reserved by Condition 7 of application BH2014/03788.

Applicant: Esso Petroleum Co Ltd
Officer: Jonathan Puplett 292525
Approved on 03/12/15 DELEGATED

PRESTON PARK**BH2014/00369****16-18 Preston Road Brighton**

Change of use of ground floor from restaurant (A3) to 2no takeaways (A5) with associated alterations including erection of a single storey rear extension, alterations of extract duct to rear elevation and a new shop front to number 18.

Applicant: Raj Pavilion Expo Limited
Officer: Wayne Nee 292132
Approved on 08/12/15 DELEGATED

BH2014/03508**St Andrews Day and Resource Centre St Andrews Road Brighton**

Application for approval of details reserved by conditions 15, 18, 19 and 20 of application BH2013/03968.

Applicant: Natterjack Construction
Officer: Wayne Nee 292132
Split Decision on 30/11/15 DELEGATED

BH2015/02492**St Andrews Day and Resource Centre St Andrews Road Brighton**

Application for Approval of Details Reserved by Conditions 4, 15 and 18 of application BH2013/03968

Applicant: Natterjack Construction
Officer: Wayne Nee 292132

Report from 19/11/2015 to 09/12/2015

Split Decision on 30/11/15 DELEGATED**BH2015/02993****27 Preston Park Avenue Brighton**

Erection of extension above first floor and conversion of existing garage into habitable living space, alterations to fenestration and other associated works.

Applicant: Mr Jon Woodfine

Officer: Luke Austin 294495

Refused on 23/11/15 DELEGATED

BH2015/03102**4, 6, 7 & 9 Eastwoods 251 Ditchling Road Brighton**

Installation of solar photovoltaic system to roof slopes.

Applicant: Mr Leo Benedictus

Officer: Luke Austin 294495

Approved on 02/12/15 DELEGATED

BH2015/03106**46B Old Shoreham Road Brighton**

Creation of hardstanding to front garden including alterations to front boundary wall.

Applicant: Mr Denis Smith

Officer: Laura Hamlyn 292205

Approved on 27/11/15 DELEGATED

BH2015/03187**2A Osborne Road Brighton**

Replacement of existing timber windows with UPVC.

Applicant: Mrs Cathy Fuller

Officer: Laura Hamlyn 292205

Approved on 27/11/15 DELEGATED

BH2015/03284**St Andrews Day & Resource Centre St Andrews Road Brighton**

Application for Approval of Details Reserved by Conditions 6, 8, 10,12, 14 and 20 of application BH2013/03968.

Applicant: Natterjack Construction

Officer: Wayne Nee 292132

Split Decision on 30/11/15 DELEGATED

BH2015/03315**Silver Birches Rookery Close Brighton**

Erection of conservatory, outbuilding to facilitate mobility scooters and bin store to rear and alterations to front entrance to create stepped and ramped access. (Part Retrospective)

Report from 19/11/2015 to 09/12/2015

Applicant: Sanctuary Housing
Officer: Rebecca Fry 293773
Approved on 07/12/15 DELEGATED

BH2015/03317**Silver Birches Rookery Close Brighton**

Replacement of existing timber windows and doors with UPVC.

Applicant: Sanctuary Housing
Officer: Rebecca Fry 293773
Approved on 23/11/15 DELEGATED

BH2015/03573**59 Hamilton Road Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating 2no front rooflights and rear dormer.

Applicant: Mr Will Nahum
Officer: Justine Latemore 292138
Approved on 24/11/15 DELEGATED

BH2015/03602**38 Preston Road Brighton**

Prior approval for change of use from retail unit (A1) to restaurant (A3) with associated alterations.

Applicant: Paradiso Holdings Ltd
Officer: Chris Swain 292178
Prior Approval is required and is refused on 01/12/15 DELEGATED

BH2015/03683**1 Southdown Avenue Brighton**

Hip to partial gable end roof extension with juliette balcony and insertion of 4no rooflights.

Applicant: Lasy lawless
Officer: Luke Austin 294495
Refused on 30/11/15 DELEGATED

BH2015/03794**16 Southdown Road Brighton**

Erection of single storey rear/side infill extension and new rear sliding doors.

Applicant: Ms Joy MacKeith
Officer: Laura Hamlyn 292205
Approved on 04/12/15 DELEGATED

BH2015/03795**Land to Rear of 7-9 Springfield Road Brighton**

Report from 19/11/2015 to 09/12/2015

Application for Approval of Details Reserved by Conditions 5, 6, 7, 8, 9 and 14 of application BH2014/02684.

Applicant: Geneva Investment Group Ltd

Officer: Liz Arnold 291709

Split Decision on 07/12/15 DELEGATED

BH2015/03819**24 Highcroft Villas Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer, side window and alterations to chimney.

Applicant: Mr James Ginzler

Officer: Allison Palmer 290493

Refused on 25/11/15 DELEGATED

BH2015/03855**16 Upper Hamilton Road Brighton**

Prior approval for change of use from retail unit (A1) to residential (C3) to form 1 no bedsit with associated alterations.

Applicant: Mr P Bowler

Officer: Allison Palmer 290493

Prior Approval is required and is approved on 27/11/15 DELEGATED

BH2015/03874**28 Ashford Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.15m, and for which the height of the eaves would be 2.9m.

Applicant: Mr M Steel

Officer: Allison Palmer 290493

Prior Approval is required and is refused on 25/11/15 DELEGATED

REGENCY**BH2013/02268****68 Western Road Brighton**

Application for Approval of Details Reserved by conditions 13, 14, 15, 16, 17, 18 19 and 20 of application BH2011/03016.

Applicant: Mr Simon Yau

Officer: Christopher Wright 292097

Split Decision on 30/11/15 DELEGATED

BH2014/03473**11 Dyke Road Brighton**

Change of use from nightclub (Sui Generis) to theatre (Sui Generis) for a temporary period of 3 years.

Report from 19/11/2015 to 09/12/2015

Applicant: 11 Dyke Road Brighton Ltd
Officer: Christopher Wright 292097
Approved on 07/12/15 DELEGATED

BH2014/03945**11 Dyke Road Brighton**

Internal alterations to layout incorporating formation of box office, bars, stage, creation of mezzanine level with access stairs and associated works. Revision to facade including signage, refurbishment and redecoration.

Applicant: Rialto Theatre
Officer: Christopher Wright 292097
Refused on 04/12/15 DELEGATED

BH2014/04073**Brighton & Hove High School Montpelier Road Brighton**

Erection of glass and aluminium biodome structure.

Applicant: Brighton & Hove High School
Officer: Mick Anson 292354
Approved on 07/12/15 DELEGATED

BH2015/00698**79 Western Road Brighton**

Display of internally-illuminated fascia sign and non-illuminated hanging, lettering and panel signs.

Applicant: HSBC CRE
Officer: Christopher Wright 292097
Approved on 23/11/15 DELEGATED

BH2015/01132**67 Preston Street Brighton**

Alterations to front elevation including new glazing and door at ground floor level.

Applicant: Regency Property Partnerships Ltd
Officer: Robin Hodgetts 292366
Approved on 30/11/15 DELEGATED

BH2015/01133**67 Preston Street Brighton**

Internal alterations to layout of building. Alterations to front elevation including new glazing and door at ground floor level. (Part retrospective)

Applicant: Regency Property Partnerships Ltd
Officer: Robin Hodgetts 292366
Approved on 30/11/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/01568**21 Castle Street Brighton**

Erection of first floor rear extension with roof terrace over, formation of additional floor with flat roof, front rooflight, rear dormer, revised fenestration and associated works.

Applicant: Mr Marc Boase

Officer: Helen Hobbs 293335

Refused on 02/12/15 DELEGATED

BH2015/01721**51 Ship Street Brighton**

Application for variation of condition 6 of application BH2014/03269 (Change of use of ground floor and basement from Post Office (A1) to restaurant (A3) with associated plant and alterations) to state: No intoxicating liquor shall be sold or supplied within the A3 unit hereby approved other than to persons who are seated at tables and taking meals on the premises, or by waiter/waitress service to persons who are seated at the bar area shown on approved drawing no 2405/100/G where food is available. 'Meals' means food that has been cooked or prepared and purchased within the premises. Any bar area shall be ancillary to the approved A3 restaurant use.

Applicant: TGI Fridays UK Ltd

Officer: Mark Thomas 292336

Refused on 23/11/15 DELEGATED

BH2015/02198**8C Clarence Square Brighton**

Construction of mansard roof with terraces and replacement of existing pitched roof of existing rear extension and creation of roof terrace with associated alterations.

Applicant: Mr Nigel Massey

Officer: Helen Hobbs 293335

Refused on 04/12/15 DELEGATED

BH2015/02466**Flat 1 105 Upper North Street Brighton**

Installation of replacement timber doors to ground floor patio.

Applicant: Miss Sarah Evans

Officer: Ryan OSullivan 290480

Approved on 01/12/15 DELEGATED

BH2015/03231**30 Little Preston Street Brighton**

Erection of second floor rear extension.

Applicant: Mr & Mrs Georgiou

Officer: Emily Stanbridge 292359

Approved on 27/11/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/03254**3 Montpelier Crescent Brighton**

Internal damp proofing works to coal hole area and part entrance hallway.

Applicant: Mr & Mrs M Cardy

Officer: Christopher Wright 292097

Approved on 01/12/15 DELEGATED

BH2015/03286**74 East Street Brighton**

Certificate of lawfulness for existing flood lamps, lamps and heaters to front and side elevations.

Applicant: The Laine Pub Company

Officer: Justine Latemore 292138

Refused on 27/11/15 DELEGATED

BH2015/03313**45A Borough Street Brighton**

Application for Approval of Details Reserved by Condition 2 of Application BH2014/04120.

Applicant: Mr Joe Knoblauch

Officer: Clare Simpson 292321

Approved on 24/11/15 DELEGATED

BH2015/03351**27 Castle Street Brighton**

Certificate of lawfulness for proposed change of use from storage and distribution (B8) to music recording studio (B1) with ancillary rehearsal facilities.

Applicant: Small Pond Recordings Ltd

Officer: Emily Stanbridge 292359

Refused on 24/11/15 DELEGATED

BH2015/03409**74 East Street Brighton**

Display of illuminated signs. (Retrospective)

Applicant: The Laine Pub Company

Officer: Justine Latemore 292138

Refused on 08/12/15 DELEGATED

BH2015/03444**22C Sillwood Street Brighton**

Certificate of lawfulness for proposed roof lights to front and rear and blocking up of rear windows to first and second floors.

Applicant: Mr John Standing

Officer: Charlotte Bush 292193

Report from 19/11/2015 to 09/12/2015

Approved on 24/11/15 DELEGATED**BH2015/03476****40 Duke Street Brighton**

Display of internally-illuminated poster cases and non-illuminated banners.

Applicant: Fabrica

Officer: Emily Stanbridge 292359

Approved on 23/11/15 DELEGATED**BH2015/03478****40 Duke Street Brighton**

Installation of banners and illuminated poster boxes.

Applicant: Fabrica

Officer: Emily Stanbridge 292359

Approved on 23/11/15 DELEGATED**BH2015/03987****7, 7A & 7B Ship Street Gardens Brighton**

Application for Approval of Details Reserved by Condition 8 of application BH2015/02264.

Applicant: Taylor Patterson Sipp

Officer: Liz Arnold 291709

Approved on 30/11/15 DELEGATED**ST. PETER'S & NORTH LAINE****BH2015/00912****Unit 7 Brighton Station Queens Road Brighton**

Internal alterations to layout.

Applicant: Duddle Parcel Services

Officer: Wayne Nee 292132

Approved on 19/11/15 DELEGATED**BH2015/01936****1-2 Regent Street Brighton**

Display of non-illuminated fascia signage, internally illuminated menu box and signage on proposed awning.

Applicant: Franco Manca 2 (UK) Ltd

Officer: Chris Swain 292178

Approved on 30/11/15 DELEGATED**BH2015/01937****1-2 Regent Street Brighton**

Change of use from retail (A1) to restaurant (A3) including insertion of sliding windows and doors to south elevation, creation of external seating area, installation

Report from 19/11/2015 to 09/12/2015

of extraction flue and mechanical plant and other associated alterations.

Applicant: Franco Manca 2 (UK) Ltd

Officer: Chris Swain 292178

Approved on 19/11/15 DELEGATED

BH2015/02786

Land to Rear of 101 Roundhill Crescent Brighton

Erection of two storey, three bedroom dwelling (C3).

Applicant: Ms Wendy Jamieson

Officer: Liz Arnold 291709

Refused on 26/11/15 COMMITTEE

BH2015/02796

Land to the rear of 101 Roundhill Crescent Brighton

Alterations to boundary wall.

Applicant: Ms Wendy Jamieson

Officer: Liz Arnold 291709

Refused on 26/11/15 COMMITTEE

BH2015/02813

9 & 9A Terminus Road Brighton

Certificate of lawfulness for proposed installation of solar panels to adjoining properties.

Applicant: Mr Andrew Chapman

Officer: Wayne Nee 292132

Refused on 26/11/15 DELEGATED

BH2015/02882

46 Princes Road Brighton

Revised fenestration and roof alterations including front and rear rooflights.

Applicant: Mr M St John

Officer: Joanne Doyle 292198

Approved on 01/12/15 DELEGATED

BH2015/03013

28 and Land Rear of including 28B, 28C & 28D Crescent Road Brighton

Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 3 no. two bedroom houses, 1 no. two bedroom flat and 1 no. one bedroom flat.

Applicant: Just Developments Limited

Officer: Liz Arnold 291709

Refused on 30/11/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/03143**32 Crescent Road Brighton**

Insertion of rooflights to front and rear roofslopes. (Retrospective)

Applicant: Mr David John Norwood

Officer: Rebecca Fry 293773

Approved on 30/11/15 DELEGATED

BH2015/03223**22 St Mary Magdalene Street Brighton**

Change of use from single dwelling house (C3) to four bedroom small house in multiple occupation (C4). (Retrospective)

Applicant: Mrs Laura Dwyer-Smith

Officer: Mark Thomas 292336

Refused on 01/12/15 DELEGATED

BH2015/03319**58-62 Lewes Road Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2015/01689.

Applicant: Papa Johns (GB) Ltd

Officer: Mark Thomas 292336

Approved on 24/11/15 DELEGATED

BH2015/03406**45 Centurion Road Brighton**

Replacement of 2no. existing single glazed timber framed windows with new double glazed timber framed units.

Applicant: Mr Stuart McKay

Officer: Justine Latemore 292138

Approved on 01/12/15 DELEGATED

BH2015/03437**46 Windsor Street Brighton**

Certificate of lawfulness for existing creation of first floor terrace with trellis fencing and installation of 4no floodlamps to fascia.

Applicant: The Laine Pub Company

Officer: Justine Latemore 292138

Approved on 27/11/15 DELEGATED

BH2015/03453**9 Park Crescent Place Brighton**

Prior approval for change of use from offices (B1(a)) to residential (C3) to form 1no one bedroom flat at first floor level.

Applicant: Atlas Property (Europe) Ltd

Officer: Christopher Wright 292097

Report from 19/11/2015 to 09/12/2015

Prior Approval is required and is refused on 23/11/15 DELEGATED**BH2015/03494****55 Frederick Street Brighton**

Non material amendment to BH2014/00715 to replace existing rear window to rear elevation with French doors to provide access to private garden.

Applicant: Mr Robin Thompson

Officer: Chris Swain 292178

Approved on 23/11/15 DELEGATED

BH2015/03640**36 Princes Road Brighton**

Erection of single storey rear extension.

Applicant: Mr Sarah Burnham

Officer: Charlotte Bush 292193

Approved on 04/12/15 DELEGATED

WITHDEAN**BH2015/02626****44 Friar Road Brighton**

Erection of infill extension to front and rear porches, excavation of garden, removal of existing hard standing, creation of patio area and new hard standing with boundary wall, installation of glass balustrade to existing terraces and paths, alterations to fenestration and other associated works.

Applicant: Mr & Mrs Barnard

Officer: Luke Austin 294495

Approved on 01/12/15 DELEGATED

BH2015/02713**Kingsmere London Road Brighton**

Roof extension to Blocks E & F to provide 8no flats each with own private roof garden.

Applicant: Anstone Properties Ltd

Officer: Jonathan Puplett 292525

Approved on 26/11/15 COMMITTEE

BH2015/03043**36 Robertson Road Brighton**

Application for approval of details reserved by conditions 1 i(a), 1i(b), 1i(c) and 2 of application BH2015/01705.

Applicant: Mr Gerard Maye

Officer: Liz Arnold 291709

Approved on 24/11/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/03445**62A Tivoli Crescent Brighton**

Erection of single storey rear extension and raised terrace.

Applicant: Mr Chris Bell

Officer: Allison Palmer 290493

Approved on 30/11/15 DELEGATED

BH2015/03474**20 Tongdean Lane Brighton**

Application for Approval of Details Reserved by Condition 7 of application BH2014/03864.

Applicant: KLAS Properties LLP

Officer: Adrian Smith 290478

Refused on 24/11/15 DELEGATED

BH2015/03544**87 Wayland Avenue Brighton**

Application for Approval of Details Reserved by Conditions 3 of application BH2013/02675.

Applicant: Mr Dareen Champion

Officer: Mark Thomas 292336

Refused on 26/11/15 DELEGATED

BH2015/03780**17 The Beeches Brighton**

Roof alterations incorporating extension to front dormer and new dormer to rear to replace existing.

Applicant: Mr Peter Lloyd

Officer: Luke Austin 294495

Refused on 27/11/15 DELEGATED

EAST BRIGHTON**BH2014/02015****1 Manor Road Brighton**

Application for Approval of Details Reserved by Condition 21 of application BH2015/02649.

Applicant: Hill Partnerships Ltd

Officer: Wayne Nee 292132

Approved on 01/12/15 DELEGATED

BH2015/02028**Court Royal Mansions 1 Eastern Terrace Brighton**

Removal of rear fire escape.

Applicant: Court Royal Mansions Ltd

Report from 19/11/2015 to 09/12/2015

Officer: Joanne Doyle 292198

Approved on 30/11/15 DELEGATED

BH2015/02371

St Marys Hall Eastern Road Brighton

Application for Approval of Details Reserved by Conditions 3, 4, 5, 6 and 7 of application BH2013/03437

Applicant: Brighton & Sussex University Hospitals NHS Trust

Officer: Mick Anson 292354

Approved on 23/11/15 DELEGATED

BH2015/02426

Court Royal Mansions 1 Eastern Terrace Brighton

Removal of rear fire escape.

Applicant: Court Royal Mansions Ltd

Officer: Joanne Doyle 292198

Approved on 30/11/15 DELEGATED

BH2015/02555

68 St Georges Road Brighton

Conversion of basement to form 1no two bedroom flat (C3) incorporating creation of front lightwell.

Applicant: Mr John Moore

Officer: Mark Thomas 292336

Refused on 27/11/15 DELEGATED

BH2015/02609

30 Whitehawk Road & First Floor Flat 30 Whitehawk Road Brighton

Erection of first floor rear extension, installation of rear dormer and front rooflight.

Applicant: Ms Thivija Thivakaran

Officer: Allison Palmer 290493

Approved on 02/12/15 DELEGATED

BH2015/02649

1 Manor Road Brighton

Application for variation of condition 2 of application BH2012/03364 to allow for alterations to the proposed scheme including additional PV solar panels and new freestanding carport to Block A, new PV solar panels and new double freestanding carport to Block B and installation of additional rooflights to Blocks E1-5 and E5-10, and variation of condition 26 to allow for a phased travel plan.

Applicant: The Guinness Partnership

Officer: Wayne Nee 292132

BH2015/03273

26 Walpole Road Brighton

Report from 19/11/2015 to 09/12/2015

Erection of single storey rear extension and provision of sunken terrace to the rear.

Applicant: Professor Diane Perrons

Officer: Rebecca Fry 293773

Approved on 24/11/15 DELEGATED

BH2015/03436

15 Bloomsbury Street Brighton

Removal of existing pitched roof and creation of roof terrace to rear.

Applicant: Miss Louise Simmonds

Officer: Allison Palmer 290493

Approved on 07/12/15 DELEGATED

BH2015/03695

City College Brighton & Hove Wilson Avenue Brighton

Application for Approval of Details Reserved by Condition 14 of application BH2014/00459.

Applicant: City College Brighton & Hove

Officer: Emily Stanbridge 292359

Approved on 09/12/15 DELEGATED

HANOVER & ELM GROVE

BH2015/02159

Plot next to 26a St Martins Place Brighton

Erection of three bedroom dwelling.

Applicant: Martin Investment Management

Officer: Sue Dubberley 293817

Refused on 23/11/15 DELEGATED

BH2015/02529

109A Whippingham Road Brighton

Redevelopment of office and storage unit and grounds (B1/B8) to create 2 no. dwellings (a 2 bedroom maisonette and a 4 bedroom house) and an office (B1).

Applicant: Soldean Developments

Officer: Liz Arnold 291709

Approved after Section 106 signed on 01/12/15 DELEGATED

BH2015/03318

41A Sandown Road Brighton

Insertion of window at first floor to front elevation.

Applicant: Mr Aidan Marsh

Officer: Justine Latemore 292138

Refused on 27/11/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/03325**90 Hartington Road Brighton**

Application for Approval of Details Reserved by Conditions 4, 5 and 6 of application BH2013/02771

Applicant: Indigo Property Group
Officer: Emily Stanbridge 292359
Split Decision on 01/12/15 DELEGATED

BH2015/03359**46 Quebec Street Brighton**

Installation of new shopfront. (retrospective)

Applicant: Mr D Baker
Officer: Justine Latemore 292138
Approved on 30/11/15 DELEGATED

BH2015/03497**52 Bentham Road Brighton**

Erection of single storey rear extension.

Applicant: Dr Higgs
Officer: Allison Palmer 290493
Approved on 27/11/15 DELEGATED

HOLLINGDEAN & STANMER**BH2015/02004****Land Adjacent to Watts Building University of Brighton Lewes Road Brighton**

Demolition of existing buildings and construction of a part two, part three storey building providing a new Advanced Engineering Centre (D1), incorporating landscaping, access works and other associated alterations.

Applicant: University of Brighton
Officer: Mick Anson 292354
Approved after Section 106 signed on 26/11/15 COMMITTEE

BH2015/02958**Fairhaven 17 Park Road Brighton**

Certificate of lawfulness for existing loft conversion incorporating hip to gable roof extension, front rooflights, side window and rear dormer.

Applicant: Mr Oliver Dorman
Officer: Justine Latemore 292138
Approved on 27/11/15 DELEGATED

BH2015/03779**31 Coldean Lane Brighton**

Erection of two storey side extension with roof alterations incorporating side dormer.

Applicant: Mr & Mrs Morgan

Report from 19/11/2015 to 09/12/2015

Officer: Luke Austin 294495

Refused on 23/11/15 DELEGATED

BH2015/03887

Mantell Building Boiler House Hill University of Sussex Brighton

Demolition of existing office building on the site of Mantell Building, University of Sussex.

Applicant: University of Sussex

Officer: Sue Dubberley 293817

Prior Approval is required and is approved on 24/11/15 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2015/01772

125 Milner Road Brighton

Conversion of ground floor and basement flat to form 2no one bedroom flats incorporating revised fenestration. Addition of a front staircase to basement entrance (amended description).

Applicant: Pelham Property

Officer: Helen Hobbs 293335

Refused on 08/12/15 DELEGATED

BH2015/01892

Brighton Aldridge Community Academy Lewes Road Brighton

Erection of portacabin building in association with all-weather sports pitch for temporary period of 5 years.

Applicant: BACA

Officer: Sue Dubberley 293817

Approved on 01/12/15 DELEGATED

BH2015/02035

73 Newick Road Brighton

Erection of part one part two storey rear extension. (Amended drawings).

Applicant: Ms Ria Barney

Officer: Chris Swain 292178

Approved on 23/11/15 DELEGATED

BH2015/02320

78 Hornby Road Brighton

Change of use from single dwelling house (C3) to four bedroom small house in multiple occupation (C4).

Applicant: Mr Alan Smith & Mrs Sarah Smith

Officer: Luke Austin 294495

Refused on 04/12/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/03006**92 Baden Road Brighton**

Erection of 1no two bedroom single dwelling and 1no three bedroom single dwelling.

Applicant: Mr Daniel Lewis

Officer: Mark Thomas 292336

Refused on 07/12/15 DELEGATED

BH2015/03048**Brighton Aldridge Community Academy Lewes Road Brighton**

Application for approval of details reserved by condition 3 of application BH2014/01768.

Applicant: Brighton Aldridge Community Academy

Officer: Sue Dubberley 293817

Approved on 30/11/15 DELEGATED

QUEEN'S PARK**BH2015/01674****134 Edward Street Brighton**

Conversion of existing dwelling (C3) into 1no two bedroom maisonette and 2no one bedroom flats (C3) including erection of a first floor rear extension with terraces at first and second floor levels, installation of new bay window and entrance door to replace existing shop front and associated works.

Applicant: Grosvenor Landscape Technologies Ltd

Officer: Christopher Wright 292097

Refused on 30/11/15 DELEGATED

BH2015/01715**102 Marine Parade Brighton**

Erection of storage shed to front garden.

Applicant: Mr Paul Mann

Officer: Justine Latemore 292138

Approved on 02/12/15 DELEGATED

BH2015/01716**102 Marine Parade Brighton**

Erection of storage shed to front garden.

Applicant: Mr Paul Mann

Officer: Justine Latemore 292138

Approved on 02/12/15 DELEGATED

BH2015/01825**154 - 155 Edward Street Brighton**

Application for variation of condition 2 and removal of condition 7 of permission BH2013/01318 (Change of use from offices (B1) to education (D1)) to facilitate the

Report from 19/11/2015 to 09/12/2015

use of the basement level of the building as teaching accommodation.

Applicant: University of Brighton

Officer: Mick Anson 292354

Split Decision on 01/12/15 DELEGATED

BH2015/03076**Former Municipal Market Circus Street Brighton**

Application for variation of condition 2 of application BH2013/03461 (Demolition of existing buildings and replacement with a mixed use development comprising of: a part 5 (6 storey equivalent)/part 7 storey University of Brighton Library and Academic Building (Use Class D1); a 3 storey (4 storey equivalent) Dance Space building (Use Class D2); a 7 storey office building, (Use Class B1); student accommodation (Sui Generis) providing up to 450 bed spaces in 4 buildings (Student Cluster E and G part 6/part 8 storey, Student Cluster F part 6,7 and 8 storey and Student Cluster H part 6/part 13 storey (with recessed top 13th storey); 142 residential apartments (Class C3) consisting of 57 x 1 bed, 81 x 2 bed and 4 x 3 bed units in 4 buildings (Building A part 7/part 10 storey, Building B part 7/part 8 storey and Buildings C and D both 6 storey); with ancillary retail (A1) café/restaurant (A3) and/or commercial (B1) within the ground floor of part of student cluster buildings G and H, part of office building and part of residential buildings A, B, C and D; new public realm and associated infrastructure including provision of 38 undercroft parking spaces below the student cluster buildings (including 16 on-site disabled parking spaces), on site cycle parking, and highway works including a narrowing in width of Circus Street) to allow for minor material and non-material amendments to all proposed buildings.

Applicant: Cathedral Brighton Ltd

Officer: Mick Anson 292354

Approved on 20/11/15 DELEGATED

BH2015/03587**33 Mighell Street Brighton**

Application for Approval of Details Reserved by Conditions 10, 11, 12, 13,14, 15, 16 and 22 of application BH2012/04086.

Applicant: Mr Philip Blount

Officer: Sue Dubberley 293817

Split Decision on 07/12/15 DELEGATED

ROTTINGDEAN COASTAL**BH2015/01345****Land to the side of 75 Tumulus Road Saltdean Brighton**

Erection of 1 no. two bedroom bungalow (C3) with off street parking.

Applicant: Mr M Trower

Officer: Chris Swain 292178

Refused on 08/12/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/02049**67 Falmer Road Rottingdean Brighton**

Demolition of existing house and garage and erection of 9no four bedroom houses.

Applicant: Denton Homes Ltd

Officer: Liz Arnold 291709

Refused on 01/12/15 COMMITTEE

BH2015/03172**7 Lustrells Crescent Saltdean Brighton**

Alterations incorporating hip to gable rear roof extension, front and rear rooflights and rear Juliet balcony.

Applicant: Mr D Roberts

Officer: Clare Flowers 290443

Approved on 04/12/15 DELEGATED

BH2015/03295**72 Tumulus Road Saltdean Brighton**

Erection of single storey side extension.

Applicant: Mr Ricky Manthorpe

Officer: Rebecca Fry 293773

Refused on 27/11/15 DELEGATED

BH2015/03361**53 Roedean Crescent Brighton**

Application for Approval of Details Reserved by Condition 7 of application BH2014/03365

Applicant: Mr Kevin Massey

Officer: Kate Brocklebank 292454

Approved on 24/11/15 DELEGATED

BH2015/03404**19 Westmeston Avenue Saltdean Brighton**

Erection of front and rear extensions, formation of lower ground floor garage and first floor with pitched roof and associated works.

Applicant: Mr Nathan Price

Officer: Emily Stanbridge 292359

Approved on 30/11/15 DELEGATED

BH2015/03484**67 Lustrells Crescent Saltdean Brighton**

Certificate of Lawfulness for proposed conservatory extension to side elevation.

Applicant: Mr Jason Haffar

Officer: Emily Stanbridge 292359

Approved on 01/12/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/03578**14 Chorley Avenue Saltdean Brighton**

Erection of conservatory to rear.

Applicant: Suresh McMillan**Officer:** Luke Austin 294495**Approved on 23/11/15 DELEGATED****BH2015/03847****1 The Park Rottingdean Brighton**

Erection of a conservatory to rear and associated extension to existing decking with new steps to garden level.

Applicant: Ms J Gleeson**Officer:** Luke Austin 294495**Approved on 01/12/15 DELEGATED****WOODINGDEAN****BH2015/02558****22 Sandhurst Avenue Brighton**

Erection of two storey side extension with front rooflights and rear dormer, formation of front porch, crossover and hardstanding.

Applicant: Mr Marian Suchodolinsky**Officer:** Adrian Smith 290478**Refused on 04/12/15 DELEGATED****BH2015/03167****Land To West Of 42 Falmer Gardens Brighton**

Variation of condition 2 of application BH2012/00736 (Erection of a 2no storey detached dwelling with associated car parking and new access) to increase footprint and alter layout of lower ground floor and to relocate external staircase from East elevation to West elevation.

Applicant: Mr M Knight**Officer:** Jonathan Puplett 292525**Approved on 01/12/15 DELEGATED****BRUNSWICK AND ADELAIDE****BH2015/00602****Flat 1 101 Lansdowne Place Hove**

Replacement of existing UPVC front and rear door with timber doors and replacement of existing side and rear windows with timber units

Applicant: Mr Christopher Gill**Officer:** Clare Simpson 292321**Approved on 25/11/15 DELEGATED**

Report from 19/11/2015 to 09/12/2015

BH2015/00603**Flat 1 101 Lansdowne Place Hove**

Replacement of existing UPVC front and rear door with timber doors and replacement of existing side and rear windows with timber units

Applicant: Mr Christopher Gill

Officer: Clare Simpson 292321

Approved on 25/11/15 DELEGATED

BH2015/01425**38 Brunswick Street West Hove**

Change of use from office, storage/light industrial to offices (B1) with associated alterations including installation of window and pedestrian door with roller shutter to front elevation (part retrospective).

Applicant: BIMM

Officer: Wayne Nee 292132

Approved on 23/11/15 DELEGATED

BH2015/02872**St Andrews Church Waterloo Street Hove**

Installation of new roof lights to replace existing and replacement asphalt to roof.

Applicant: The Churches Conservation Trust

Officer: Joanne Doyle 292198

Approved on 27/11/15 DELEGATED

BH2015/03031**Brighton & Hove Progressive Synagogue 6 Lansdowne Road Hove**

Application for Approval of Details Reserved by Conditions 3, 4, 5, 6, 7 and 8 of application BH2014/00330.

Applicant: BHPS

Officer: Christopher Wright 292097

Approved on 01/12/15 DELEGATED

BH2015/03199**Ground Floor Flat 45 Lansdowne Street Hove**

Replacement of existing windows with double glazed timber windows to front.

Applicant: Mr S Antao

Officer: Laura Hamlyn 292205

Refused on 23/11/15 DELEGATED

BH2015/03302**Flat 1 50 Brunswick Square Hove**

Internal alterations to layout of flat incorporating removal of mezzanine level.

Applicant: Mr David Charbit

Officer: Tim Jefferies 293152

Report from 19/11/2015 to 09/12/2015

Approved on 07/12/15 DELEGATED**BH2015/03575****Flat 1 37-38 Adelaide Crescent Hove**

Internal alterations to layout of flat.

Applicant: Mr Christian Gillison

Officer: Tim Jefferies 293152

Approved on 01/12/15 DELEGATED**BH2015/03814****119 Lansdowne Place Hove**

Installation of commemorative plaque to front elevation.

Applicant: Brighton & Hove Commemorative Plaque Panel

Officer: Tim Jefferies 293152

Approved on 01/12/15 DELEGATED**BH2015/03907****37-38 Adelaide Crescent Hove**

Application for Approval of Details Reserved by condition 2 of application BH2015/01413.

Applicant: 37-38 Adelaide Crescent Hove Ltd

Officer: Joanne Doyle 292198

Approved on 01/12/15 DELEGATED**BH2015/03917****37-38 Adelaide Crescent Hove**

Application for Approval of Details Reserved by Condition 2 of application BH2015/01414.

Applicant: 37-38 Adelaide Crescent Hove Ltd

Officer: Joanne Doyle 292198

Approved on 01/12/15 DELEGATED**CENTRAL HOVE****BH2014/03120****57A George Street Hove**

Change of use from retail (A1) to tattoo studio (Sui Generis). (Retrospective)

Applicant: Nine Lives

Officer: Helen Hobbs 293335

Approved on 04/12/15 DELEGATED**BH2015/01887****100 Church Road Hove**

Display of externally illuminated fascia sign, non-illuminated hanging sign and window vinyl (Retrospective).

Report from 19/11/2015 to 09/12/2015

Applicant: Raise Bakery
Officer: Clare Flowers 290443
Approved on 04/12/15 DELEGATED

BH2015/02765**8 Albany Villas Hove**

Enlargement of existing hard standing with new paving and alterations to front boundary.

Applicant: Mr Goode
Officer: Ryan OSullivan 290480
Refused on 01/12/15 DELEGATED

BH2015/02977**36 Blatchington Road Hove**

Change of use of first floor from travel agent (A1) to therapy clinic (D1).

Applicant: Mrs Kayti Dyson
Officer: Mark Thomas 292336
Approved on 04/12/15 DELEGATED

BH2015/03014**6 Vallance Gardens Hove**

Conversion of single dwelling house (C3) into 2no flats (C3) comprising ground floor flat and first and second floor maisonette.

Applicant: Dr Samy Sadek
Officer: Emily Stanbridge 292359
Approved on 03/12/15 DELEGATED

BH2015/03070**24 Vallance Gardens Hove**

Erection of single storey side extension and conversion of garage into habitable living space.

Applicant: Julian & Philippa Lazarus
Officer: Clare Flowers 290443
Approved on 01/12/15 DELEGATED

BH2015/03519**99 Blatchington Road Hove**

Prior approval for change of use of part of first floor retail unit (A1) to residential (C3) to form 1no self-contained flat with associated creation of first floor terrace.

Applicant: Mr Keith Bryden
Officer: Chris Swain 292178
Prior Approval is required and is refused on 25/11/15 DELEGATED

BH2015/03532

Report from 19/11/2015 to 09/12/2015

Flat 6 Dolphin Court Hove Street Hove

Replacement of existing crittall windows with UPVC double glazed windows.

Applicant: Mr Ben Houston

Officer: Laura Hamlyn 292205

Approved on 04/12/15 DELEGATED

BH2015/03541**4A Blatchington Road Hove**

Prior approval for change of use from retail (A1) to residential (C3) to form 1no two bedroom self-contained unit.

Applicant: Homemakers Property Ltd

Officer: Mark Thomas 292336

Prior Approval is required and is approved on 26/11/15 DELEGATED

BH2015/03853**4 Haddington Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.4, for which the maximum height would be 3.150m, and for which the height of the eaves would be 2.450m.

Applicant: Ms M Gosling

Officer: Charlotte Bush 292193

Prior approval not required on 25/11/15 DELEGATED

GOLDSMID**BH2015/01739****Rear of Janeston Court 1 - 3 Wilbury Crescent Hove**

Conversion of rear garages to form 1no single storey one bedroom dwelling (C3) with integral garage and courtyard/garden.

Applicant: Downside Development (Brighton) Ltd

Officer: Chris Swain 292178

Refused on 25/11/15 DELEGATED

BH2015/01775**16 Nizells Avenue Hove**

Alterations to first floor front balcony including installation of timber balustrading, rooflights to rear flat roof, alterations to fenestration and associated works.

Applicant: Mrs Emma Brandenburger

Officer: Joanne Doyle 292198

Approved on 27/11/15 DELEGATED

BH2015/03165**10A Cambridge Grove Hove**

Certificate of lawfulness for existing use of the premises as small house in multiple occupation (C4).

Report from 19/11/2015 to 09/12/2015

Applicant: Mr Colin Brace
Officer: Jonathan Puplett 292525
Approved on 07/12/15 DELEGATED

BH2015/03274**Flat 14 65 The Drive Hove**

Internal alterations to layout of flat.

Applicant: Karen Plastics
Officer: Tim Jefferies 293152
Approved on 19/11/15 DELEGATED

BH2015/03352**34 York Avenue Hove**

Application for Approval of Details Reserved by Conditions 3, 4 and 5 of application BH2014/01995.

Applicant: Mr Craig Warnock
Officer: Mark Thomas 292336
Split Decision on 24/11/15 DELEGATED

BH2015/03518**37 Goldstone Road Hove**

Prior approval for change of use of ground floor retail unit (A1) to residential (C3) to form 1no self-contained flat with associated alterations to fenestration.

Applicant: Mr S Alajmi
Officer: Helen Hobbs 293335
Prior Approval is required and is refused on 23/11/15 DELEGATED

BH2015/03536**39 Hove Park Villas Hove**

Erection of single storey rear extension to replace existing conservatory. (Part retrospective).

Applicant: Mr & Mrs McGuinness
Officer: Charlotte Bush 292193
Approved on 25/11/15 DELEGATED

BH2015/03816**54 Livingstone Road Hove**

Application for Approval of Details Reserved by Condition 2 of application BH2015/00700.

Applicant: SMS
Officer: Liz Arnold 291709
Approved on 24/11/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

HANGLETON & KNOLL**BH2015/02562****107 Boundary Road Hove**

Demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated parking.

Applicant: Castlemist Finances Ltd

Officer: Chris Swain 292178

Refused on 26/11/15 COMMITTEE

BH2015/03280**42 Hangleton Valley Drive Hove**

Hip to barn end roof extension, Juliette balcony to rear and installation of rooflights.

Applicant: Ms A Rowe

Officer: Luke Austin 294495

Approved on 01/12/15 DELEGATED

BH2015/03916**118 Elm Drive Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.4, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.4m.

Applicant: Mr Justin Hall

Officer: Charlotte Bush 292193

Prior approval not required on 27/11/15 DELEGATED

NORTH PORTSLADE**BH2015/03963****18 Clover Way Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.1, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.5m.

Applicant: Mari Booker

Officer: Emily Stanbridge 292359

Prior Approval is required and is refused on 09/12/15 DELEGATED

SOUTH PORTSLADE**BH2015/02118****131 Mill Lane Portslade**

Demolition of existing public house (A4) and erection of 2no semi-detached dwellings and 6no terraced dwellings (C3), with associated landscaping and car parking.

Applicant: TFRE 2 LTD

Officer: Kate Brocklebank 292454

Report from 19/11/2015 to 09/12/2015

Approved after Section 106 signed on 08/12/15 DELEGATED**BH2015/02727****3 Station Road Portslade**

Installation of two air conditioning units to rear.

Applicant: William Hill Organization Limited

Officer: Mark Thomas 292336

Approved on 07/12/15 DELEGATED

BH2015/03039**91 Trafalgar Road Portslade**

Creation of new vehicle crossover.

Applicant: Mr Dan Maitland

Officer: Joanne Doyle 292198

Approved on 30/11/15 DELEGATED

BH2015/03155**50 Fairfield Gardens Portslade**

Erection of two storey side extension and part two, part single storey rear extension with associated roof extensions, front rooflights and rear rooflights.

Applicant: Mr Steven Pickering

Officer: Rebecca Fry 293773

Approved on 27/11/15 DELEGATED

BH2015/03419**Land to Rear of Easthill Drive Adjacent to 10 Foredown Road Portslade**

Application for approval of details reserved by conditions 16 and 19 of application BH2014/02488.

Applicant: Brighton & Hove City Council

Officer: Adrian Smith 290478

Approved on 24/11/15 DELEGATED

BH2015/03508**44 Trafalgar Road Portslade**

Creation of rear dormer.

Applicant: L Tellam

Officer: Laura Hamlyn 292205

Approved on 27/11/15 DELEGATED

HOVE PARK**BH2015/02217****15 Rigden Road Hove**

Certificate of Lawfulness for proposed single storey rear extension and new front porch. Roof alterations including hip to gable roof extension, rooflight to front

Report from 19/11/2015 to 09/12/2015

elevation, installation of steel flues and glass balustrading to rear balcony. Installation of timber cladding to external walls, alterations to existing pool house, revised fenestration and associated works.

Applicant: Mr Richard Wadsworth

Officer: Mick Anson 292354

Split Decision on 30/11/15 DELEGATED

BH2015/02563**53 Hove Park Road Hove**

Application for Approval of Details Reserved by Conditions 7, 8, 10 and 11 of application BH2014/02515.

Applicant: Ms Cave

Officer: Christopher Wright 292097

Split Decision on 24/11/15 DELEGATED

BH2015/02792**7 Meadow Close Hove**

Demolition of existing three bedroom chalet bungalow and erection of 1no five bedroom house.

Applicant: Saaid Abdulkhani

Officer: Mark Thomas 292336

Refused on 30/11/15 DELEGATED

BH2015/02811**Park House 35 Old Shoreham Road Hove**

Application for Approval of Details Reserved by Condition 20ii of application BH2013/00584.

Applicant: Denne Construction

Officer: Christopher Wright 292097

Approved on 24/11/15 DELEGATED

BH2015/03011**221 Goldstone Crescent Hove**

Erection of single storey rear extension.

Applicant: Mrs J Corbian

Officer: Allison Palmer 290493

Approved on 30/11/15 DELEGATED

BH2015/03796**62 Woodland Drive Hove**

Application for approval of details reserved by condition 4 of application BH2015/02591.

Applicant: Michael Griffiths

Officer: Emily Stanbridge 292359

Approved on 24/11/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/03836**26 Woodland Drive Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.2m.

Applicant: Mr Andrew Rollings

Officer: Allison Palmer 290493

Prior Approval is required and is refused on 25/11/15 DELEGATED

WESTBOURNE**BH2015/02125****Channings 215 Kingsway Hove**

Removal of 8no full height timber and glass screens to front and side projecting bays and replacement with aluminium curtain wall system including installation of double glazed windows and balcony doors.

Applicant: Infinity Surveying Ltd

Officer: Ryan OSullivan 290480

Approved on 23/11/15 DELEGATED

BH2015/02139**St Barnabas Church 88 Sackville Road Hove**

Erection of single storey extension to Church Hall, relocation of crossover and parking space with new entrance gates and associated alterations.

Applicant: Diocese of Chichester

Officer: Sonia Gillam 292265

Approved on 20/11/15 DELEGATED

BH2015/02824**51A Coleridge Street Hove**

Replacement of existing windows with UPVC sliding sash windows.

Applicant: Ms Renata Gebregiorigis

Officer: Joanne Doyle 292198

Approved on 23/11/15 DELEGATED

BH2015/03000**Cowdray Lodge 60-64 New Church Road Hove**

Replacement of existing timber windows with UPVC windows.

Applicant: New Church Road Limited

Officer: Clare Flowers 290443

Refused on 01/12/15 DELEGATED

BH2015/03415**31 Braemore Road Hove**

Report from 19/11/2015 to 09/12/2015

Erection of single storey rear extension.

Applicant: Mr Phil & Mrs Sue Llewellyn

Officer: Laura Hamlyn 292205

Approved on 27/11/15 DELEGATED

BH2015/03480

5 Westbourne Grove Hove

Prior approval for change of use from storage (B8) to residential (C3) to form 1no studio flat at ground floor level.

Applicant: Brighton & Hove Properties

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 25/11/15 DELEGATED

BH2015/03481

5A Westbourne Grove Hove

Prior approval for change of use from storage (B8) to residential (C3) to form 1no studio flat at first floor level.

Applicant: Brighton & Hove Properties

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 25/11/15 DELEGATED

BH2015/03482

6 Westbourne Grove Hove

Prior approval for change of use from storage (B8) to residential (C3) to form 1no studio flat at ground floor level.

Applicant: Brighton & Hove Properties

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 25/11/15 DELEGATED

BH2015/03483

6A Westbourne Grove Hove

Prior approval for change of use from storage (B8) to residential (C3) to form 1no studio flat at first floor level.

Applicant: Brighton & Hove Properties

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 25/11/15 DELEGATED

WISH

BH2015/01710

Land Adjacent 3 Tandridge Road Hove

Erection of 1no two bedroom dwelling (C3).

Applicant: Mr T Froude

Officer: Helen Hobbs 293335

Refused on 01/12/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/02120**1 Brittany Road Hove**

Erection of single storey side extension and rear decking area.

Applicant: Mr & Mrs Babbayan

Officer: Clare Flowers 290443

Approved on 01/12/15 DELEGATED

BH2015/02398**7 Wish Road Hove**

Erection of rear terrace with privacy screen.

Applicant: Mr Murie

Officer: Rebecca Fry 293773

Approved on 01/12/15 DELEGATED

BH2015/02522**37 Grange Road Hove**

Erection of first floor rear extension.

Applicant: Mr D Parker

Officer: Helen Hobbs 293335

Approved on 30/11/15 DELEGATED

BH2015/02542**1 Welbeck Avenue Hove**

Erection of single storey rear extension (Retrospective).

Applicant: Mr Philip Worley

Officer: Joanne Doyle 292198

Approved on 30/11/15 DELEGATED

BH2015/03028**Ground Floor Flat 7 Glendor Road Hove**

Erection of single storey rear extension.

Applicant: Mr Darren Turner

Officer: Luke Austin 294495

Approved on 23/11/15 DELEGATED

BH2015/03475**14 Braemore Road Hove**

Non Material Amendment to BH2015/00530 to relocate door to side elevation and additional rear window. Reduce Bi Fold door.

Applicant: Mr Ross Lynch

Officer: Luke Austin 294495

Approved on 30/11/15 DELEGATED

Report from 19/11/2015 to 09/12/2015

BH2015/03522**18 24 28 & 30 Kingsthorpe Road Hove**

Variation of condition 2 of application BH2014/03525 (Demolition of existing building and erection of 9no three storey houses (C3) and 1no three storey office unit (B1(a)) with associated parking area.) to permit amendments to the approved drawings regarding the boundary of the site.

Applicant: Mr D Sablon

Officer: Jonathan Puplett 292525

Approved on 01/12/15 DELEGATED

Withdrawn Applications**BH2015/02373****Land next to Martello House 315 Portland Road Hove**

Erection of 2no three storey and 1no two storey buildings containing 9no self-contained flats (C3) in total.

Applicant: Rampart Capital Principal Investments 2

Officer: Jonathan Puplett 292525

WITHDRAWN ON 23/11/15

BH2015/04042**23 Portland Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.3m.

Applicant: Mr Ian Kirby

Officer: Allison Palmer 290493

WITHDRAWN ON 24/11/15

PLANS LIST 09 December 2015**BRIGHTON AND HOVE CITY COUNCIL****LIST OF APPLICATIONS DETERMINED BY THE HEAD OF CITY
INFRASTRUCTURE UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF
A PREVIOUS COMMITTEE DECISION.****PATCHAM****Application No: BH2015/03691****51 Old London Road, Brighton**

1no Ash - reduce height by 4 metres and the radial spread by 4 metres.

Applicant: Mr S Middleton

Approved on 05 Nov 2015**PRESTON PARK****Application No: BH2015/03918****Ground Floor Flat, 117 Havelock Road, Brighton**

Fell 1no Yew

Applicant: Charlotte Sturdy

Approved on 06 Nov 2015**REGENCY****Application No: BH2015/03728****23 Vernon Terrace, Brighton**

Fell 1no Poplar T1 (Minimal public visibility and not sustainable in its location)

Applicant: Mr Richard Tompsett

Approved on 05 Nov 2015**ST. PETER'S & NORTH LAINE****Application No: BH2015/03369****33 Cheltenham Place, Brighton**

Fell 1no Sycamore

Applicant: Mr Steve Griffiths

Approved on 05 Nov 2015**Application No: BH2015/03391****69 Princes Crescent, Brighton**

1no Sycamore - Crown lift the tree to 5-6m. Remove lateral branches overhanging adjoining property.

Applicant: Mr Matthew Haynes

Approved on 05 Nov 2015

WITHDEAN**Application No: BH2015/03783****19 Harrington Road, Preston Park, Brighton**

Fell 5 Fir Trees (Trees have very limited public visibility and do not meet criteria for TPO)

Applicant: Mrs Angela Hammond

Approved on 05 Nov 2015**EAST BRIGHTON****Application No: BH2015/03560****12 Chichester Place, Brighton.**

Fell 1no Cherry T1 (Although has some public amenity value; it is not sustainable for the long term in its location)

Applicant: Mr Stewart Sharp

Approved on 05 Nov 2015**BRUNSWICK AND ADELAIDE****Application No: BH2015/03842****57 York Road, Hove**

1no Ash T1 - Reduce height by 4m and reduce radial growth by 4m.

Applicant: Mr S Duance

Approved on 05 Nov 2015**CENTRAL HOVE****Application No: BH2015/03841****28 Vallance Gardens, Hove**

Fell 1no Griselina T1 (Does not warrant a TPO)

Applicant: Mr Stephen Duance

Approved on 05 Nov 2015

NEW APPEALS RECEIVED**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2015/02655

Flat 3 41 Sussex Square Brighton

Erection of single storey rear extension.

APPEAL LODGED

19/11/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2015/02656

Flat 3 41 Sussex Square Brighton

Internal alterations to layout of flat and erection of single storey rear extension.

APPEAL LODGED

19/11/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2014/03283

54 Woodland Drive Hove

Change of use from residential dwelling (C3) to day nursery (D1) including alterations to fenestration and construction of gable ends and two rear dormers to allow accommodation in the roof space.

APPEAL LODGED

25/11/2015

Planning (Applications) Committee

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PRESTON PARK**

BH2015/02654

43 Chester Terrace Brighton

Erection of single storey rear extension.

APPEAL LODGED

25/11/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****WESTBOURNE**

BH2015/02855

17 Pembroke Avenue Hove

DEVELOPMENT DESCRIPTION

Erection of single storey rear extension with associated landscaping and works to boundary wall.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

26/11/2015

APPLICATION DECISION LEVEL

Delegated

WARD**PRESTON PARK**APPEAL APP NUMBER

BH2015/02992

ADDRESS

115 Preston Drove Brighton

DEVELOPMENT DESCRIPTION

Erection of a single storey rear extension and roof alterations incorporating front rooflights and rear dormers.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

27/11/2015

APPLICATION DECISION LEVEL

Delegated

WARD**ROTTINGDEAN COASTAL**APPEAL APP NUMBER

BH2015/02967

ADDRESS

60 Wanderdown Road Brighton

DEVELOPMENT DESCRIPTION

Extension to existing garage with associated landscaping.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

30/11/2015

APPLICATION DECISION LEVEL

Delegated

WARD**EAST BRIGHTON**APPEAL APP NUMBER

BH2015/02991

ADDRESS

40 Princes Terrace Brighton

DEVELOPMENT DESCRIPTION

Erection of detached garage with study to rear.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

03/12/2015

APPLICATION DECISION LEVEL

Delegated

WARD**WITHDEAN**APPEAL APP NUMBER

BH2015/02804

ADDRESS

19 Westdene Drive Brighton

DEVELOPMENT DESCRIPTION

Alterations to roof incorporating hip to gable roof extension, insertion of front rooflights and side window and creation of rear dormer.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

02/12/2015

APPLICATION DECISION LEVEL

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2015/02528

5 Withdean Close Brighton

Creation of raised terrace to rear.

APPEAL LODGED

07/12/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2015/02695

46 St Lukes Road Brighton

Erection of a single storey rear extension.

APPEAL LODGED

07/12/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WESTBOURNE**

BH2015/02325

102 Montgomery Street Hove

Erection of three storey flat roof rear extension,
rear dormer and front rooflights.

APPEAL LODGED

08/12/2015

Delegated



**Brighton & Hove
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
27th January 2016**

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

None

APPEAL DECISIONS

	Page
A – 10 DOWNSVIEW ROAD, PORTSLADE – NORTH PORTSLADE	253
Application BH2015/01107 – Appeal against refusal to grant planning permission for demolition of utility room, raised decking and stairs and erection of single storey rear extension and replacement decking and stairs. APPEAL DISMISSED (delegated decision)	
B – 32 PEMBROKE CRESCENT, HOVE - WESTBOURNE	255
Application BH2015/00046 – Appeal against refusal to grant planning permission for replacement of existing roof tiles with concrete tiles to front roof slope (retrospective). APPEAL DISMISSED (delegated decision)	
C – 14 CASTLE STREET, BRIGHTON – REGENCY	257
Application BH2015/00723 – Appeal against refusal to grant planning permission for second storey extension to main dwelling. APPEAL ALLOWED (delegated decision)	
D – STREAMLINE TAXIS, 5 CLIFTON HILL, BRIGHTON – REGENCY	259
Application BH2014/04289 – Appeal against refusal to grant planning permission for aerial masts with a single self-supporting aerial mast. APPEAL DISMISSED (delegated decision)	
E – 13 ST. ANDREWS ROAD, BRIGHTON – PRESTON PARK	263
Application BH2015/00604 – Appeal against refusal to grant planning permission for conversion of the roof space including a rear dormer and front and rear conservation rooflights. APPEAL ALLOWED (delegated decision)	

F – 43 BENFIELD WAY, PORTSLADE – SOUTH PORTSLADE 265

Application BH2015/01244 – Appeal against refusal to grant planning permission for rear extension (retrospective). **APPEAL DISMISSED** (delegated decision)

G – FLAT 2, 6 MEDINA VILLAS, HOVE – CENTRAL HOVE 267

Application BH2015/00125 – Appeal against refusal to grant planning permission for removal of existing balcony and canopy. **APPEAL DISMISSED** (delegated decision)

H – SHERIDAN MANSIONS, SHERIDAN TERRACE, HOVE – WESTBORUNE 271

Application BH2014/04181 – Appeal against refusal to grant planning permission for one and three storey side extension to form 4No 1 bedroom flats. **APPEAL ALLOWED** (delegated decision)

I – 16A ISLINGWOOD ROAD, BRIGHTON – HANOVER & ELM GROVE 275

Application BH2014/04109 – Appeal against refusal to grant planning permission for single storey extension on roof terrace at second floor to create 2 bedrooms. **APPEAL ALLOWED** (delegated decision)

J – 35 (FIRST FLOOR), PROVIDENCE PLACE, BRIGHTON – ST PETERS & NORTH LAINE 279

Application BH2014/04332 – Appeal against refusal to grant planning permission for change of use of first floor from storage to residential. **APPEAL ALLOWED** (delegated decision)



Appeal Decision

Site visit made on 16 November 2015

by **Grahame Gould BA MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 November 2015

Appeal Ref: APP/Q1445/D/15/3133093

10 Downsview Road, Portslade, West Sussex BN41 2HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C and Mrs V Joslin against the decision of Brighton and Hove City Council.
 - The application Ref BH2015/01107 was refused by notice dated 29 July 2015.
 - The development proposed is 'demolition of utility room, raised decking and stairs and erection of single storey rear extension and replacement decking and stairs'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council takes no issue with the proposed replacement single storey rear extension and I see no reason to take a contrary view with respect to this element of the appeal development. Accordingly the main issue is the effect of the replacement decking on the living conditions for the occupiers of 8 and 12 Downsview Road (Nos 8 and 12), with particular regard to any loss of privacy.

Reasons

3. The replacement extension would have a depth of 3.25 metres, while the main body of the replacement decking would project around 2.4 metre¹ beyond the new extension. The decked area would also have a small landing area adjacent to the boundary with No 12, which would provide access to and from the stairs serving the decking. The new decking's design would include tapered privacy screens, which would project outward from the new extension's privacy wings. The new decking, like that to be replaced, would be elevated around 1.2 metres above No 10's garden level.
4. Downsview Road slopes downwards from east to west with the result that No 10 is set respectively lower and higher than Nos 12 and 8. The fence along the boundary with No 8 is around 1.5 metres high² and the proposed decking's level would therefore only be a little below the top of the aforementioned fence. Given the extent of the deck's rearward projection and its height relative to No 8, I find that its presence would give rise to a harmful sense of overlooking of No 8's garden area. In coming to this view I am

¹ Dimensions taken from application drawing 100/4

² Based upon a measurement I took on site

mindful of the intention to install privacy screening on the decking, but this would not provide any screening for anyone standing towards the middle of the main part of the decked area or on its landing area. The amount of shrub planting adjoining the boundary between Nos 8 and 10 is minimal and that together with No 10's shed would provide limited privacy screening.

5. The appellant has suggested that the privacy for the occupiers of No 8 could be enhanced by raising the height of the boundary fence. However, for such a raising of the fencing to be effective, I am of the opinion that it would need to be quite significant, resulting in the presence of what could be quite an imposing structure for the occupants of both Nos 8 and 10, creating its own visual harm for the occupiers of these properties.
6. No 12 lies above No 10 and there is a timber fence on top of a low wall and the combined height of this boundary treatment is around 2.6 metres³. Given that boundary arrangement and the height and position of the new decking relative to No 12, I find that its presence would not give rise to any unacceptable loss of privacy for the occupiers of No 12.
7. For the reasons given above I find that the presence of the replacement decking would give rise to an unacceptable degree of overlooking of No 8's garden, resulting in harm to the living conditions for the occupiers of that property. On that basis there would be conflict with the objectives of Policies QD14 and QD27 of the Brighton and Hove Local Plan, insofar as these policies seek to safeguard the living conditions for the occupiers of neighbouring properties.

Conclusions

8. While I have found that the presence of the replacement decking would not lead to any unacceptable overlooking of No 12's garden, there would be a harmful loss of privacy for the occupiers of No 8. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR

³ Based on measurements I undertook on site



Appeal Decision

Site visit made on 16 November 2015

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 November 2015

Appeal Ref: APP/Q1445/D/15/3129964

32 Pembroke Crescent, Hove BN3 5DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael May against the decision of Brighton and Hove City Council.
 - The application Ref BH2015/00046 was refused by notice dated 12 May 2015.
 - The development is 'replacement of existing roof tiles with concrete tiles to front roof slope (retrospective)'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The retiling of the appeal property's (No 32) front roof slope has taken place and I have therefore determined the appeal on that basis. The description section of the application form describes how the development arose rather than stating what permission was being sought for. For the purposes of the heading to my decision, I have therefore used the description used by the Council, as it more succinctly describes the nature of the development.

Main issue

3. The main issue is the effect of the appeal development on the character and appearance of No 32 and the Pembroke and Princes Conservation Area (the CA).

Reasons

4. Nos 32 and 34 are a pair of semi-detached properties within Pembroke Crescent, a street which comprises properties of a similar age and design throughout most of its length. I am told that the CA's Character Statement records, amongst other things, 'the charm of the area lies in the ... overwhelming predominance of the plain red tile'¹. I observed that the majority of the properties in Pembroke Crescent, Pembroke Avenue and other streets in the CA, have plain red roofing tiles on their front roof slopes and I am in no doubt that plain red tiles continue to be one of the defining features of this CA.
5. I therefore find that the installation of interlocking concrete tiles at No 32, albeit that they are red coloured, to be uncharacteristic of No 32 and the CA's

¹ The Council's officer report

wider streetscene and that their presence neither preserves nor enhances the CA's appearance. In coming to this finding I am mindful of the fact that No 34 has replacement concrete interlocking tiles, albeit seemingly that replacement occurred sometime ago, given the weathered appearance of No 34's tiles. It is unclear to me how the change of roof tiling arose at No 34, although it would seem from the comments made in the Council's officer report that this change does not benefit from an express planning permission. While some other properties in Pembroke Crescent and Pembroke Avenue have also had concrete interlocking installed on their front roof slopes, as I have indicated above, I found those properties to be in the minority.

6. For the reasons given above I find that the appeal development is contrary to the objectives of: Policies QD14 and HE6 of the Brighton and Hove Local Plan; and the Council's 'architectural features' and 'design guide for extensions and alterations' (respectively SPD9 and SPD12), insofar as the roofing tiles that have been used are unsympathetic to the appearance of No 32 and the CA.
7. While I have concluded that the appeal development would be harmful to the appearance of the CA, the designated area is quite extensive and the appeal development only affects a small part of it. Accordingly the harm caused to the CA's significance as a heritage asset is 'less than substantial' as defined in the Framework at paragraphs 132 to 134. Nevertheless there is no public benefit that outweighs the harm to the CA that I have identified such as to warrant allowing this appeal under the provisions of the Framework.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR



Appeal Decision

Site visit made on 16 November 2015

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 November 2015

Appeal Ref: APP/Q1445/D/15/3129828

14 Castle Street, Brighton BN1 2HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sarang Pandit against the decision of Brighton and Hove City Council.
 - The application Ref BH2015/00723, dated 27 February 2015, was refused by notice dated 27 April 2015.
 - The development proposed is 'second storey extension to main dwelling'.
-

Decision

1. The appeal is allowed and planning permission is granted for a second storey extension to the main dwelling at 14 Castle Street, Brighton BN1 2HD, in accordance with the terms of the application, Ref BH2015/00723, dated 27 February 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BH-189-01; BH-189-02; and BH-189-03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development on the living conditions for the occupiers of 8 Stone Street (No 8), with particular regard to any loss of outlook and perceived loss of privacy.

Reasons

3. The appeal property (No 14) is a two storey, mid terrace property, which is flanked by three storey properties at No 15 and 7 Stone Street. No 14 backs onto the rear elevation of No 8, a three storey former warehouse building that has been converted into flats. The appeal property is situated within the Regency Square Conservation Area (the CA), which is mixed use in character.
4. The appeal development would involve the construction a second floor extension directly above No 14's first floor. This addition would have a render

exterior to match the host property, while the roof would have a slate tile covering.

5. Castle Street and Stone Street have a compact layout, typical of an inner urban area, and the limited separation between Nos 8 and 14 reflects the aforementioned street pattern. The appellant has provided photographs of the interior of No 8 and the second floor accommodation at that property is entirely open plan and there are a total of five windows facing outwards to either Stone Street or the appeal property.
6. I recognise that the appeal development would result in some reduction in the outlook from the upper floor of No 8. However, I find that the reduced outlook would be of a scale that would not be harmful to the living conditions for the occupiers of this neighbouring property, given the dual aspect nature of the second floor accommodation. I note that it is intended that the extension's rearward facing window would be fitted with obscure glazing¹ and given the dual aspect nature of the second floor accommodation and its depth, I am not persuaded the occupiers of No 8 would experience an unacceptable sense of being overlooked as a consequence of the aforementioned window's presence.
7. For the reasons given above I find that the presence of the proposed extension would not give rise to any harmful loss of outlook or privacy for the occupiers of No 8 and that the living conditions for the occupiers of that property would be safeguarded. Accordingly I find that there would be no conflict with the objectives of: Policies QD14 and QD27 of the Brighton and Hove Local Plan; and the Council's design guide for extensions and alterations (SPD12), insofar as they seek to safeguard the living conditions for the occupiers of neighbouring properties.

Other Matter

8. The appeal development would involve an alteration in the CA and I note that the Council has not objected to the extension's design and appearance. I see no reason to take a contrary view and find that this development would preserve the CA's appearance.

Conclusion and Conditions

9. For the reasons given above I conclude that this appeal should be allowed.
10. Apart from the standard time limit condition, I find it necessary that the development should be built to accord with the submitted plans and be constructed with external materials to match those of the existing property, in the interests of the proper planning of the area. I have therefore imposed conditions to this effect.

Grahame Gould

INSPECTOR

¹ Based upon the notation on the application drawings

Appeal Decision

Site visit made on 3 November 2015

by J Dowling BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 November 2015

Appeal Ref: APP/Q1445/W/15/3100552
Streamline Taxis, 5 Clifton Hill, Brighton BN1 3HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Les Paine (Brighton & Hove Streamline Ltd) against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/04289, dated 17 December 2014, was refused by notice dated 24 April 2015.
 - The development proposed is replacement of two aerial masts with a single self supporting aerial mast.
-

Decision

1. This appeal is dismissed.

Procedural Matter

2. Although the development is described as proposed it has in fact already been carried out. I have therefore considered the appeal on the basis that retrospective planning permission is sought for the single self supporting aerial mast.

Main Issues

3. The main issues are the effect on the character and appearance of the host building and the wider area and whether or not the proposed development would preserve or enhance the character or appearance of the Montpelier and Clifton Hill Conservation Area.

Reasons

4. The Montpelier and Clifton Hill Conservation Area covers a wide area consisting of a number of different character areas according to building age and type. The Clifton Hill area is a good example of mid-19th Century architecture and predominantly consists of a mix of two and three storey terraced and semi detached houses. Although many properties have been converted into flats and some of the original architectural features have been lost, many including windows, doors, chimneys and decorative iron work have been retained. These features contribute positively to the character and appearance of the conservation area as a whole and its significance as a designated heritage asset.
5. The appeal site forms part of a small neighbourhood shopping area which consists of the appeal site, the adjoining pub and a small parade of seven shops, which occupy the ground floors of 34-36 Clifton Hill and 1, 3, 4 and 5 Powis Road, diagonally opposite the appeal site. With the exception of 5 Powis

Road which is single storey the floors above these shops appear to be in residential use. Therefore, while the appellant regards the character of the area as being commercial I consider having visited the site that given the limited number of commercial uses that the area is predominantly residential in character. This was reinforced by the low levels of activity that I observed when I visited the site compared to what I witnessed in the larger neighbouring commercial areas around Seven Dials to the north and Western Road to the South.

6. I recognise that the previous aerial masts at the site formed an established part of the streetscene and that the current proposal has reduced the number to one which is self supporting and located further back from the front boundary. However, I consider that the previous aerial masts, even with the tension cables, were relatively slender and insubstantial structures. The lattice tower due to its size and design is a bulkier structure which, even though it is located further back on the roof and is a matt grey to take on the general sky tone, I consider is visually prominent. Furthermore, from my site visit I observed that due to its height and design it dominates the host property on which it is located.
7. I note from my site visit that due to the undulating nature of the surrounding area and the dense urban grain there are limited long distance views of the aerial mast. However, the aerial mast is visible from various points along Clifton Hill to the east and west of the site. Furthermore, due to the open nature of Powis Road to the front of the site and the drop in levels I consider that the aerial mast is visually prominent within the skyline when viewed from the south as far down as the junction of Victoria Road and Powis Road.
8. For these reasons I consider that the appeal proposal causes a degree of harm to the significance of this designated heritage asset, albeit that such harm is less than substantial. The appellant has stated that there is a need for the mast as it provides a back up facility for when there is a primary failure of the company's main mast at Brighton Racecourse. The back-up is essential for maintaining communication with drivers to enable the business to remain fully operational. However, it is evident from the appeal documentation that this would only be for a maximum of 100 hours per annum which is equivalent to just over 1% of the year.
9. Furthermore, I note that appellant advocates that the mast presents the only viable option for providing this service. However, the evidence submitted to support this claim consists of a list of alternatives with limited explanations as to why the appellant has discounted them. Given the effect of the proposal on a designated heritage asset, and the weight that I must attach to this, on the basis of the limited evidence before me I do not accept that potential alternative solutions that would be less harmful have been fully explored.
10. I note that the appellant considers that they serve a public benefit through taxi and vehicle hire and their allied charity work. I also recognise that it is a non-profit making organisation; the economic benefits that the organisation brings to the local economy and the large number of people that they employ. However, whilst a taxi company provides a service to the public and local employment I do not consider that this necessarily equates to a public benefit.
11. Therefore, I consider that there would be very limited if any public benefit that arises through the provision of the aerial mast and this is not sufficient to

- outweigh the harm to the character and appearance of the Montpelier and Clifton Hill Conservation Area.
12. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reinforced by the National Planning Policy Framework (the Framework) and policy HE6 of the Brighton and Hove Local Plan (2005) (the Local Plan).
 13. Policies QD1 and QD2 of the Local Plan require all proposals to be of a high quality design that emphasise and enhance the positive qualities of the local neighbourhood. These are consistent with the Framework which advocates that development of poor design, which fails to take the opportunities available for improving the character and quality of an area should be refused.
 14. Local Plan policies QD23 and QD24 which provide specific guidance on telecommunication apparatus advocate that telecommunication developments will not be permitted where there would be a serious adverse effect on the character or appearance of a conservation area. I note that the appellant considers that exception criteria QD24(c) would apply. However, the policy requires that all the criteria (a-d) would be met including (b) the design of the apparatus is the most suitable for the area/building and takes into account the area's/buildings special importance.
 15. The Framework advocates that there are three dimensions to sustainable development and whilst I agree with the appellant that the taxi business contributes to building a strong economy this is only one of the three dimensions. In addition to the economic and social roles there is an environmental role which advocates protecting and enhancing the built and historic environment.
 16. I therefore conclude that the proposal would adversely affect the appearance of the existing building, the general streetscene and thus would fail to preserve the character and appearance of the Montpelier and Clifton Hill Conservation Area contrary to the requirements of the Framework and policies QD1, QD2, QD23, QD24 and HE6 of the Local Plan.

Other matters

17. The appellant has advocated that the Local Plan is out of date and therefore should be disregarded. Whilst the appellant has referred to the emergence of the City Plan Part One until this plan is formally adopted the Local Plan, subject to conformity with the Framework, remains the development plan for the Council and I have therefore considered the appeal on this basis.
18. Concerns have been raised regarding the potential effect of radio waves on the health of occupants of adjoining residential properties. However, I consider that this could be addressed through the use of a suitably worded condition that would require the proposal to be restricted to ensure that it operated within the requirements of the radio frequency public exposure guidelines for the international commission of non-ionising radiation protection.
19. Whilst I have found that the aerial mast would be visually prominent due to its height and lattice structure I do not consider that it would result in a loss of outlook, light or result in overshadowing of neighbouring residential properties.

20. Concerns were also raised regarding the potential disruption of radio and television signals to adjoining residential properties. However, this is not a material planning consideration and therefore I attach very limited weight to it in reaching my conclusions.

Conclusion

21. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jo Dowling

INSPECTOR



Appeal Decision

Site visit made on 20 November 2015

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01/12/2015

Appeal Ref: APP/Q1445/D/15/3131624

13 St Andrews Road, Brighton BN1 6EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Jennings against the decision of Brighton and Hove City Council.
 - The application Ref BH2015/00604 was refused by notice dated 21 July 2015.
 - The development proposed is the conversion of the roof space including a rear dormer and front and rear conservation rooflights.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of the roof space including a rear dormer and front and rear conservation rooflights in accordance with the terms of the application Ref BH2015/00604, dated 18 February 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 15529-01A.
 - 3) The materials to be used in the construction of the external sides of the dormer window hereby permitted shall match those used on the roof of the existing building.

Main issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area.

Reasons

3. This part of the conservation area is characterised by well designed and proportioned terraces of Victorian style houses, of which 13 St Andrews Road is a typical example. The Council's Conservation Area Character Statement refers to the development of the area in the mid to late 19th Century with a mix of rendered and red brick 2 storey houses. The row containing No 13 has ornately detailed brick walls to the front and much plainer, rendered walls to the rear.
-

4. The proposal is to convert the loft with the addition of 2 conservation style rooflights and a dormer window. The Council raises no objection to the rooflights and I see none. The proposed dormer window would be out of public view on the rear elevation, which was clearly not given the same importance as the frontage by the building's designer. It would be a small structure, similar in scale and design to an inoffensive existing dormer window on the house next door.
5. The Council is concerned that the dormer would not align with or match the windows below and would be cramped next to the rear wing. The join between the dormer and the roof of the rear wing would be little seen even in private views and the set-back of the dormer behind the rear wall of the wing means that the dormer would not be readily perceived as being misaligned or out of character with the windows below. The use of tile hanging and a wide fascia are not inappropriate for such a modest extension to this elevation of the building.
6. I conclude that the proposal would preserve the character and appearance of the conservation area. It therefore accords with the aims of Policy QD14 of the Brighton and Hove Local Plan and the Council's Supplementary Planning Document 12 *Design Guidelines for Residential Extensions and Alterations*, to ensure that extensions are well designed, particularly in conservation areas. This aligns with the National Planning Policy Framework's emphasis on securing high quality design that sustains and enhances the significance of heritage assets.
7. I impose a condition listing the approved plans, for the avoidance of doubt and in the interest of proper planning. The use of matching tiles on the dormer is necessary in order to protect the character and appearance of the conservation area.
8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR



Appeal Decision

Site visit made on 20 November 2015

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01/12/2015

Appeal Ref: APP/Q1445/D/15/3132174

43 Benfield Way, Portslade, East Sussex BN41 2DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Lydia Cloherty against the decision of Brighton and Hove City Council.
 - The application Ref BH2015/01244 was refused by notice dated 29 June 2015.
 - The development proposed is a rear extension (retrospective).
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - i) the character and appearance of this part of Benfield Way; and
 - ii) living conditions at neighbouring properties.

Reasons

Character and appearance

3. Benfield Way is a residential street within a suburban area characterised by a mix of house types, many of which have been extended in various ways. No 43 is a low, detached bungalow sitting within a row of houses. The land slopes down steeply from the road here, so that No 43 and its neighbours are all set well below road level. The proposed rear extension has already been built, though a proposed terrace has not been added. This is a large single storey extension with a flat roof that is partially hidden by a narrow pitched roof surround. The extension's floor level matches that of the bungalow, so that it is perched up well above the downward slope of the garden.
 4. The block-like extension can be seen from Benfield Way, in angled views through the gaps between properties, but is at such a low level that it is hardly noticeable within the varied street scene. Though sizeable, it is subsidiary to the bungalow in siting and scale, forming a reasonably natural extension to its form. Its roof treatment is not unique here or out of character with the area.
-

5. I conclude that the appeal extension does not harm the character or the appearance of this part of Benfield Way. It therefore accords in this respect with the aims of Policy QD14 of the Brighton and Hove Local Plan (LP) and the Council's Supplementary Planning Document 12 (SPD12) *Design Guidelines for Residential Extensions and Alterations*, to ensure that extensions are well designed. This aligns with the National Planning Policy Framework's emphasis on securing high quality design.

Living conditions

6. The extension spans the full width of the bungalow, but this does leave space to both side boundaries. Although it is set up high above ground level, its roof design keeps it low enough so that there would be no undue overshadowing to neighbouring properties. To the south No 41's nearest ground floor rear window is set far enough away so that it would retain a largely open outlook. Other windows there would be less affected. To the north, No 45 has a large rear terrace which again would retain a largely open outlook, as would its windows.
7. The extension does not have side facing windows and views from the new rear windows are sufficiently limited so as not to cause any unacceptable loss of privacy. However, the proposed terrace at the back, though only narrow, would enable people to sit out in a position giving commanding views over neighbours' gardens including the swimming pool at No 45. This would cause a substantial loss of privacy to the occupiers of the next door houses.
8. I recognise that No 45 itself has a larger terrace and that the appeal extension replaced a small conservatory. This new terrace would, in comparison, be positioned further down the garden and therefore higher above adjacent ground levels.
9. I note that neighbours have not objected and I find no objection to the extension itself. I nevertheless conclude that the proposed terrace would unacceptably harm living conditions at neighbouring properties due to loss of privacy. The proposal therefore conflicts with the aims of LP Policies QD14 and QD27 and SPD12, to ensure that extensions do not result in significant loss of privacy to neighbouring properties, in line with the Framework's aim to secure a good standard of amenity for all occupants.

Conclusion

10. I have found in favour of the proposal in some respects, but find that the proposed terrace would not be acceptable. The terrace appears to be an integral part of the design so I cannot deal with this matter by condition. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR



Appeal Decision

Site visit made on 20 October 2015

by Geoff Winslow BSc (Hons.) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 December 2015

Appeal Ref: APP/Q1445/W/15/3022964

Flat 2, 6 Medina Villas, Hove, Brighton & Hove BN3 2RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Israel against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00125, dated 16 January 2015, was refused by notice dated 20 March 2015.
 - The development is the removal of existing balcony and canopy.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The original application (Ref BH2015/00125) was dated 16 May 2015. However this is clearly an error as I note the Council received the application on 16 January 2015, so I have used this date in the banner.
3. The description of the appeal scheme set out in the fourth bullet point above is taken from the original planning application. However, on the basis of my site inspection, the deck of the balcony, along with the balustrade elements of what would have been a complete structure (i.e. conjoined canopy and balcony) at the appeal site appear to have already been removed. What remains of the structure is essentially just the canopy which is currently supported by scaffolding. I have therefore determined the appeal on the basis that development has already commenced.

Main Issue

4. The main issue is the effect of the removal of the balcony and canopy on the character and appearance of the Cliftonville Conservation Area and Medina Villas.

Reasons

5. The Cliftonville Conservation Area is characterised by long, wide streets of residential dwellings of mixed forms dating back to the late nineteenth century. Streets like Medina Villas and Osborne Villas are typical of the area with generously proportioned, predominantly three and four storey houses, characteristically arranged in pairs. The appeal scheme relates to 'Flat 2' of No. 6 Medina Villas and involves the removal of one of the last remaining canopy and balcony features (known as 'verandas') in the area.

6. The dwellings throughout the Conservation Area maintain a relatively uniform building line which provides a sense of harmony and consistency in the street scene. Moreover, this theme is accentuated by the predominance of pale cream/white walls, natural slate on low pitched, hipped roofs and tall chimney stacks. A proportion of the properties in the area have retained their original architectural features such as the use of ornate iron and wood work on balconettes or 'cake baskets', balconies and concave canopies. In overall terms, the character and appearance of the Conservation Area is somewhat varied in terms of the style of houses. However, it nonetheless retains a coherent and cohesive form that, along with retained architectural features on certain properties, helps define the significance of the area.
7. Whilst it was evident during my site inspection that the majority of these archetypal features have been lost in Medina Villas including on No. 7, there are a few examples that remain nearby, albeit affixed to houses of differing design to the appeal site and spread through neighbouring streets. Indeed, where found in the local area, these types of features present a strong horizontal element to the fronts of houses and add greatly to the aesthetic significance, character, appearance and enjoyment of the Conservation Area. For example, albeit lighter in appearance than the structure that until recently adorned No. 6, the verandas attached to Nos. 30 and 31 exemplify the classical design features of verandas with concave canopies, wooden valances and balconies supported by fine, ornate metal work.
8. It is clear from the photographic evidence that the veranda feature that adorned the appeal site had lost some of its original charm through the replacement of the original metal balustrade and canopy supports with wooden detailing. Whilst the wooden slatted balustrade and supports may have been an unsympathetic addition to the overall structure, up until their removal they would nonetheless have helped give cohesive form to the canopy and balcony. Indeed, the very presence of the structure in the street scene would have undoubtedly contributed to some degree towards the character and appearance of Medina Villas and the wider significance of the Conservation Area.
9. Whilst I have some sympathy with the predicament faced by the appellant in terms of the structural integrity of what remains of the veranda structure, it has not been demonstrated that the only remaining feasible option entails its complete removal. In an area designated on the strength of its architectural form and significance, the retention and restoration of one of the last remaining veranda structures in Medina Villas is important. Their removal would only serve to further erode, rather than preserve and enhance the character and appearance of Medina Villas and the Conservation Area.
10. The Council's Supplementary Planning Document 09¹ (SPD09) provides useful direction in relation to the upkeep of balconies and canopies. It clearly states that the retention and repair of balconies within Conservation Areas will be expected, even if they are structurally unsound. Indeed, it goes on to explain the significance of canopies and veranda structures; and states that their retention and repair, particularly when located in Conservation Areas, will be expected. SPD09 then goes on to state that such repairs, or restoration, must be undertaken in a 'like-for-like' manner using traditional techniques and materials.

¹ Supplementary Planning Document 09 – architectural features; adopted 17 December 2009

11. I accept that prevailing Building Regulations may have a significant role to play in the design and re-installation of a complete veranda on the appeal site. For example, traditionally styled iron balustrades would typically be lower in height than what would be required by Building Regulations for safety reasons. However, as stated in SPD09, it is entirely feasible to design and install replacement balconies that may not offer the same degree of functional space as before, but which nonetheless follow historical evidence. Indeed, if the advice set out in SPD09 were to be followed, the resultant restored veranda would accord with Policy QD14 of the Brighton & Hove Local Plan 2005 (saved policies post 2007) (B&HLP).
12. I therefore conclude that the development fails to preserve the character and appearance of the Conservation Area and Medina Villas, thereby materially conflicting with the heritage conservation objectives of Policy HE6 of the B&HLP.
13. The National Planning Policy Framework (the Framework) at paragraphs 17 and 132 places great weight on the conservation of heritage assets. The complete removal of the canopy and balcony feature from the appeal site would be harmful to the significance of the Conservation Area. However, this harm would be less than substantial in the context of paragraphs 133 and 134 of the Framework.
14. I accept that the remaining elements of the former veranda structure, propped up as they are with scaffolding, are structurally unsound in their current form. As such, they therefore pose a potential health and safety risk. However, whilst the complete removal of all elements of the veranda would essentially alleviate any health and safety risks and therefore potentially would be classed as a public benefit, this would not outweigh the harm that would be caused by such action to the significance of the Conservation Area.
15. Consequently, for the reasons set out above and having considered all matters raised, the appeal should be dismissed.

Geoff Winslow

INSPECTOR

Appeal Decision

Site visit made on 2 November 2015

by Graham Chamberlain BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 December 2015

Appeal Ref: APP/Q1445/W/15/3095182

Sheridan Mansions, Sheridan Terrace, Hove, East Sussex BN3 5AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Staimon Securities Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/04181, dated 4 December 2014, was refused by notice dated 21 May 2015.
 - The development proposed was originally described as 'one and three storey side extension to form 4No 1 bedroom flats'.
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Preliminary Matters

1. The description on the Council's decision notice, and appellant's appeal form, reads as the '*Erection of single storey and three storey side extension to form 4no one bedroom flats incorporating new cycle stores, replacement of existing cycle stores and associated works*'. This description does not materially change the substance of what is being applied for but is a clearer more comprehensive description. I have therefore used this description in the formal decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a single storey and three storey side extension to form 4no one bedroom flats incorporating new cycle stores, replacement of existing cycle stores and associated works at Sheridan Mansions, Sheridan Terrace, Hove, East Sussex BN3 5AJ, in accordance with the terms of the application, Ref: BH2014/04181, dated 4 December 2014, subject to the attached schedule of conditions.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the site, main building and surrounding area.

Reasons

4. The appeal site is Sheridan Mansions, a block of flats at the centre, and towards the eastern end, of Sheridan Terrace. These flats are arranged over three storeys with a mansard roof and brick elevations. There is a comparatively large communal garden to the rear. There is also a small area of lawn at the eastern end of the flats providing a little relief to the tight urban form found in the road. It is on this parcel of land that the three storey element of the appeal proposal would be constructed. Between this small lawn and 'The Cottage', a rendered

period dwelling located next to the appeal site's southern boundary, there is an existing flat roofed garage. The proposal is to replace this with a 'rear extension' comprising of a flat roofed, brick and rendered 1 bedroom property.

5. Sheridan Terrace is a residential street with a mixture of flats and houses, characterised by a tight urban form with properties set in a rigid building line close to the road behind small front gardens. The proposed development would integrate into this spatial character as a similar set back from the road is proposed, along with adherence to the building line.
6. I share the appellant's view that the Council's reason for refusal refers to the flat roofed part of the proposed development as this would be the 'rear extension'. Whilst the flat roofed form could be considered out of character, this element of the appeal proposal would replace the existing flat roofed garage on a similar siting, albeit slightly closer to the road, and would be of a comparable scale and form with a similar relationship with the host building and street scene. The proposed use of render would harmonise with 'The Cottage' and being single storey, the existing sense of openness at first floor level found between 'The Cottage' and Sheridan Mansions would be retained. Therefore, the proposed single storey extension would not be unduly cramped, given the context of the area, or harmfully out of character with the host building. The impact on the character and appearance of the area, site and main building would be neutral.
7. The three storey side extension would be finished in matching materials and fenestration and would have a complementary form with a design break providing subservience. It would be set behind a front garden retaining the pattern of development and composition of the street scene, particularly when viewed from the west. The proposed solar panels would not harmfully jar with the roof scape of the road as they would be on a rear roof slope. Furthermore, the benefits of renewable energy generation outweigh any visual impact in this instance. Consequently, I find that the three storey side extension would harmonise with the character and appearance of Sheridan Mansions and the wider street scene. Likewise, the new cycle stores would be small and located out of any prominent public view, thereby preserving the character and appearance of the site and area.
8. The three storey extension would fill the small side lawn and the proposed cycle stores would erode a small part of the communal garden to the rear. This would result in a per capita decrease in the amenity space currently available to the residents of Sheridan Mansions if the appeal scheme were constructed. However, I share the appellants' view, which is not disputed by the Council, that what would be left would be sufficient to serve existing and future residents. The provision of cycle stores would be a material benefit by promoting sustainable travel. The side extension would erode the relief in the built form of the road provided by the undeveloped lawn. Moreover the bin storage would be quite prominent in the street scene. However, and on balance, I do not consider any harm arising from these aspects of the design would be reason alone to dismiss the appeal.
9. I therefore conclude on this main issue that whilst there are some limitations in the design, when taken as a whole the proposed development would preserve the character and appearance of the site, main building and surrounding area. I consequently find no substantive conflict with saved Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan 2005, which seek to secure a high standard of design that takes into account local character and the relationship with the

property to be extended, adjoining properties and the surrounding area, aims that are consistent with the National Planning Policy Framework.

Other Matters

10. I have seen no substantive evidence that there would be a material loss of daylight to surrounding properties, including the ground floor flats at Wood House. Likewise given the width of the road and single storey scale of the proposed 'rear extension' I am satisfied that there would be no material loss of outlook or sunlight to properties to the east from the development. The relationship between the properties to the north of the site and the three storey element would be similar to that between the existing properties on the northern side of Sheridan Terrace and Sheridan Mansions, which is not materially harmful given the width of the road. The orientation of the proposed extension relative to surrounding properties, as well as the distance, would ensure that there would be no harmful overlooking of adjoining private amenity space or into neighbouring properties.
11. It is noted that the dwellings would have no dedicated parking due to the appellant's aim that the development would be 'car free'. The lack of dedicated off road parking is a characteristic of the street where parking is on street controlled parking. The Council and Highway Authority have concluded that there would be no harm to highway safety arising from the loss of parking caused by the demolition of the garages or to the street's capacity for any additional on street parking if the car free aspirations did not materialise, conclusions I share. Likewise, there was no objection from the Highway Authority that the extension would provide inadequate access to the rear cycle storage or harmfully reduce visibility at the corner and, whilst reference has been made to a previous refusal on the site approximately 20 years ago, I do not have the details of this before me. In any event, I have considered the appeal scheme on its own merits. In fact visibility at the corner would be similar to that at the western end of Sheridan Terrace and I have no evidence this has resulted in any highway hazard. Moreover I have seen no substantive evidence that the additional dwellings would result in harmful overcrowding or unreasonable pressure on local services.
12. Any impacts from construction would likely be short lived and I have no substantive evidence before me that the extension would increase crime levels or that crime is an existing problem. Whilst concerns have been raised regarding the potential for unsympathetic alterations in the future, I have considered the scheme as it is currently presented. The concern raised regarding wheel chair access would principally be a matter for other legislation e.g. Building Regulations.

Conditions and Conclusion

13. The Council has not suggested any conditions, so other than the standard commencement condition, a condition to ensure the development is in accordance with the approved plans and those recommended by the Highway Authority I do not consider it is necessary to impose others. Those conditions I have identified are necessary in the interests of proper planning, in the interests of highway safety and to encourage sustainable travel. For the reasons given above, and having regard to all other matters raised, including the contribution to the City's five year housing land supply in a location close to facilities and public transport I conclude the appeal should be allowed.

Graham Chamberlain, INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall commence before the expiration of three years from the date of this decision.
- 2) The development hereby approved shall be carried out strictly in accordance with the details shown on the following approved plans (or any approved non material amendment to the plans):
 - RFA 13/281/sk06 – Location and Block Plan
 - Drawing RFA No. 13/281/02 – Proposed floor and site plan
 - Drawing RFA No. 13/281/03 – Proposed elevations
- 3) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.
- 4) No dwelling shall be occupied until the redundant vehicle crossover has been reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been submitted to and approved in writing by the Local Planning Authority.



Appeal Decision

Site visit made on 16 November 2015

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 December 2015

Appeal Ref: APP/Q1445/W/15/3027449

16a Islingword Road, Brighton BN2 9SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Julius Windels against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/04109, dated 5 December 2014, was refused by notice dated 10 February 2015.
 - The development proposed is 'single storey extension on roof terrace at second floor to create 2 bedrooms'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension on roof terrace at second floor to create 2 bedrooms at 16a Islingword Road, Brighton BN2 9SE in accordance with the terms of the application, Ref BH2014/04109, dated 5 December 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved unnumbered plans: site location plan; 'existing and proposed layouts'; and 'existing and proposed elevations'.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council was not present at the scheduled start time for my accompanied site visit. I therefore undertook an access required site visit, following this procedure being explained to and agreed by the appellant, which given the nature of the appeal development I was able to undertake without causing prejudice to either the Council or the appellant.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the appeal property (No 16a); and the living conditions of the
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occupiers of No 15, with particular regard to any loss of light or sense of overbearing.

Reasons

Character and Appearance

4. No 16/16a is a part two and part three storey end of terrace building that has been converted into flats and this property is situated at the junction of Islingword Road and Milton Road.
5. The appeal development would involve the construction of a mansard type extension¹ to the rear of No 16a and would occupy the space between the three storey element of No 16/16a and the adjoining three storey building, Lion House, in Milton Road. This extension would be comparatively modest in scale and would be comparable in height to the frontage element of its host and Lion House.
6. No 16a, as part of a corner property, occupies a more prominent streetscene location than many other properties in the area. However, given the scale and siting of the proposed addition, I find that its presence would not be unduly prominent within the streetscene and that it would neither harm the appearance of No16/16a nor the wide streetscene. On this issue I conclude that there would be no conflict with the objectives of: Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan); and the Council's design guide for extensions and alterations (SPD12), insofar as they seek to ensure that new extensions are well designed.

Living Conditions

7. The first floor accommodation at No 15 is served by a large window, which looks out onto No 16a's first floor side elevation and the boundary fencing that encloses No 16a's roof terrace. No 15 has a roof terrace, which I estimate to be around 1.5 metres below the level of No 16a's roof terrace. It was evident from the number of tables and chairs set out on No 15's terrace that this space is actively used by the occupiers of No 15.
8. I do not doubt that the presence of the proposed extension would have some impact on the receipt of light at No 15. However, the first floor of this property is served by a large window and I find that any loss of light to the accommodation served by that window would not be harmful to the living conditions for the occupiers of No 15. While the height of the extension would be greater than that of the fencing and privacy screen that currently marks the boundary between Nos 15 and 16a, and allowing for the difference in levels between these properties, I find that the appeal development would not have an overbearing presence when viewed by the occupiers of No 15.
9. For the reasons given above I therefore find that the presence of the proposed extension would not be harmful to the living conditions for the occupiers of No 15. Accordingly there would be no conflict with the objectives of: Policies QD14 and QD27 of the Local Plan; and the Council's SPD12,

¹ When viewed from Milton Road

insofar as they seek to safeguard the living conditions for the occupiers of neighbouring properties.

Conclusion and Conditions

10. For the reasons given above I conclude that this appeal should be allowed.
11. Apart from the standard time limit condition, I find it necessary that the development should be built to accord with the submitted plans and be constructed with external materials to match those of the existing property, in the interests of the proper planning of the area. I have therefore imposed conditions to this effect.

Grahame Gould

INSPECTOR



Appeal Decision

Site visit made on 20 October 2015

by Geoff Winslow BSc (Hons.) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 December 2015

Appeal Ref: APP/Q1445/W/15/3049287

35 (First Floor), Providence Place, Brighton, Brighton & Hove BN1 4GE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Yasser Abbas against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/04332, dated 22 December 2014, was refused by notice dated 18 February 2015.
 - The development proposed is change of use of first floor from storage to residential.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of first floor from storage to residential at 35 (First Floor), Providence Place, Brighton, Brighton & Hove BN1 4GE in accordance with the terms of planning application, Ref BH2014/04332, dated 22 December 2014, subject to the following conditions.
 - 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1424-01A and Drawing No. 1424-02A.
 - 3) The development hereby permitted shall not be occupied until measures for sound insulation have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The sound insulation measures shall thereafter be retained. The measures to be installed in the development hereby permitted shall include: a) a scheme for ventilation; b) a scheme for insulating the party walls; and c) a scheme for insulating the floors.

Main Issues

2. The main issues in this case are:
 - Whether the future occupiers of the proposed dwelling would be provided with acceptable living conditions, with particular regard to the standard of accommodation, natural light, outlook and noise; and
 - The effect of the proposed development in terms of the net loss of available storage space.

Reasons

Living conditions

3. No. 35 Providence Place is a two storey property located in a vibrant, busy, predominantly commercial street interspersed with residential development in the form of flats. The whole property has undergone extensive renovation works in the last few years. These works have led to the establishment of a design and print business that occupies the ground floor. The appeal relates to the first floor of the property which is accessed by a self-contained set of stairs, thereby not interfering with the design and print business.
4. As outlined on the original planning application form, in terms of overall space, the proposed residential dwelling would occupy 105 square metres, which the Council considers is acceptable for a two/three bedroom flat. Indeed, when measured against the government's recently published national space standards¹ the proposed dwelling would be significantly larger than the prescribed 70 square metres that would be applied now.
5. I entered the property for the purposes of my site inspection. When in the property, the overall area felt light, spacious and airy. Indeed, the overwhelming sensation when entering the first floor space was one of light. The skylights situated in the roof space of the rear of the property are large and hence allow a considerable amount of sun/daylight to flood in. Certainly the sub-division of this space with internal walls would have an effect on the overall level of light that enters the rear of the premises. Indeed, this aspect of the proposed residential space would be without the benefit of 'traditional' windows. However, the rear of the first floor is only proposed to accommodate two bedrooms, a study area and bathroom, all of which would not be used much during the daytime by the future occupants. The main living accommodation, comprising kitchen, dining and seating areas would be located to the front of the property and amply serviced by the existing windows and glazed doors.
6. The premises at No. 35 directly adjoin a small operational motor vehicle repair workshop, which is itself immediately adjacent to a three storey block of flats. However, notwithstanding the inter-relationship between existing residential units and the workshop, the prospect of industrial noise entering the proposed residential dwelling on the first floor of No. 35 is a significant consideration.
7. The workshop was operational during my site inspection. However, when in the proposed dwelling with the front door closed, I experienced very little noise emanating from the workshop. Indeed, most of the noise I experienced appeared to be associated with vehicular traffic using Providence Place. However, I appreciate my site inspection was only for a relatively short period of time.
8. I note the findings of the noise assessment² commissioned by the appellant. This report notes the potential for the motor workshop to cause a significant adverse noise impact on the proposed dwelling. However, the dwelling would not have outdoor amenity space and the workshop clearly does not operate continuously. Therefore, as outlined in the report, even though it would not be possible to employ external mitigation measures to the front of the building,

¹ Technical housing standards – nationally described space standard; DCLG, March 2015

² 35A Providence Place, Brighton – Noise Assessment, Final Report, 8th May 2015; 7th wave acoustics

the level of noise impact could be lessened by keeping front windows shut during the day and installing a trickle feed ventilation system to compensate for any loss of ambient air flow. In this regard I note the appellant has offered a planning condition to address these matters which I deal with below.

9. With regard to internal mitigation measures, the noise assessment confirms that upgrading wall insulation and installing a concrete screed system would successfully address the ingress of noise through party walls and the floor of the proposed dwelling. When combined with the measures the appellant intends to install, I am confident that the potentially harmful impact of noise on the future occupants of the proposed dwelling can be satisfactorily addressed.
10. Consequently, when all of the above factors are considered together, I conclude that the future occupiers of the proposed dwelling would be provided with acceptable living conditions, with particular regard to the standard of accommodation, natural light, outlook and noise. As such, the proposed development would accord with the provisions of Policies QD27 and SU10 of the Brighton & Hove Local Plan 2005 (saved policies post 2007) (B&HLP) which seek to protect residential 'amenity' and control the impact of noise.

Effect of the proposed loss of storage space

11. From the information before me, it is evident that the appellant has undertaken a significant amount of work in recent years resurrecting what was a near derelict shell of a building and putting it back into use. Indeed, the incremental redevelopment of the building and establishment of active commercial premises on the ground floor are testament to this investment, bringing benefits to the local area.
12. The appeal site benefits from planning permission for B8 storage use. Policy EM6 of the B&HLP seeks to retain small industrial, business and warehouse units occupying 235 square metres or less and is therefore engaged by the proposed development. However, during my site inspection I observed no real signs that the existing space is being actively used for storage. In fact, it appeared to me to be still undergoing a process of renovation. As such, I am persuaded by the appellant's argument that the B8 storage space is not currently contributing towards the Council's overall supply of employment floorspace.
13. The Council assert that the appellant has failed to provide evidence to substantiate whether the permitted storage area is redundant. Such evidence would, in the light of Policy EM6 and its supporting text³, take the form of a marketing assessment. Whilst it is evident that no such marketing evidence has been produced to date, the Council have equally not provided strong economic reasons as to why the storage space would be a significant loss to their overall employment land supply position. As such, I have considered the proposed loss of employment land in the light of the other material considerations that have been presented through the appeal.
14. In considering wider matters, I am mindful of the advice in paragraph 51 of the National Planning Policy Framework (the Framework) which provides a general presumption in favour of approving changes of uses from commercial uses to residential, particularly where there is an identified need for additional housing,

³ B&HLP, Paragraph 5.33

as is the case in Brighton and Hove. In this regard, the small, but nonetheless important contribution that a new, two bedroom dwelling would make to the area's overall housing supply position is a significant consideration. The proposed dwelling would also be located in a sustainable location with easy access to a range of services.

15. Therefore, whilst I accept the loss of a limited amount of storage floorspace would conflict with the objectives of Policy EM6 of the B&HLP, I nonetheless conclude that the overall effect of this loss would be outweighed by the benefit of delivering a new dwelling, thereby helping to support local housing supply. In this regard the proposed development would accord with the provisions of the Framework in terms of marginally boosting housing supply, delivering choice and contributing towards the creation of an inclusive, mixed community in the vibrant setting of Providence Place. The proposal would thereby achieve sustainable development when considered against the three dimensions outlined in the Framework.

Conditions

16. The Council have not provided any conditions for me to consider. However, I note the concerns of the Council's Environmental Health and Car-free teams in respect of contamination and parking restrictions. Whilst these concerns are noted, the proposed dwelling would occupy the first floor of No. 35 and hence would be unlikely to experience any effects from contamination as it is assumed that these matters would have been addressed during the original redevelopment of the property. Equally, whilst I appreciate the objectives of the Car-free team, the proposed dwelling would effectively be situated in a car-free zone in any event, with numerous parking restrictions in force. As such, the future occupiers of the proposed dwelling would be aware of the circumstances on Providence Place and hence I do not consider it would be reasonable or necessary to impose a condition to address what is already in effect.
17. A condition specifying the approved plans is necessary to provide certainty. On the basis of evidence I am satisfied that noise issues can be adequately controlled therefore, in the interests of safeguarding the living conditions of the future occupiers of the proposed dwelling, a condition designed to secure noise mitigation measures should be imposed.

Conclusion

18. For the reasons set out above and having considered all other matters raised, I conclude that the appeal should be allowed.

Geoff Winslow

INSPECTOR