





**Brighton & Hove  
City Council**

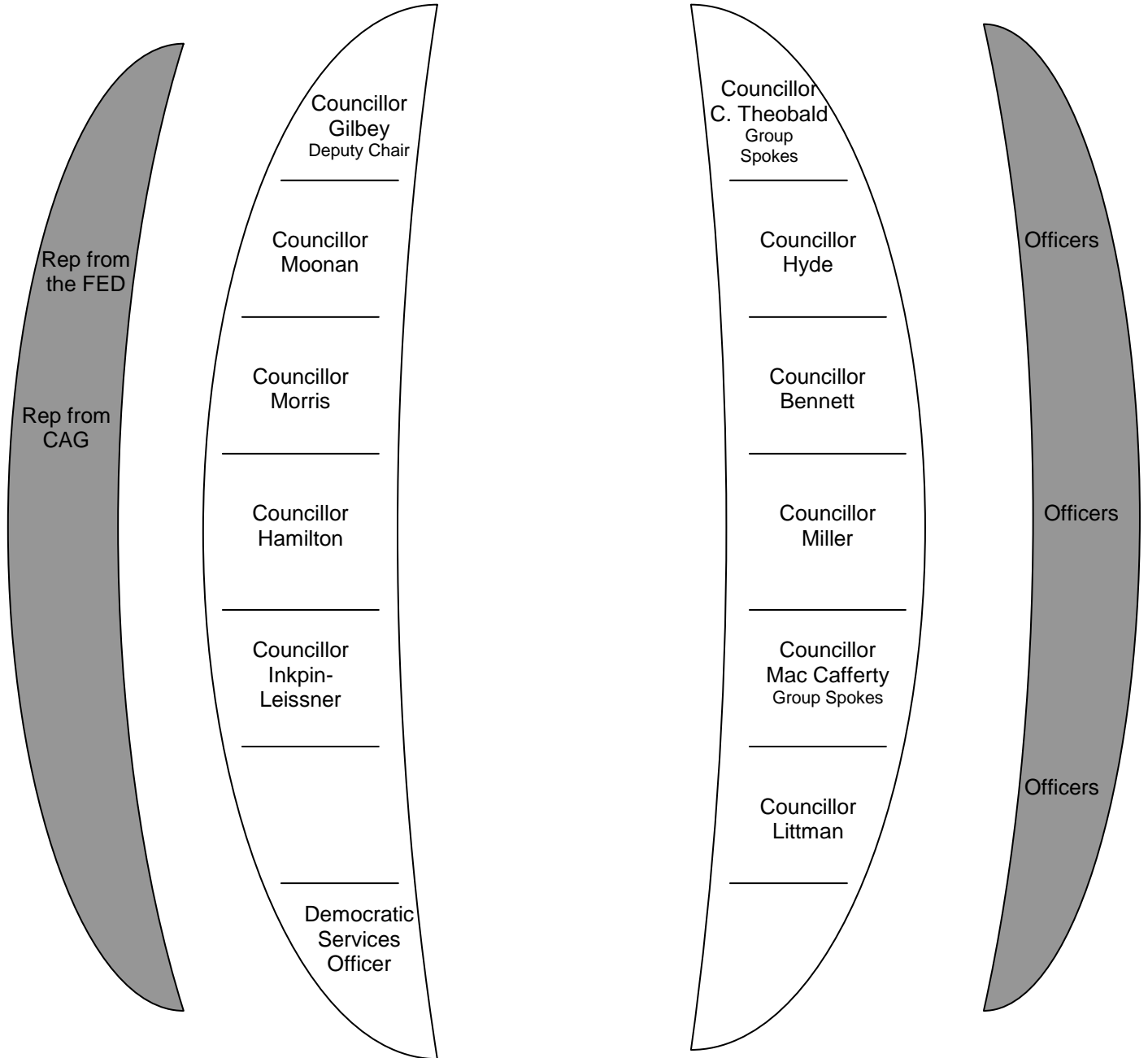
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>3 August 2016</b>
Time:	<b>2.00pm</b>
Venue	<b>The Ronuk Hall, Portslade Town Hall</b>
Members:	<p><b>Councillors:</b> Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hamilton, Hyde, Inkpin-Leissner, Littman, Miller, Moonan and Morris</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p><b>Penny Jennings</b> Democratic Services Officer (01273 29-1064/29-1354 penny.jennings@brighton-hove.gov.uk</p>

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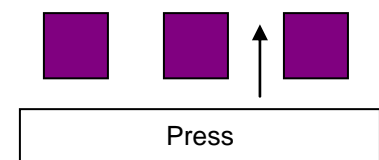
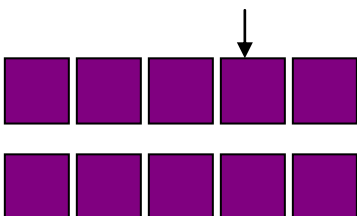
# Democratic Services: Planning Committee

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

### 25 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

### 26 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 13 July 2016 (to be circulated separately).

### 27 CHAIR'S COMMUNICATIONS

### 28 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 27 July 2016.

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

## MAJOR APPLICATIONS

### 30 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.*

#### **A BH2016/01001- East Slope Refectory Road, University of Sussex, Brighton - Full Planning 1 - 32**

Demolition of existing buildings and redevelopment to 'East Slope' to create a mixed use six storey building comprising entertainment and assembly venue, bar, meeting space, ancillary office space, flexible retail floorspace (A1, A3, A4) and 249 student bedrooms with associated landscaping and bicycle storage.

#### **RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Hollingdean & Stanmer*

#### **B BH2016/01004 -East Slope Refectory Road, University of Sussex, Brighton - Reserved Matters 33 - 60**

Reserved matters application for approval of appearance, landscaping and layout in relation to 'Phase 1 - East Slope' development which includes 1,868 student bedrooms and ancillary accommodation, pursuant to outline approval BH2013/04337 (Demolition of existing buildings and construction of new buildings providing new academic facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works).



## PLANNING COMMITTEE

### RECOMMENDATION – GRANT

*Ward Affected: Hollingdean & Stanmer*

- C BH2016/00803 - 1-6 Lions Gardens and the Coach House, Withdean Avenue, Brighton - Full Planning 61 - 86**

Demolition of existing dwellings and erection of part two part three storey building providing 28 residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.

### RECOMMENDATION – REFUSE

*Ward Affected: Withdean*

- D BH2016/01438 -Land Adjacent Wellsbourne Health Centre, 179 Whitehawk Road, Brighton - Council Development 87 - 106**

Erection of 1no three storey block and 1no part three part four storey block containing 29no one, two and three bedroom flats (C3) with a separate single storey plant room containing communal boilers. Provision of 12no vehicle parking spaces with cycle racks and associated landscaping.

### RECOMMENDATION – GRANT

*Ward Affected: East Brighton*

- E BH2016/01414 - Unit 4 Home Farm Business Centre, Home Farm Road, Brighton - Full Planning 107 - 120**

Change of use from light/general industrial (B1c/B2) to offices (B1a).

### RECOMMENDATION – GRANT

*Ward Affected: Holingdean & Stanmer*

## MINOR APPLICATIONS

- F BH2016/00015 - 51 Westbourne Villas, Hove - Householder Planning Consent 121 - 138**

Alterations to rear elevation incorporating erection of timber conservatory and new balcony at ground floor level.

### RECOMMENDATION – GRANT

*Ward Affected: Westbourne*

- G BH2016/01318 - Pembroke Hotel, 2 Third Avenue, Hove - Full Planning 139 - 158**

Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated alterations.

### RECOMMENDATION – GRANT

*Ward Affected: Central Hove*

## PLANNING COMMITTEE

- H BH2016/01319 - Pembroke Hotel, 2 Third Avenue, Hove - 159 - 174**  
**Listed Building Consent**

Change of use from nursing home (C2) to 1 no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations.

**RECOMMENDATION – GRANT**

*Ward Affected: Central Hove*

- I BH2016/01931- The Hyde,95 Rowan Avenue, Hove - Full 175 - 192**  
**Planning**

Erection of 4no four bedroom houses and access road leading to Rowan Avenue.

**RECOMMENDATION – REFUSE**

*Ward Affected: Hangleton & Knoll*

- J BH2016/01151 - Albion Court, 44-47 George Street, Brighton 193 - 212**  
**- Full Planning**

Creation of additional floor to create 2 no. one bedroom flats, 1 no. two bedroom flat, and 1 no. three bedroom flat with associated works.

**RECOMMENDATION – GRANT**

*Ward Affected: Queen's Park*

- K BH2015/04408 - 332 Kingsway, Hove - Full Planning 213 - 226**

Erection of additional two full floors and one half floor to create 9no residential units (C3) over existing office building and alterations to existing fenestration. (Part retrospective).

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Wish*

- L BH2016/01000 - 238 Elm Grove, Brighton - Full Planning 227 - 240**

Conversion of existing house to form 2 No. one bedroom and 2 No two bedroom flats (C3) with associated alterations including erection of a part one part two storey rear extension and installation of rooflights.

**RECOMMENDATION – REFUSE**

*Ward Affected: Hanover & Elm Grove*

- 31 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

- 32 INFORMATION ON PRE APPLICATION PRESENTATIONS AND  
REQUESTS**

## PLANNING COMMITTEE

(to be circulated separately).

- 33 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 241 - 246**

(copy attached)

- 34 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

(to be circulated separately).

- 35 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

(to be circulated separately).

- 36 APPEAL DECISIONS 247 - 322**

(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>

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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.

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## PLANNING COMMITTEE

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1064/29-1354), email [planning.committee@brighton-hove.gov.uk](mailto:planning.committee@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 26 July 2016

# **ITEM A**

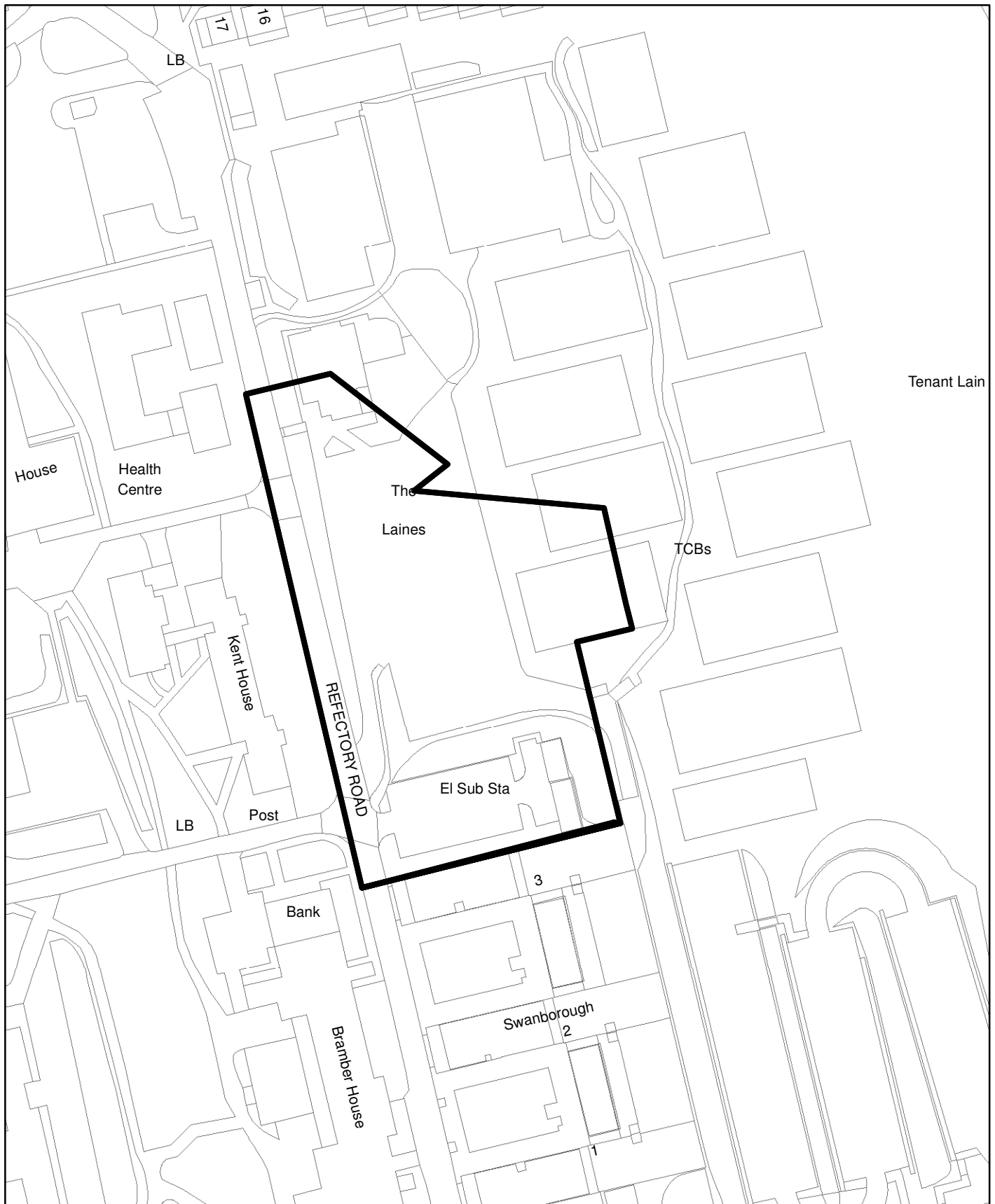
**East Slope Refectory Road, University of  
Sussex, Brighton**

**BH2016/01001  
Full planning**

**03 AUGUST 2016**



# BH2016/01001 East Slope Refectory Road, University of Sussex, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2016/01001</b>	<b><u>Ward:</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>East Slope Refectory Road University of Sussex Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and redevelopment to 'East Slope' to create a mixed use six storey building comprising entertainment and assembly venue, bar, meeting space, ancillary office space, flexible retail floorspace (A1, A3, A4) and 249 student bedrooms with associated landscaping and bicycle storage.</b>		
<b><u>Officer:</u></b>	<b>Kate Brocklebank Tel 292454</b>	<b><u>Valid Date:</u></b>	<b>21/04/2016</b>
<b><u>Con Area:</u></b>	<b>Adj Stanmer Park</b>	<b><u>PPA:</u></b>	<b>22 September 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>Within the Setting of Grade II* and Grade I listed buildings</b>		
<b><u>Agent:</u></b>	<b>TP Bennett, 1 America Street London SE1 0NE</b>		
<b><u>Applicant:</u></b>	<b>University of Sussex &amp; Balfour Beatty Student Accommodation, C/O TP Bennett 1 America Street London SE1 0NE</b>		

## 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 the University of Sussex campus which occupies around 100 hectares of parkland at Falmer, at the foot of the South Downs National Park. The campus sits within a valley with the A27 to its south. The South Downs National Park climbs to the north and east of the campus. To the west lies Stanmer Park, which is a Grade II registered historic park and garden.
- 2.2 The University was designed by Sir Basil Spence in the 1960s and was the first of seven new post war universities in the country. Sir Basil Spence prepared the masterplan in 1959 and the first buildings were ready for occupation in 1962. Ten of the University's original buildings have been listed, all of which are based around Fulton Court (nine at grade II\* and Falmer House at grade I). These determine the general character, architectural tone and presence of the campus. Similarly, the landscape, designed by Spence in consultation with Dame Sylvia Crowe, plays an equally important role to the buildings in setting the tone and character of the campus. The listed buildings, which essentially form the core of the campus, have a very high degree of architectural significance in their careful

contextual design and materials and historic significance in relation to the campus as a model of educational organisation.

- 2.3 The University's boundary lies predominantly within the local planning area of Brighton & Hove City Council although a small area in the south eastern corner of the site (part of Phase 2/Academic Area) falls within Lewes District Council.
- 2.4 The application site occupies a central location on the East Slope of the campus and is formed of large areas of hard standing (car parking) along with portions of existing residential blocks nos. 21-32 and the existing East Slope Bar all of which are to be demolished.

### 3 RELEVANT HISTORY

**BH2013/04337** Outline application with some matters reserved for demolition of existing buildings and construction of new buildings providing new academic facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works. Matters for approval include layout, access and scale. Matters reserved are appearance and landscaping. (*Layout subsequently reserved at appeal*) Appeal allowed 30 July 2015.

**BH2012/00485** Construction of one 4 storey and one 3 storey halls of residence blocks to provide additional 148 bedrooms of accommodation. Approved 15/08/2012

**BH2011/00358:** Development of three halls of residence blocks to provide an additional 180 bedrooms of accommodation. Approved 14 June 2011.

**BH2009/02210:** Reserved Matters application pursuant to outline approval BH2008/01992 for construction of halls of residence comprising 798 student bedrooms arranged in 14 blocks, reception building, bicycle storage, visitor and disabled car parking. Reserved Matters to be determined include appearance and landscaping. Approved 15 December 2009.

**BH2009/02205:** Construction of single storey water tank and storage building and single storey reception/facilities building to serve the halls of residences approved under application BH2008/01992. Approved 19 November 2009.

**BH2008/01992:** Construction of halls of residence comprising 798 student bedrooms arranged in 14 blocks, reception building, bicycle storage, visitor and disabled car parking. Approved 7 September 2009.

#### Concurrent application:

**BH2016/01004** Reserved matters application for approval of appearance, landscaping and layout in relation to 'Phase 1 - East Slope' development which includes 1,868 student bedrooms and ancillary accommodation, pursuant to outline approval BH2013/04337 (Demolition of existing buildings and construction

of new buildings providing new academic facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works). *Under consideration.*

Pre-Application Consultation:

The applicant has been actively engaged in pre-application consultation with the Local Planning Authority prior to submitting the application.

#### **4 THE APPLICATION**

4.1 Planning permission is sought for the erection of a six storey building to create:

- a new building containing 3,803 sqm for a bar, event, assembly and office space for a new student union facility on ground and first floor level,
- 391 sqm of flexible retail floorspace (A1, A3 and A4),
- 249 student bed spaces in flatted accommodation on upper floors,
- 168 bicycle storage spaces for staff and residents, and;
- Associated landscape and amenity spaces.

#### **5 PUBLICITY & CONSULTATIONS**

5.1 **External**

**Neighbours:** None received.

5.2 **Environment Agency:** Comment:

No objection with the imposition of suggested conditions regarding contaminated land, piling and to secure a construction method statement.

5.3 The proposed development site does not appear to have been the subject of past industrial activity which poses a risk of pollution to controlled waters. We are however, unable to provide detailed site-specific advice relating to land contamination issues at this site and recommend that you consult with your Environmental Health / Environmental Protection Department for further advice.

5.4 Where necessary we would advise that you seek appropriate planning conditions to manage both the risks to human health and controlled waters from contamination at the site.

5.5 **South Downs National Park Authority:** Comment.

There is not an objection in principle to either of the proposed developments; however we are concerned that the details, particularly concerning landscape design do not go far enough to ensure that the natural beauty and cultural heritage of the National Park is conserved and enhanced. As the campus is bisected by the Park boundary, we consider this is an important consideration, despite the development being outside of the Park itself. This is further heightened by the western slope of the campus being part of Stanmer Registered Historic Parkland (Grade II).

- 5.6 In order to overcome this concern, the SDNPA strongly advise that the landscape design should demonstrably create a tree'd/parkland structure of forest sized trees (not street tree lollipops) which is consistent with that of the original layout of the University campus. Whilst there are trees shown in the proposals these do not appear to have the equivalent canopy space and size as the original campus layout. It is considered that forest sized tree planting is an important aspect of any new development on the campus and should be secured as part of the schemes to ensure that the new development appears seamless with the existing campus when viewed from the SDNP at close and distant views. Further supporting information is sought to demonstrate how the development will seamlessly blend with the original campus and the principles of Dame Sylvia Crowe's landscape design.
- 5.7 **Historic England: Comment:**  
Historic England provided advice on the outline application for the redevelopment of East Slope in 2014. No substantive issues were raised but the significance of the landscape setting of Sussex University was set out and the context this provides for the internationally important complex of highly graded listed buildings designed by Basil Spence.
- 5.8 The verified views have been considered and the impacts the taller development would have on the historic core of the campus and its wider downland setting. The new block would be located some distance from these key buildings as well as positioned on the valley floor within a central area of the proposed new residential blocks. As a result of this Historic England are content that it would not appear unduly prominent when viewed from the central historic core. Nor would it be overly prominent in more distant views where it would be seen against the backdrop of the new development on the slopes and still overtopped by trees on the ridge line.
- 5.9 Historic England are keen to ensure that this building also forms part of the overall coherent design approach for the wider masterplan proposals and that a similar architectural language is used throughout. High quality detailing and materials should be used matching those found in the original parts of the campus together with high quality hard and soft landscaping as this was a key aspect of Spence's original design.
- 5.10 The Spence designed Fulton Court as the communal heart of the campus. As this proposal will provide a new focal point within the campus it may therefore dilute Spence's original intention for the use and experience of this area. It is therefore recommend that new appropriate uses are found for the spaces vacated by the student union that will maintain the vitality and focus of activity at Fulton Court.
- 5.11 **County Archaeologist: Comment.** In the light of the potential for impacts to heritage assets with archaeological interest at this site, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works to be identified and either preserved in situ or where this is

demonstrably not possible, adequately recorded in advance of their loss. Conditions are recommended to secure a programme of archaeological works and site investigation and post investigation assessment in accordance with the Written Scheme of Investigation.

- 5.12 **East Sussex Fire and Rescue:** Comment. Please ensure that access and facilities for the Fire and Rescue Service are provided in accordance with B5 of the Approved Document B Vol. 1 to the Building Regulations, Section 11: Vehicle Access, whereby there should be vehicle access for a pump appliance to within 45m of all points within each dwelling flat. When considering active fire safety measures for all types of premises, including residential and domestic buildings, East Sussex Fire & Rescue Service would recommend the installation of sprinkler systems.
- 5.13 **Southern Gas Networks:** Comment: On the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The applicant should, where required confirm the position using hand dug trial holes.
- 5.14 Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.
- 5.15 **County Ecologist:** Comment: *Designated sites and Protected Species*
- The site of the proposed development comprises hard standing, buildings and small ornamental trees and is of relatively low ecological value.
  - Two low status bat roosts exist within buildings to be demolished. The works will therefore require a European Protected Species mitigation licence. Given the length of time that has elapsed since the last bat surveys (carried out in 2013) up to date surveys will be required to inform the licence application. Assuming the status of the roosts has not changed, the proposed mitigation for bats is considered appropriate. If updated surveys indicate a change in the status of the bat roosts, additional mitigation may be required.
  - Surveys undertaken in 2013 found no badger setts within the development site. Prior to commencement of works, further surveys should be undertaken to assess usage of the site by badgers. If the status of badgers on site has changed, a mitigation licence may be required.
  - The proposed mitigation for protected species and habitats as summarised in the Environmental Statement Addendum is considered appropriate. If other protected species are encountered during development, works should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.

*Mitigation Measures/Enhancement Opportunities:*

- The site offers opportunities for enhancement which will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act and the NPPF. Opportunities include the use of species of known value to wildlife within the landscaping scheme, and the provision of bat bricks within the building. Advice on plant species of value to wildlife can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used.
- 5.16 In summary, the proposed development should not have an adverse 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.
- 5.17 **Sussex Police:** Comment: The Student Union building serves many purposes that include; retail, bar, café, office, meeting rooms and accommodation. It will therefore be very important to segregate the residential aspect from the office, retail and public areas. It is noted that the accommodation has separate entrances. These are to have controlled access to the residents only. Security to the rest of the building is to be reflective and adequate to the end user's role and requirements.
- 5.18 **Southern Water:** Comment: The needs of the application cannot be accommodated without the development providing additional local infrastructure. The increased flows to the wastewater sewerage system would result in increased flooding in and around the existing area.
- 5.19 There do not appear to be any public surface water sewers in the vicinity to serve the development, alternative means is therefore required – this should not involve disposal to a public foul sewer.
- 5.20 Land uses such as general hard landscaping that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 5.21 The applicant will need to ensure that arrangements exist for the long term maintenance of SUDS facilities.
- 5.22 The site is within a Source Protection Zone around one of Southern Water's public water supply sources and should be protected in accordance with the Environment Agencies advice.
- 5.23 Where necessary, public connection to the public sewer requires approval from Southern Water.
- 5.24 The applicant is advised that a wastewater grease trap is provided in the kitchen and maintained by the owner/operator.
- 5.25 Conditions relating to surface and foul water disposal are recommended.

5.26 **Sussex Police:** No comment.

5.27 **Lewes District Council:** No response received.

**Internal:**

5.28 **Sustainable Transport:** Comment:

Pedestrian Access

The proposed building is located centrally within the university campus. The main entrance to the development fronts directly onto Refectory Road and is fronted by a pedestrian plaza. Under the wider East Slope proposals it is intended that a new spine road through the site will enable Refectory Road to be downgraded to provide a route where pedestrian and cycle movements dominate. There are other pedestrian access points to the student residential development on the upper floors.

5.29 The Highway Authority note the applicant is proposing 12 timber tables and seating in front of the main entrance. The Highway Authority is of the view that these tables detract from the openness of the public space and could act as a potential barrier to pedestrian movement – relocation or rationalisation is recommended.

5.30 Cycle Parking

The applicant is proposing 168 cycle parking spaces as part of these proposals. These stands are located in two separate stores to the south of the student union. There appears to be separate staff and student stores. Further details should be secured via condition. The Highway Authority would also wish to see short stay cycle parking in the form of uncovered Sheffield stands to be located close to the main entrance of the student union building. These could be incorporated into the public realm and would provide an attractive and convenient parking space for cycles.

5.31 Disabled parking

The 8 disabled parking bays proposed which are identified for use by visitors to the development do not meet the Council's requirement to be fully accessible with clearzones to either side of the space.

5.32 These amendments can be secured via the suggested condition. This may result in the loss of some landscaping or a reduction in the number of spaces. The Highway Authority preference is for fewer fully accessible spaces rather than more inaccessible disabled parking spaces.

5.33 Car Parking

No car parking other than the aforementioned disabled bays are proposed. As part of the wider masterplan for the campus additional car parking is proposed – a 147 space car park is proposed, intended for mainly staff car parking. Disabled parking bays are designed into the layout for the remainder of the East Slope residences. Car parks are located throughout the campus for staff, visitors and students with mobility difficulties.

5.34 The Highway Authority has no objections to the proposed level of car parking.

5.35 Trip Generation/S106 Contribution

Whilst not evident in the submission the Highway Authority is aware that the University's intention is to broaden the scope of the events held at this expanded and enhanced venue and open the events out to the general public as well. Therefore the enhanced student union is likely to increase trips above existing levels with additional trips associated with the events held at the union and these are also likely to originate off-campus.

5.36 In light of this the Highway Authority would look for an appropriate level of contribution to ensure that the necessary infrastructure (e.g. bus stops, real time passenger information) is in place to ensure sustainable travel is an attractive and realistic option to and from the site.

5.37 The Highway Authority is aware that condition 24 of planning permission BH2013/04337 requires further details of pedestrian, cycle and public transport improvements and for these to be implemented prior to first occupation of phase 1 of the outline masterplan. The Highway Authority would look for a similar worded condition to be included on any permission granted for these proposals to ensure that the appropriate infrastructure is in place to accommodate for the demand generated by the student union. The inclusion of the condition will also ensure that the necessary infrastructure is in place for the student union should this be built prior to phase 1 of the outline masterplan.

5.38 Other issues

Construction - A Construction Environmental Management Plan (CEMP) should be sought.

Updated Travel Plan should be sought and should include but not be limited to:

- A commitment to provide retail public transport passenger information signs (bus and rail) in a prominent location within the student union.
- Measures to promote the sustainable travel to people attending events at the union.
- Details of car park management on event days.
- Details of delivery and servicing movements and how to reduce/consolidate these.

5.39 **Arboricultural services:** Comment:

Overall, the Arboricultural Section has no objection to the proposals in this application but would recommend that the tree planting element is drastically revised in terms of species selection as the current proposal is very poor and inappropriate.

5.40 **Environmental Health:** Comment:

This particular application is somewhat different to the usual densely built up context within the City which is characterised by varying land uses. The application site by comparison is relatively self-contained and does not have any obvious or immediate neighbours. The receptors are under the University's



control and there is little appetite to construct a building which is not capable of being used how it was intended.

- 5.41 Initial concerns have already been taken on board and incorporated into the design strategy. It is acutely recognised that students and more specifically, their living accommodation will be in close proximity to commercial uses with the potential to impact sleep and restful internal conditions. Environmental Health have been assured that the University and Arup have set stringent mitigation measures to ensure that the site is capable of being both built and used as it is intended. This includes technical design to improve the soundproofing of the building facades and a box in a box style design to prevent the onward transmission of noise from the nightclub.
- 5.42 Conditions for the use of external amenity are not considered strictly necessary and that it is the role of the University/applicant to police and exercise control over external areas.
- 5.43 Similarly, the necessity of a condition regarding plant is also queried given the distance to the nearest residents who are outside the control of the applicant/University.
- 5.44 Given the former uses on the site a condition relating to contaminated land is recommended.
- 5.45 **Sustainable Drainage: Comment:**  
A condition to secure detailed design for the maintenance and management of surface water drainage system is recommended.
- 5.46 The Lead Local Authority requires the following, as a minimum, in order to discharge the aforementioned condition:
- 5.47 Section 3 & 4 of the University of the Sussex Falmer Campus, East Slope Residences Reserved Matters Application Site Drainage Strategy (March 2016) – Job No 245844-00 describes the proposed SuDS and Surface Water Drainage for the site.
- 5.48 The applicant needs to demonstrate, in accordance with the [non-statutory technical standards for the design, maintenance and operation of sustainable drainage systems](#), that the proposed drainage system,
- will be able to cope with both winter and summer storms for a full range of events and storm durations;
  - is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event; and
  - poses no risk to people or property for all events greater than the 1 in 30 year up to the 1 in 100 year plus climate change.

- 5.49 In addition, the applicant will need to confirm which soakaways will remain and which will become redundant.
- 5.50 **Heritage: Comment:**  
*The Proposal and Potential Impacts:* The proposal has been subject to constructive pre-application discussions. It is considered in principle that this site is an appropriate one within the campus for the new communal facility provided by the student union and this would enable the student union to move out of the grade I listed Falmer House. The current student union use of Falmer House has a harmful impact on the listed building through the intensity of use and through the provision of unsympathetic signage.
- 5.51 The proposal is for a tall building, partly to provide a legible focus for the communal facility, but the site lies on the valley floor alongside the primary north-south route through the campus and is therefore a suitable location for a local landmark building. Furthermore, the proposed building would be only marginally taller than the existing Bramber House on the opposite side of the road to the south. Bramber House does not have an unduly obtrusive visual impact on the campus and is not seen from within the heart of the original campus amongst the listed buildings. The submitted views demonstrate that the proposed building would not intrude on any key views across the campus, whilst in the long view looking north along Refectory Road it would relate well in scale and building line to Bramber House and the recent Swanborough Blocks.
- 5.52 However, the approved masterplan included for a six storey (plus basement) building at the north end of Refectory Road, on West Slope, that was intended to be the social hub and local landmark. It would be inappropriate to have two such buildings within the campus, and therefore this application should be subject to a condition that no building on West Slope should exceed 5 storeys in height.
- 5.53 The proposed design of the building reflects the original Spence design approach in terms of massing, flat roofs, elevation proportions, fenestration and materials, but in a contemporary and stripped down form, and the extensive use of red Sussex brick and characteristic concrete-effect banding are very welcome. The proposed segmental arched vaults beneath the new access road are a particularly welcome feature that would help to integrate this new public open space into the main north-south route through the campus and echo the use of such features around public space and routes on the original campus. Samples of materials will need to be approved by condition, unless submitted as part of the application.
- 5.54 The proposed hard landscaping uses a suitably restrained palette of materials, including large element concrete paving slabs as were used by Spence in the more formal pedestrian routes of the original campus. *However, there is concern over the proposed use of tarmac for the main public space on Refectory Road, which would not be sufficiently distinguished from the road surface. The original public spaces on the campus use large element concrete slabs and these should be used for the very prominent hard surface here.*

Details of elements such as handrails to steps, bollards, fixed seating, cycle racks and litter bins will need to be agreed by condition.

5.55 As shown in the submitted documents and verified views, the proposed development would cause no harm to the setting of the listed buildings and there would be negligible impact on the setting of the conservation area or the setting of the registered park and garden.

**5.56 Sustainability: Comment:**

A BREEAM progress report has been submitted as Appendix 8 to the Environmental Statement Addendum. This indicates that the scheme has targeted an 'excellent' BREEAM score. 'Excellent' standard require a score of 70%. Currently the scheme is targeting 71.79% and have a potential to achieve 75.83 %. This provides a safe margin and provides reassurance that the standard is achievable.

5.57 A Building Energy Statement has also been submitted. This shows that the fabric performance shown by thermal values and airtightness is designed to significantly improve on minimum standards expected through Building Regulations.

5.58 The east slope residences and student union building will be connected to the university's existing district heat network via plate heat exchangers. Heat is provided by gas based combined heat and power plant and is considered to be low carbon heat. Renewable energy will be provided via solar photovoltaic panels which will be installed on Building 1.

5.59 Other positive approaches that address policy CP8 include:

- Natural ventilation
  - Energy efficient lifts
  - Mechanical ventilation with heat recovery in Building 1
  - LED lighting
- A Site Drainage Strategy has also been submitted setting out the design objectives that all surface water to be infiltrated to ground with no discharge to watercourses or public sewers.

5.60 SUDs measures included in the strategy include green roofs specified for Block 4E and 5.

**5.61 Public Art: Comment:**

To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement.

5.62 This is arrived at after the internal gross area of the development (in this instance approximately 11546 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. It is suggested that the Artistic Component element for this application is to the value of £30,000.

**5.63 Economic Development: Support:**

City Regeneration supports this application as the additional student accommodation will lessen the pressure on the city's wider housing needs.

5.64 If approved, an Employment and Training Strategy will be required, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment (where appropriate) for the demolition and construction phases is required and full liaison with the Local Employment Scheme Co-ordinator is requested at an early stage to avoid any delays in site commencement.

5.65 Also, if approved, in accordance with the Developer Contributions Interim Technical Guidance, City Regeneration requests a contribution through a S106 agreement for the payment of £ 69,040 towards the council's Local Employment Scheme.

5.66 **Planning Policy: Comment:** The 249 student bedrooms referred to in this application are not in addition to those permitted through outline approval BH2013/04337. The numbers have been redistributed across the whole site and remain within the parameters, and no policy concerns are therefore raised with regard to the student accommodation element of this proposal.

5.67 The proposed retail provision will serve the specific local demand created by the university and alternative off-campus locations are therefore not considered to be appropriate. In this instance, a sequential test as required by national policy and Policy CP4 is considered an unnecessary exercise.

5.68 The proposed entertainment and assembly venue, and meeting space are considered to be community facilities. Policy HO19 of the Local Plan is therefore relevant. The proposal is considered to comply with the requirements of this policy and no concerns are raised.

5.69 **City Clean: No comment.**

## **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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
CP2	Sustainable economic development
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage
CP18	Healthy city
CP21	Student housing and Housing in Multiple Occupation

#### Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU3	Water resources and their quality
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic park and gardens
HE12	Scheduled ancient monuments and other important archaeological sites

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH15	Tall Buildings
	Guidance on Developer Contributions

#### Supplementary Planning Documents:

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the acceptability of the principle of the development and its impact on the outline approval (BH2013/04337), along with design and heritage impact, sustainability amenity and sustainable transport.

### **Principle:**

- 8.2 The current application falls within the area defined as East Slope/Phase 1 of a three phased development with outline approval for access, use and scale secured under planning application BH2013/04337 (allowed at appeal). East Slope/Phase 1 gained approval for student accommodation with a total of 2,000 study bedrooms to be constructed (a net gain of 1,408) along with social and ancillary spaces. Matters relating to layout, landscaping and appearance were reserved and are being considered under a concurrent application BH2016/01004.
- 8.3 When the original outline masterplan was conceived there were no plans to relocate the student union within the masterplan area, in addition, the tallest (6 storey) building was proposed to be located within the West Slope/Phase 2 development area.
- 8.4 This application has been submitted as a stand-alone full planning application for technical reasons on the basis that it falls outside the scope of the approved outline scheme in relation to scale, specifically height as 6 storeys is taller than the approved scale parameter for this area of the site, and the use as the approved outline masterplan did not contain the student union and performance space element. Although this application would, if approved, result in a stand-alone permission, it is inextricably linked to the outline (BH2013/04337) and the two schemes will operate as a single development within Phase 1.
- 8.5 The 249 student bedspaces proposed as part of the scheme do not represent an increase over the total number approved under the outline application (4,022) the number of beds has simply been redistributed across Phases 1 and 3 - the residential phases of development and are therefore acceptable.
- 8.6 The relocation of the student union from elsewhere in the campus is acceptable in land use terms as it represents an ancillary use which would be expected on a campus such as Sussex University. The flexible retail floorspace as noted by Planning Policy will serve the specific local demand created by the University and alternative off-campus locations are therefore not considered appropriate. Further, a sequential test as required by national policy and City Plan Policy CP4 *Retail Provision* is also considered unnecessary in this instance and the principle of this element of the development is therefore considered acceptable.

### **Design and heritage:**

*Heritage impact:*

- 8.7 The principle of relocating the social hub/student union as proposed is supported by Heritage and will also lead to the student union being able to vacate the existing grade I listed Falmer House building which is located outside the masterplan area to the southern end of the main campus. The current use is noted as having a harmful impact on the listed building through the intensity of use and through the provision of unsympathetic signage.
- 8.8 The verified views submitted with the application demonstrate that the proposed development would cause no harm to the setting of the listed buildings and there would be negligible impact on the setting of the conservation area or the setting of the registered park and garden at Stanmer.

*Tall building:*

- 8.9. The proposed building is 6 storeys in height and as such represents a tall building as defined by SPGBH15 – Tall Buildings and a Tall Buildings Statement has been submitted in support of the proposal. As noted by Heritage the building is actually only marginally taller than the existing adjacent building Bramber House which is located on the other side of Refectory Road – the main north south spine road on campus. The siting is also on the valley bottom and as such the building will create a new local landmark building in a suitably prominent location to act as a way finder without appearing unduly obtrusive or intruding on any key views across the campus. In longer views the building will relate well in scale and building line to Bramber House and the recent Swanborough Blocks.
- 8.10 As previously noted, the masterplan approved under the outline application (BH2013/04337) included a tall building (6 storeys plus basement) at the north end of Refectory Road within the 3<sup>rd</sup> Phase/West Slope and was intended to operate as a landmark and social hub for the campus, close to the approved hub building two other buildings were approved at 6 storeys. As noted by Heritage, it would be inappropriate to have several buildings on campus at 6 storeys competing for precedence at this end of the campus and as such it is recommended that a clause is imposed on this permission to ensure that no building within Phase 3/West Slope exceeds 5 storeys in height.

*Design and landscaping:*

- 8.11 The overall design and appearance of the building is considered to compliment and strengthen the Spence design approach in a contemporary and stripped down form. The use of red Sussex brick and characteristic concrete-effect banding is also welcomed by Heritage.
- 8.12 The public spaces and routes echo the Spence principles which are embodied within the historic core of the campus with the use of segmental arched vaults beneath the new access road for example representing a strong connection to the original Spence design concept.
- 8.13 The applicant has built a mock-up part of the proposed façade on site including a full size window, brick slips, concrete base, render and concrete-effect band with Spence inspired textured detailing. The Heritage officer has considered the detail

and is content with the brick slip and mortar detail along with the texture/pattern of the render/concrete-effect render and the window and aluminium colour however the final colour for the render, concrete and concrete-effect render are sought by condition, along with the hard landscaping details, to ensure the appropriate finish is achieved.

- 8.14 Through colour render is proposed on each of the buildings and with the aim of reducing the likelihood of streaking discoloration from rain water, the buildings have been design to include aluminium 'U' shaped metal gullies which will throw the water away from the elevation rather than allow it to run directly down the face of the building. The same gullies are proposed within the areas of brickwork on the buildings and this method is fully supported to help ensure the buildings maintain their appearance.
- 8.15 The proposed hard landscaping uses a suitably restrained palette of materials, including large elements of concrete paving slabs as were used by Spence in the more formal pedestrian routes of the original campus. However, there is concern over the proposed use of tarmac for the main public space on Refectory Road, which would not be sufficiently distinguished from the road surface. As such, amended details to secure concrete pavers are recommended to be secured by condition along with additional hard landscaping details - handrails to steps, bollards, fixed seating, cycle racks and litter bins.
- 8.16 The Arboricultural Section have considered the detail of the landscaping scheme and have sought an updated planting schedule to address concerns regarding species selection for replacement trees to ensure more native species are integrated into the landscape design.

**Impact on Amenity:**

- 8.17 The application site is centrally located within the campus and neighbouring uses are therefore located a considerable distance from the site and are therefore unlikely to be adversely affected by matters such as noise disturbance from the use.
- 8.18 The site will be surrounded by student accommodation, including on the upper floors of the building and as such the scheme has been carefully designed to ensure that stringent mitigation measures are integral to the construction of the development to ensure the uses can all function whilst still achieving restful internal conditions for the residential accommodation. This includes technical design to improve the soundproofing of the building facades and constructing the nightclub in a box within a box to prevent the onward transmission of noise. As noted by the Environmental Health Team, the self-contained nature of the campus with no immediate neighbours the University are strongly incentivised to ensure the building is built to an appropriate standard to protect amenity and create a suitable residential environment for their students.
- 8.19 In addition and with reference to the above, two large areas of external amenity space are proposed which include extensive areas of seating and will be used in connection with the residential accommodation as well as the union. It is not



considered necessary to condition hours of use for these areas given the inherent desire from the University to maintain suitable levels of amenity for the students and the fact that no neighbouring residents off campus are likely to be affected. These issues are considered to fall within the remit of the overall management of the campus rather than needing to be controlled via planning condition.

**Ecology:**

- 8.20 The application site which forms only a small portion of the overall East Slope development area has relatively low ecological value as it is largely formed of hardstanding with small portions of three buildings and some ornamental trees.
- 8.21 Badger activity has been identified across the majority of the masterplan area, although no Setts have been identified within the development area. Given the level of activity previously identified it is considered appropriate to condition to secure measures to protect badgers from being trapped in open excavations and/or pipe and culverts.
- 8.22 In addition, the East Slope Bar (to be demolished to facilitate this development) was identified as having high bat roosting potential during the course of the outline application however no roosts were identified when last surveyed (2013). Given the length of time that has elapsed since the previous survey and the high potential for roosting it is considered necessary to condition that further surveys are undertaken prior to demolition to ensure no new roosts are found. With the above conditions imposed, the specific ecology issues relating to the application site are considered to be adequately addressed.

**Environmental Impact:**

- 8.23 The development does not as a stand-alone application constitute EIA development having consideration of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 as it falls below the threshold of both schedule 1 and 2 development. This application, as previously mentioned is however inextricably linked to the overall outline scheme (BH2013/04337) and Phase 1/East Slope in particular. As such, addendums to the original Environmental Statement (ES) have been submitted in support of the application and the application has been advertised as EIA development accordingly.
- 8.24 The addendums to the ES are considered to sufficiently cover the aspects which differ from the outline application (in relation to height and use in particular) and as such the overall environmental impacts of the development have been fully considered and addressed accordingly.

**Sustainable Transport:**

- 8.25 Overall the Sustainable Transport Team are satisfied with the submission subject to the inclusion of conditions to secure details of cycle parking, disabled parking and improvements to sustainable transport infrastructure along with securing an updated Travel Plan and Construction Environmental Management Plan.

- 8.26 The student union use did not form part of the original masterplan and is likely to host events which will be open to the wider community/off-campus to attend; this therefore represents an uplift in trips when compared to the outline approval. In light of this the Highway Authority would look for an appropriate level of contribution to ensure that the necessary infrastructure (eg bus stops, real time passenger information) is in place to ensure sustainable travel is an attractive and realistic option to and from the site. As such a similar condition to condition 24 on the original outline permission (BH2013/04337) is recommended to secure details of pedestrian, cycle and public transport improvements and for these to be implemented prior to first occupation in order to ensure that the appropriate infrastructure is in place to accommodate the demand generated.
- 8.27 It is noted that pedestrian access to the union building would be somewhat disrupted by the proposed seating and tables adjacent to the entrance, in addition the location of the cycle parking is queried and further consideration is recommended to ensure they are in the most appropriate location to ensure the best uptake. Further, the proposed disabled parking layout does not meet the Council's recommended standards which require access on both sides of the space. As such, amendments to the entrance area, cycle parking details and amended disabled parking layout are also recommended to be secured by condition in order to address these issues.

**Sustainability:**

- 8.28 The proposal has addressed the requirements of sustainability policy CP8 well and there is a clear commitment to achieve BREEAM 'excellent' with preparatory work having been undertaken to ensure this standard is achievable and the detail submitted demonstrates that there is a good margin for this to be achieved.
- 8.29 The University currently operates a district heating network which will be extended to the new development. Renewable energy will be provided via solar photovoltaic panels. Other measure integrated into the scheme include: natural ventilation, energy efficient lifts, mechanical ventilation with heat recovery, LED lighting, fabric performance above minimum national standards, green roofs and solar control glazing. The development has been design to achieve a high standard of accommodation and with the imposition of conditions to secure BREEAM 'excellent', connection to district heating and securing photovoltaic panels will adequately address the requirements of policy CP8.

**9 CONCLUSION**

- 9.1 The proposed development is of a high standard of design and will integrate well with the overall masterplan and the original Sir Basil Spence design concept without causing harm to the setting of adjacent listed buildings, the Stanmer Park Conservation Area or the South Downs National Park. The development will achieve a BREEAM 'Excellent' rating, will adequately protect amenity and with the imposition of suggested conditions will not have an unacceptable impact on the highway network.

**10 EQUALITIES**

10.1 The topography of the site is very challenging however step free access has been integrated into the scheme to provide safe access across the site for those with mobility issues.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

S106 Heads of Terms

- Public Art - £30,000
- Minimum 20% local employment
- Local Employment Scheme - £69,040
- Construction Environmental Management Plan
- Travel Plan

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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Site Plan – Proposed Red Line	A10656-TPB-B1-XX-DR-A-1060	P01	18 March 2016
Zone 01 - Buildings B1 - Level 00 Plan - North	ESR-TPB-01-00-DR-A-1040	P03	18 March 2016
Zone 01 - Buildings B1 - Level 00 Plan - South	ESR-TPB-01-00-DR-A-1041	P03	18 March 2016
Zone 01 - Buildings B1 - Level 01 Plan	ESR-TPB-01-01-DR-A-1040	P03	18 March 2016
Zone 01 - Buildings B1 - Level 02 Plan	ESR-TPB-01-02-DR-A-1040	P03	18 March 2016
Zone 01 - Buildings B1 - Level 03 Plan	ESR-TPB-01-03-DR-A-1040	P03	18 March 2016
Zone 01 - Buildings B1 - Level 04 Plan	ESR-TPB-01-04-DR-A-1040	P03	18 March 2016

PLANNING COMMITTEE LIST- 03 August 2016

Zone 01 - Buildings B1 - Level 05 Plan	ESR-TPB-01-05-DR-A-1040	P03	18 March 2016
Zone 01 - Buildings B1 - Roof Plan	ESR-TPB-01-06-DR-A-1040	P03	18 March 2016
Zone 01 - Buildings B1 - Sections & Elevations	ESR-TPB-01-XX-DR-A-2040	P03	18 March 2016
Zone 01 - Buildings B1 - East & West Elevations	ESR-TPB-01-XX-DR-A-3040	P03	18 March 2016
Zone 01 - Buildings B1 - North & South Elevations	ESR-TPB-01-XX-DR-A-3041	P03	18 March 2016
Zone 01 - Buildings B1 - Elevations	ESR-TPB-01-XX-DR-A-3042	P03	18 March 2016
Hard Landscape General Arrangement Plan	D2190 L-P-210	01	18 March 2016
Planting Schedule	D2190 L-P-310	03	14 July 2016
Soft Landscape General Arrangement Plan	D2190 L-P-311	01	18 March 2016

- 3) Prior to any demolition commencing on site, further ecological surveys shall be undertaken to establish if there have been any changes in the presence and/or abundance of bats. Where the survey results indicate that changes have occurred that will result in impacts not previously addressed in the approved scheme BH2013/04337, the original approved ecological measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the proposed new approved ecological measures and timetable.

**Reason:** The matter is fundamental to the acceptable delivery of the permission to safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

- 4) No development shall commence until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** The matter is fundamental to the acceptable delivery of the permission to ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

- 5) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.  
**Reason:** The matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.
- 6) No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive without the prior submission of a report to the local planning authority which sets out the results of a survey to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. The report must first be agreed in writing by the local planning authority and development shall be carried out in accordance with the approved details.  
**Reason:** To safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.
- 7) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.  
**Reason:** To ensure that any contamination identified during the construction works is fully characterised and assessed and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 8) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
**Reason** Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with policy SU3 of the Brighton & Hove Local Plan.
- 9) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the render and concrete used in the external surfaces of the development, including the colour, have been

PLANNING COMMITTEE LIST- 03 August 2016

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 CP12 of the Brighton & Hove City Plan Part One.

10) No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts have been submitted to, and approved in writing by, the local planning authority. The measures may include the creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of the working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. The scheme shall be implemented in accordance with the approved details. **Reason:** To safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

11) Notwithstanding the approved plans, 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 policy TR18 of the Brighton & Hove Local Plan and SPG4 guidance.

12) No work shall take place above ground floor slab level of any part of the development hereby approved until further details of additions and improvements on campus to pedestrian and cycle routes, bus stops, along with details of cycle parking for the students, staff and visitors to the development hereby approved have been submitted to, and approved in writing by, the local planning authority. These facilities shall be implemented and made available for use prior to the first occupation of the development permitted and shall thereafter be retained for that use at all times.

**Reason:** To ensure the development provides for sustainable travel to and from the site and to comply with policy TR14 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part 1.

13) (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.

14) 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.

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 condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

**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

15) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

PLANNING COMMITTEE LIST- 03 August 2016

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

- 16) The photovoltaic panels hereby approved shall be fully installed and operational prior to first occupation of the development and maintained as such thereafter.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 17) Prior to first occupation, the development hereby approved shall be connected to University of Sussex's district heating system.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 18) Notwithstanding the requirements of condition 19, unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be carried out in accordance with the following approved schedule: brickwork – Celina Klinker, Cleaves, German – Sussex Red, mortar – Grout Mortar A – Buff, fenestration including windows and louvres: RAL 7015 (grey).  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
- 19) No development above ground floor slab level of any part of the development hereby permitted shall take place until a sample of the green rainscreen cladding material to the stair/lift tower, render and concrete used in the external surfaces of the development, including colour, along with details of the following hard landscaping features; hard surfacing/paved areas, handrails to steps, bollards, fixed seating and litter bins have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
- 20) Prior to first occupation of the development hereby approved, the landscaping scheme detailed on drawing nos. D2190 L-P-210 and D2190 L-P-311 received on 18 March 2016 shall be updated in accordance with the planting schedule received 14 July 2016 and submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall then be fully carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced 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 QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 21) Notwithstanding the approved hard landscaping drawing D2190 L-P-210 received 18 March 2016, prior to first occupation details of the area of hardstanding and associated seating/tables adjacent to the main entrance to the building shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall then be carried out in accordance with the approved scheme and maintained as such thereafter.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to improve pedestrian access in accordance with policies QD15 of the Brighton & Hove Local Plan and policies CP9 and CP12 of the Brighton & Hove City Plan Part One.

- 22) The hard landscaping scheme hereby approved shall be implemented in accordance with the approved details prior to first occupation 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 policy CP12 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 is of a high standard of design and will integrate well with the overall masterplan and the original Sir Basil Spence design concept without causing harm to the setting of adjacent listed buildings, the Stanmer Park Conservation Area or the South Downs National Park. The development will achieve a BREEAM 'Excellent' rating, will adequately protect amenity and with the imposition of suggested conditions will not have an unacceptable impact on the highway network.
3. The applicant is advised to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service

the development and should contact: Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

4. The applicant is advised that a wastewater grease trap should be provided in the kitchen and maintained by the owner/operator.
5. The applicant is advised in relation to condition 5 (surface water drainage) above that the applicant needs to demonstrate, in accordance with the non-statutory technical standards for the design, maintenance and operation of sustainable drainage systems, that the proposed drainage system,
  - will be able to cope with both winter and summer storms for a full range of events and storm durations;
  - is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event; and
  - poses no risk to people or property for all events greater than the 1 in 30 year up to the 1 in 100 year plus climate change.

In addition, the applicant will need to confirm which soakaways will remain and which will become redundant.

6. 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 1<sup>st</sup> March – 30<sup>th</sup> 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.
7. The applicant is advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
8. The applicant is advised that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The applicant should, where required confirm the position using hand dug trial holes to Southern Gas Networks. Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.
9. The applicant is advised in relation to condition 19 that the use of large concrete slabs similar to those utilised in the existing public spaces on the campus should replace the use of tarmac. In addition, the seating/tables location should be reconsidered to aid free pedestrian flow.

PLANNING COMMITTEE LIST- 03 August 2016



# **ITEM B**

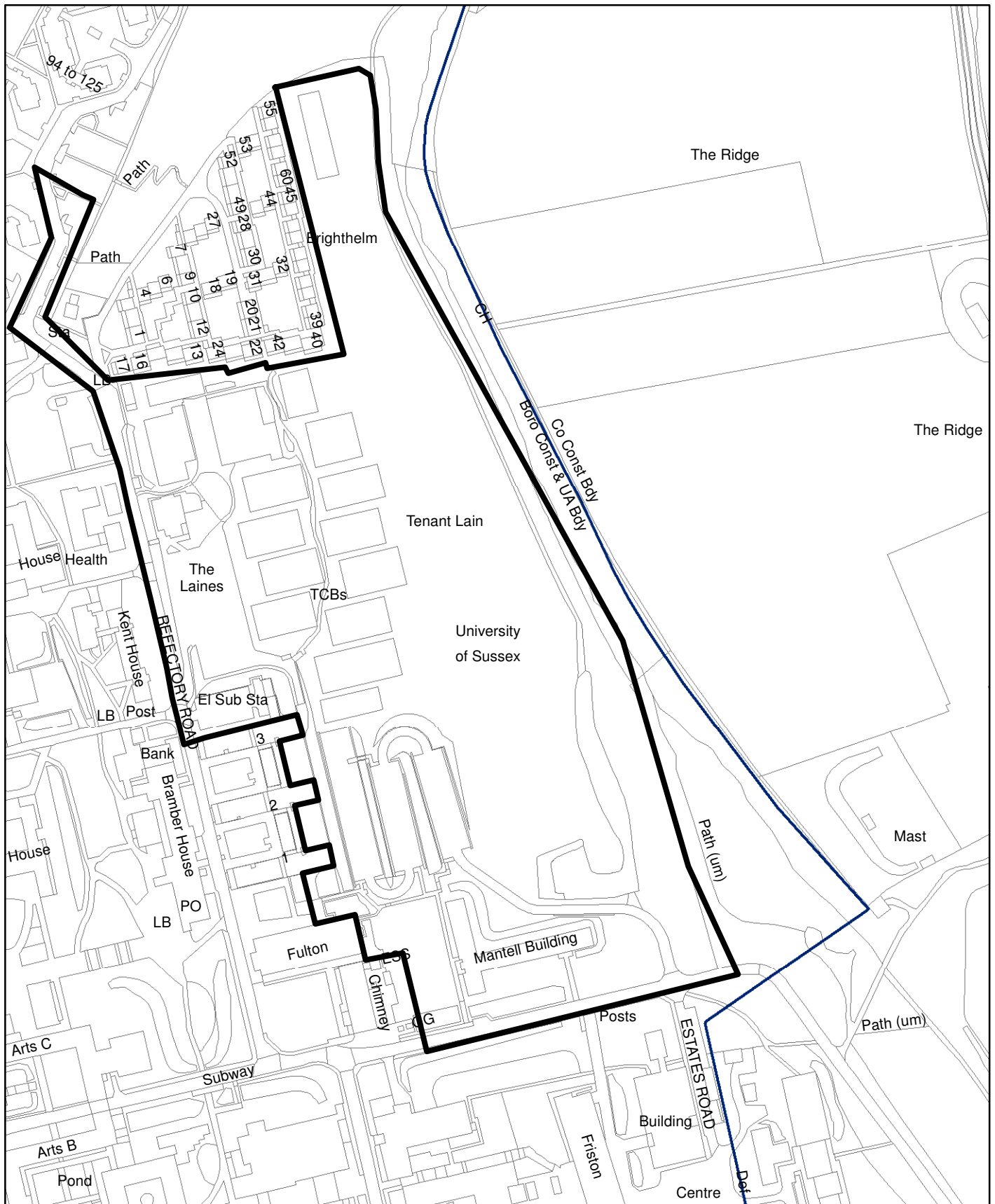
**East Slope Refectory Road, University of  
Sussex, Brighton**

**BH2016/01004  
Reserved Matters**

**03 AUGUST 2016**



# BH2016/01004 East Slope Refectory Road, University of Sussex, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:2,850**





<b><u>No:</u></b>	<b>BH2016/01004</b>	<b><u>Ward:</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>App Type:</u></b>	<b>Reserved Matters</b>		
<b><u>Address:</u></b>	<b>East Slope Refectory Road University of Sussex Brighton</b>		
<b><u>Proposal:</u></b>	<b>Reserved matters application for approval of appearance, landscaping and layout in relation to 'Phase 1 - East Slope' development which includes 1,868 student bedrooms and ancillary accommodation, pursuant to outline approval BH2013/04337 (Demolition of existing buildings and construction of new buildings providing new academic facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works).</b>		
<b><u>Officer:</u></b>	<b>Kate Brocklebank Tel 292454</b>	<b><u>Valid Date:</u></b>	<b>08/04/2016</b>
<b><u>Con Area:</u></b>	<b>Adj Stanmer Park</b>	<b><u>PPA:</u></b>	<b>9 September 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>Within the Setting of Grade II* and Grade I listed buildings</b>		
<b><u>Agent:</u></b>	<b>TP Bennett, 1 America Street London SE1 0NE</b>		
<b><u>Applicant:</u></b>	<b>University of Sussex &amp; Balfour Beatty Student Accommodation, Mr Jerome Kearns c/o Balfour Beatty Investments 6th Floor 350 Euston Road Regent's Place London NW1 3AX</b>		

**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 relates to the University of Sussex campus which occupies around 100 hectares of parkland at Falmer, at the foot of the South Downs National Park. The campus sits within a valley with the A27 to its south. The South Downs National Park climbs to the north and east of the campus. To the west lies Stanmer Park, which is a Grade II registered historic park and garden.

- 2.2 The University was designed by Sir Basil Spence in the 1960s and was the first of seven new post war universities in the country. Sir Basil Spence prepared the masterplan in 1959 and the first buildings were ready for occupation in 1962. Ten of the University's original buildings have been listed, all of which are based around Fulton Court (nine at grade II\* and Falmer House at grade I). These determine the general character, architectural tone and presence of the campus. Similarly, the landscape, designed by Spence in consultation with Dame Sylvia Crowe, plays an equally important role to the buildings in setting the tone and character of the campus. The listed buildings, essentially the core of the campus, have a very high degree of architectural significance in their careful contextual design and materials and historic significance in relation to the campus as a model of educational organisation.
- 2.3 The application relates to the first of three phases of development on the campus approved under the outline masterplan and is known as East Slope. East Slope/Phase 1 is located centrally within the campus on the eastern side of the valley. The site is currently occupied by low level student accommodation and the East Slope Bar.
- 2.4 The University's boundary lies predominantly within the local planning area of Brighton & Hove City Council although a small area in the south eastern corner of the site (part of Phase 2/Academic Area) falls within Lewes District Council.

### 3 RELEVANT HISTORY

**BH2013/04337** Outline application with some matters reserved for demolition of existing buildings and construction of new buildings providing new academic facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works. Matters for approval include layout, access and scale. Matters reserved are appearance and landscaping. (*Layout subsequently reserved at appeal*) Appeal allowed 30 July 2015.

**BH2012/00485** Construction of one 4 storey and one 3 storey halls of residence blocks to provide additional 148 bedrooms of accommodation. Approved 15/08/2012

**BH2011/00358:** Development of three halls of residence blocks to provide an additional 180 bedrooms of accommodation. Approved 14 June 2011.

**BH2009/02210:** Reserved Matters application pursuant to outline approval BH2008/01992 for construction of halls of residence comprising 798 student bedrooms arranged in 14 blocks, reception building, bicycle storage, visitor and disabled car parking. Reserved Matters to be determined include appearance and landscaping. Approved 15 December 2009.

**BH2009/02205:** Construction of single storey water tank and storage building and single storey reception/facilities building to serve the halls of residences approved under application BH2008/01992. Approved 19 November 2009.

**BH2008/01992:** Construction of halls of residence comprising 798 student bedrooms arranged in 14 blocks, reception building, bicycle storage, visitor and disabled car parking. Approved 7 September 2009.

Concurrent application:

**BH2016/01001** Demolition of existing buildings and redevelopment to 'East Slope' to create a mixed use six storey building comprising entertainment and assembly venue, bar, meeting space, ancillary office space, flexible retail floorspace (A1, A3, A4) and 249 student bedrooms with associated landscaping and bicycle storage. *Under consideration.*

Pre-Application Consultation:

The applicant has been actively engaged in pre-application consultation with the Local Planning Authority prior to submitting the application.

#### **4 THE APPLICATION**

4.1 Planning permission is sought for reserved matters relating to Phase 1 of 3 phases (known as East Slope) of the approved outline scheme BH2013/04337.

Matters seeking approval are:

- Landscaping
- Layout
- Appearance

4.2 Background

The current application follows approval of outline planning permission (BH2013/04337) at appeal for:

- new academic facilities (D1) circa 59,571sqm,
- 4,022no new student accommodation bedrooms (C1), and;
- new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses,
- Matters approved were access, scale and use whilst matters reserved were appearance and landscaping with layout being added at appeal.

4.3 The principle of development, and the associated access, use and scale, has already been established through approval of this application (BH2013/04337) and these matters do not therefore form part of the considerations of the current application.

4.4 Concurrent application:

A concurrent application (BH2016/01001) within the site area of the East Slope/Phase 1 for a multi- use six storey building comprising the student union/entertainment and assembly venue, bar, meeting space, ancillary office space along with flexible retail floorspace (A1, A3, A4) and 249 student bedrooms.

- 4.5 Although the developments would be inextricably linked once complete, the application (BH2016/01001) is a stand along full planning application because it falls outside the approved parameters of the outline permission in relation to use, for the student union element and in relation to the height, which exceeds the scale approved for the masterplan area.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

#### **Neighbours:**

**One (1)** letter of representation has been received from **26 Beatty Avenue (Chair of Coldean Residents Association)** supporting the application for the following reasons:

- The University provide wonderful support for the Coldean Community.
- This area has and is suffering from the increased number of HMO's and student lets, and is increasingly changing the dynamic and fabric of our community, with anti-social behaviour and untidy properties.
- Providing accommodation on campus rather than within the community is fully supported.
- The scheme will benefit our community and potentially the heavily used Lewes Road Corridor.

- 5.2 **Simon Kirby MP** (2 x letters) wrote in support of the application for the following reasons:

- The University plays a very important role in the local economy and its expansion should be supported to ensure it remains competitive with other leading universities.
- The design complements the original Sir Basil Spence vision.
- Student accommodation being built on campus will reduce pressure on family housing in the City.

- 5.3 **Lewes District Council:** No response received.

- 5.4 **East Sussex Highway Authority:** No comment.

- 5.5 **South Downs Society:** No comment:

- 5.6 **Highways England:** No objection.

- 5.7 **UK Power Networks:** No objection.

- 5.8 **County Ecologist:** Comment.

The Planning Compliance and Design Statement, March 2016 (p. 39) implies that the lowest three storey buildings at the foot of the slope offer some potential for biodiverse roofs but have been rejected because they are the most suitable location for photo voltaic arrays. Solar/photo voltaic A-Frame panels at roof level are known to work more efficiently when installed on a green roof rather than on a conventional surface. There is therefore no reason why both cannot be provided.

## PLANNING COMMITTEE LIST- 03 AUGUST 2016

The objectives of the Landscape Maintenance and Management Plan D2190-SP001-REV 01, March 2016, are supported.

- 5.9 The proposed species list and seed mixes are predominantly native and of known wildlife value and are therefore acceptable. It is recommended that the UK Native Seed Hub is contacted for advice about sourcing seeds of local provenance.
- 5.10 The use of herbicides within areas of chalk grassland should be avoided if possible.
- 5.11 In summary, the proposed soft landscaping plans are in line with the agreed ecological mitigation for the development and are therefore acceptable. It is recommended that consideration is given to combining green roofs with the provision of photo voltaic panels on the lowest buildings.
- 5.12 **Southern Water:** Comment: There is insufficient capacity within the existing foul sewerage system to accommodate the proposed development foul flows.
- 5.13 Hard landscaping which may be subject to oil/petrol spillages should be drained via oil trap gullies or petrol/oil interceptors.
- 5.14 The use of green roofs, tree pits and proprietary treatment systems are supported.
- 5.15 Details of the construction works will need to be agreed by Southern Water to ensure protection of water supply and sources.
- 5.16 **Natural England:** Comment: The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
- 5.17 **Sussex Police:** Comment: Sussex Police are pleased to see crime provision measures to be incorporated in the development. A Secured by Design (SBD) application has been accepted by this office and advice issued. The SBD application covers security measures such as access control, physical security of the blocks, lighting and secure cycle stores. No concern is raised regarding the proposal.
- 5.18 **Environment Agency:** Comment:  
The detail submitted sufficiently addresses the requirements of conditions 12 and 22 placed on the outline approval.
- 5.19 The report has carefully considered the potential pollution arising from the proposed surface water drainage for the development. A qualitative assessment has been produced using Ciria's C753 SUDs Manual to address the potential pollution risks on the receiving groundwater environment. As the site lies in a Source Protection Zone 1, appropriate pollution prevention measures are required.

- 5.20 The report has provided a thorough analysis of each phase and surface water system required and recommended propriety pollution prevention devices in the form of treatments trains. The proposed treatment trains are acceptable as they provide sufficient pollution risk control for this very sensitive site setting.
- 5.21 The report has stated that redundant soakaways will be decommissioned. An appropriate decommissioning method is required so that no unauthorised drainage or spills can drain through them.
- 5.22 We have reviewed the drainage maintenance Plan and whilst we support the details, the inspection timeframes of every 4 months for the linear drainage and gully system is deemed to be quite long. There is the potential for build-up of sediment, debris and oil over a 4 month period that could allow flushing of these contaminants in to soakaways. We would expect a shorter timescale and shorter seasonal inspections when sediment and debris is prevalent.
- 5.23 **Southern Gas Networks: Comment:**  
On the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The applicant should, where required confirm the position using hand dug trial holes.
- 5.24 Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.
- 5.7 **South Downs National Park Authority (SDNP): Comment:**  
There is not an objection in principle to either of the proposed developments however concern is raised regarding the details, particularly concerning landscape design not going far enough to ensure that the natural beauty and cultural heritage of the National Park is conserved and enhanced. As the campus is bisected by the Park boundary, we consider this is an important consideration, despite the development being outside of the Park itself. This is further heightened by the western slope of the campus being part of Stanmer Registered Historic Parkland (Grade II).
- 5.8 In order to overcome this concern, the SDNPA strongly advise that the landscape design should demonstrably create a tree'd/parkland structure of forest sized trees (not street tree lollipops) which is consistent with that of the original layout of the University campus. Whilst there are trees shown in the proposals these do not appear to have the equivalent canopy space and size as the original campus layout. It is considered that forest sized tree planting is an important aspect of any new development on the campus and should be secured as part of the schemes to ensure that the new development appears seamless with the existing campus when viewed from the SDNP at close and distant views. Further supporting information is sought to demonstrate how the development will seamlessly blend with the original campus and the principles of Dame Sylvia Crowe’s landscape design.

**Internal:**

5.9 **Heritage:** Comment:

*Layout:*

The proposed layout has been subject to constructive discussion at pre-application stage and is considered to be a notable improvement over the indicative layout shown in the outline application. This application proposes fewer residential blocks which, with a reduction in the size of the study bedrooms, has allowed for greater spacing between blocks and therefore a more spacious feel to the layout and a better relationship with the downland setting. The creation of a broad landscaped area either side of the new access road where it runs west to east, with a substantial belt of trees at the top of it, is particularly welcome in replicating the original landscape character of the site, which Sir Basil Spence worked around when designing the original campus. This tree belt would echo the existing tree east-west belts that exist to the north and south of it, so respecting the historic landscape. This broad gap would also enable a focused view from the valley floor up to the ancient woodland on the east ridge and so maintain the visual connection between campus and countryside.

5.10 The decrease in the number of blocks is partly offset by the increase in the footprint of some of the blocks, resulting in blocks 3A to 3E having notably lengthy footprints. Blocks 3C and 3D would be 6 storeys high and combined with the long footprints this would mean that they are more characteristic of the academic buildings on the original campus than the later development on the valley sides to the north. They have, however, been offset in plan to minimise the terracing effect. In general the varying height of the buildings and the inter-relationship of the blocks respects the valley slope, as shown in the site sections and as can be seen in View 1 of the Landscape and Visual Impact Assessment, taken from close to the publicly accessible ridge on the west slope. This viewpoint also shows how the primacy of the tree line of the ancient woodland is not breached. View 2 shows how the tree canopy would over-top the buildings to a sufficient degree.

5.11 The layout includes for clearly legible and pedestrian-priority north-south routes that again reflect the original pattern of development and movement, whilst deferring to the original north south route on Refectory Road.

5.12 *Appearance:*

The proposals have retained and further developed the outline application approach of reflecting the original Spence design approach in terms of flat roofs, elevation proportions and materials, but in a contemporary and stripped down form, and the extensive use of red Sussex brick and characteristic concrete-effect banding are very welcome. There would though be a subtle degree of variation across the site, in order to avoid monotony and assist with legibility, but also to reflect the gradual change in character of the site as development moves both northwards and eastwards away from the original Spence campus. So building 4A in the south-west corner of the site, which acts as the 'gateway' building to the development, is the most Spence-like building, including shallow segmental arches in the 'concrete' band at ground floor level. The townhouse blocks, 5A-5J,

on the eastern edge are by contrast the most contemporary in design, with large areas of render and green roofs. In addition the outward facing elevations are generally more Spence-like than the 'inward-facing' and courtyard elevations, so that public views respect the wider setting whilst contrasting render on 'inward-facing' elevations helps with legibility.

5.13 Overall it is considered that the appearance of the blocks would help to reinforce the local distinctiveness of the original campus and to create a much more coherent and legible built environment to the enlarged campus.

5.14 Samples of materials will need to be approved by condition, unless submitted as part of the application, and will need to include the proposed colours for the areas of render. The colours will need to be significantly distinctive to aid legibility without being intrusive in longer views.

5.15 *Landscaping:*

The proposed landscaping strategy is welcomed and would help to reinforce the link between the campus development and downland setting that was such a key element of the original campus development. The creation of new calcareous grassland habitat across the site, particularly in the 'chalk lowland' character area, and the planting of the woodland character area are especially important in maintaining the informal landscape character of the site, whilst the more ornamental approach to the courtyards is acceptable in these inward-facing and heavily peopled areas. The application proposes substantial new tree planting overall, with a range of species, and this would overcome concerns over loss of existing trees (which post-date the campus development). As they mature over time they will play a crucial role in screening the buildings in longer views and helping to maintain the downland setting.

5.16 The proposed hard landscaping uses a suitably restrained palette of materials, including large element concrete paving slabs as were used by Spence in the more formal pedestrian routes of the original campus. Details of elements such as handrails to steps, bollards, fixed setting and litter bins will need to be agreed by condition.

5.17 *Impact on the setting of the listed buildings:*

The positive relationship of the new development to the original campus has been generally covered above and the submitted views in the Landscape and Visual Impact Assessment raise no concerns. In the potentially sensitive viewpoint from the top of the Library steps (View 4) the impact would be minor and would not harm the setting of the grade II\* listed Arts A building. There would be some harm to the setting of the Boiler House in View 5, the brick chimney of which is currently a campus landmark. The Boiler House is an original Spence building and has some significance as a heritage asset in the way in which it forms part of the historic and architectural setting of the listed buildings. It is currently viewed from the west against a backdrop of the tree belt. However, it is not a listed building in itself and therefore only limited weight can be given to this harm – para 135 NPPF.

5.18 **Sustainable Transport:** Comment:



The Highway Authority has no objections in principle to the approval of the reserved matters application but requires clarification on the following matter prior to determination: As a result of the down grading of Refectory Road and the replacement with the new spine road the applicant appears to be replacing the existing bus stop on Refectory Road with a north and south bound bus stop on the new spine road between building zones 11 and 04 on the submitted plans. There is an additional existing bus stop to the north of Refectory Road by the Cluster Flats building zone 02 on the Landscape Colour Masterplan, this bus stop does not appear to be retained.

5.19 Details have been submitted regarding conditions 23 (disabled parking) and 24 (improvements to pedestrian and cycle routes and bus stops) of planning permission BH2013/04337 however, the Highway Authority cannot currently recommend approval of these conditions based on the information provided.

**5.20 Sustainability: Comment:**

Proposals for the integration throughout the site of landscaping, green corridors, greenways and green and brown roofs are welcomed. This contributes to addressing policy CP8 2 (h) on heat island mitigation, and CP8 2 (j) biodiversity enhancement.

5.21 All townhouses in short terraces at the top of the East slope will have green roofs installed, the choice of Downland species mix is welcomed. In Section 7: Landscaping (Planning Compliance and Design Statement), the tree planting is proposed to be 'primarily native species'. It is not specified if this will include native fruiting varieties. Policy CP8 2 (p) encourages applicants to consider inclusion of food growing, so incorporation of local fruit tree varieties would address this aspect of policy. It is recommended that this be considered in further detailed design and incorporated into any conditions referring to landscaping proposals.

5.22 It is recommended that consideration be given to planting species from the National Collection of Sussex apples, which is based at Stanmer Park, the Home Farm Orchard and holds over 25 varieties. This could enable opportunities for engagement between students and with local community organisations leading on orchards and sustainability, and create synergies with Apple Day held annually in Stanmer Park.

5.23 It is notes that in submitted information, Green roofs are not proposed for the lowest three storey at the foot of the slope (p39), where PV panels are proposed. Use of photovoltaics panels are welcomed.

5.24 Planning Compliance and Design Statement, page 19, refers to infrastructure network connection for the cluster blocks which will include heat exchangers. This indicates intention to connect to the district heating scheme. It is recommended that connection of buildings to the district heating system be secured by condition in order to meet the DA3 Lewes Road policy in which local priority 8 states that the developer will be expected to explore a site-wide heat network and or connect new development where a heat network exists. To ensure compliance with this it is recommended that a condition be applied securing connection.

- 5.25 It is noted that as part of facilities management, there are plans for an Energy Fair Usage programme to encourage environmentally conscious behaviours in students. This is welcomed and complies with policy CP8 (n) whereby users are encouraged to reduce their ecological footprint.
- 5.26 **Sustainable Drainage: Comment:**  
The Lead Local Authority requires further information in relation to outline approved condition no. 22:
- 5.27 Section 3 & 4 of the University of the Sussex Falmer Campus, East Slope Residences Reserved Matters Application Site Drainage Strategy (March 2016) – Job No 245844-00 describes the proposed SuDS and Surface Water Drainage for the site.
- 5.28 In order for the LLFA to recommend approval, further information is required.
- 5.29 The applicant needs to demonstrate that the proposed drainage system:
- will be able to cope with both winter and summer storms for a full range of events and storm durations;
  - is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event; and
  - poses no risk to people or property for all events greater than the 1 in 30 year up to the 1 in 100 year plus climate change.
- 5.30 In addition, the applicant will need to confirm which soakaways will remain and which will become redundant.
- 5.31 **Arboricultural Services:**  
The loss of some 340 trees is to be regretted, however, the majority of trees and woodland areas surrounding the site are to be retained and should be unaffected.
- 5.32 Overall, the Arboricultural Section has no objection to the proposals in this application but would recommend that the tree planting element is drastically revised in terms of species selection as the current proposal is very poor and inappropriate.
- 5.33 There are no Tree Preservation Orders on this site as traditionally, the University of Sussex has treated the trees on their site with respect and historically the Arboricultural Section has not felt the need to impose restrictions on tree works to the site. The woodland edges of the University has high public amenity value (ie, highly visible from the public roads, footpaths and pavements) and this would make them worthy of Preservation Order. The trees in the centre of the site have perhaps less public amenity value due to the more limited access from public vantage points, although parts of this area have some highly prized mature Elm trees of stature and prominence in the landscape. Overall the Arboricultural team are still of the opinion that the imposition of a TPO remains inappropriate at this time and is satisfied with the use of planning conditions when redevelopment such as this occurs.

- 5.34 The Arboricultural report submitted with the application is comprehensive and the Arboricultural Section agrees with its findings and recommendations.
- 5.35 The loss of approximately 340 trees is regrettable, however, as many trees as is reasonably practical are being retained within the development along with the woodland areas bounding the site. Good provision of open green space between the blocks has been provided to facilitate the planting and development of replacement trees. The Arboricultural Section has no objection to the proposals in this scheme but are disappointed in the species selection for replacement trees. Whilst the landscape brief highlights the value in replanting with native species for sound ecological reasons this is not reflected in plant selection.
- 5.36 **Children and Young Peoples Trust:** No comment.
- 5.37 **Economic Development:** No comment.
- 5.38 **Policy:** No comment.

## **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 City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

## PLANNING COMMITTEE LIST- 03 AUGUST 2016

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
CP2	Sustainable economic development
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage
CP18	Healthy city

### Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU3	Water resources and their quality
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic park and gardens
HE12	Scheduled ancient monuments and other important archaeological sites

### Supplementary Planning Guidance:

SPGBH4	Parking Standards
	Guidance on Developer Contributions

### Supplementary Planning Documents:

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to layout, landscaping and appearance only; these matters were reserved in relation to the previously approved outline application (BH2013/04337 allowed at appeal). Impacts on the setting of nearby Listed buildings, the Stanmer Park Conservation Area and historic park and garden, the downland setting of the South Downs National Park along with amenity will also be considered in relation to the above matters.

- 8.2 The principle of development, and the associated access, use and scale, was established as part of outline planning permission BH2013/04337 and do not therefore form part of the consideration of this application.
- 8.3 The site is situated within identified development area of City Plan Part 1 policy DA3 - Lewes Road Area; the strategy for this area is to further develop and enhance the role of the Lewes Road as the City's academic corridor by supporting proposals which (among other matters), *'improve further and higher education in the Lewes Road area'*.
- 8.4 **Layout:**  
*Design/Heritage:*  
Outline planning application BH2013/04337 approved (allowed at appeal) details of access, use and scale with appearance, layout and landscaping reserved for further approval. (During the course of the appeal the main parties agreed that layout could also be included at 'unfixed'/reserved to allow more flexibility at this, the reserved matters stage.)
- 8.5 The scheme has been subject to constructive discussion at the pre-application stage and as acknowledged by the Heritage Team is a notable improvement over the indicative layout shown in the outline application. The reduction in the number of residential blocks has allowed for a greater spacing between the blocks and therefore a more spacious feel to the layout, better relationship with the downland setting. It has also facilitated more substantial tree planting between the groups of buildings which is particularly welcome as it replicates the original landscape character which Sir Basil Spence (in conjunction with Dame Sylvia Crowe) worked around when designing the original campus thus respecting the historic landscape.
- 8.6 In general the varying height of the buildings and their interrelationship respects the valley slope and the primacy of the tree line of the ancient woodland which is not breached. As demonstrated by the Landscape Visual Assessment the tree canopy would over-top the buildings to a sufficient degree across the whole of Phase 1 site.
- 8.7 In addition the clearly legible pedestrian priority north-south routes reflect that of the original pattern of development and movement whilst deferring to the original north south route on Refectory Road. It is noted that there will be a negative impact on the boiler house which is an undesignated heritage asset, this is regrettable however the impact is not considered to be so severe as to justify refusal of planning permission on this basis.
- 8.8 Overall and as supported by Heritage, the layout is considered to be a notable improvement when compared with the indicative layout considered at the outline stage and more closely reflects that of the original design and layout including in relation to facilitating the provision of additional tree planting – discussed in more detail below.

*Transport:*

- 8.9 Sustainable transport is content with the proposed layout arrangement however the Bus Company have raised concerns about the impact of the new road layout on the bus services. The new spine road which will run parallel to Refectory Road will accommodate bus services and other vehicle movement whilst Refectory Road will become pedestrianized. This will result in the loss of common bus stops from Park Village (student accommodation in the north end of the campus) within the campus with both 25 (slower service) and 25X (faster service with fewer stops) services and therefore providing less choice/convenience for the passengers. The matter has been given some consideration however no clear solution could be found at the time of writing this report. Although it is considered to be an important issue and it is disappointing a suitable alternative could not be found, the matter is not considered to warrant refusal of planning permission on these grounds. The University and the Bus Company have also stated commitment to continue to liaise on the matter with the aim of addressing the issue which is supported. In addition, condition 24 on the outline permission (BH2013/04337) requires the submission of details to improve sustainable transport measures on campus which includes bus travel which would help to mitigate the impact.

**Appearance:**

- 8.10 The overall design of the buildings is considered to reflect the original Spence design approach in a stripped down and contemporary way in terms of flat roofs, elevation proportions and materials and as noted by Heritage the extensive use of red Sussex brick and characteristic concrete-effect banding are very welcome.
- 8.12 A subtle degree of variation is proposed across the scheme with the most Spence characteristic building acting as a gateway at the most southerly point. In addition, the external elevations have a more distinctive Spence character whilst the inward facing courtyard elevations are less so, which helps with legibility within the development. Overall it is considered that the appearance of the blocks would help to reinforce the local distinctiveness of the original campus and to create a much more coherent and legible built environment to the enlarged campus.
- 8.13 The applicant has built a mock-up part of the proposed façade on site including a full size window, brick slips, concrete base, render and concrete-effect band with Spence inspired textured detailing. The Heritage officer has considered the detail and is content with the brick slip and mortar detail along with the texture/pattern of the render/concrete-effect render and the window and aluminium colour however the final colour for the render, concrete and concrete-effect render are sought by condition along with the hard landscaping details. To ensure the appropriate finish is achieved.
- 8.14 Through colour render is proposed on each of the buildings and with the aim of reducing the likelihood of streaking discoloration from rain water, the buildings have been design to include aluminium 'U' shaped metal gullies which will throw the water away from the elevation rather than allow it to run directly down the face of the building. The same gullies are proposed within the areas of brickwork on the buildings and this method is fully supported to help ensure the buildings maintain their appearance.

**Landscaping:**

- 8.15 The Arboricultural Section has no objection to the proposals in this scheme but is disappointed with the species selection for replacement trees as originally submitted which would have given a more suburban character to the planting. The landscape brief highlights the value in replanting with native species for sound ecological reasons this was not reflected in the original plant selection. As such an amended planting schedule has been submitted to address these concerns.
- 8.16 The loss of approximately 340 trees established under the outline permission is regrettable, however, as many trees as is reasonably practical are being retained within the development along with the woodland areas bounding the site. Good provision of open green space between the blocks has been provided to facilitate the planting and development of replacement trees.
- 8.17 The Sustainability Officer has suggested inclusion of some edible planting within the scheme. However the applicant has stated that given the original woodland design concept on campus, fruit bearing trees would not meet with the design objective of reinforcing the original landscape character of the campus. This is considered to be a reasonable position in this instance where the landscape design is a fundamental aspect of the overall campus design.
- 8.18 The Heritage Officer welcomes the proposed landscaping strategy which is considered to help reinforce the link between the campus development and downland setting that was such a key element of the original campus development.
- 8.19 In addition, the creation of new calcareous grassland habitat across the site, particularly in the 'chalk lowland' character area, and the planting of the woodland character area are especially important in maintaining the informal landscape character of the site, whilst the more ornamental approach to the courtyards is acceptable in these inward-facing and heavily peopled areas.
- 8.20 The application proposes substantial new tree planting overall, with a range of species, and this would overcome concerns over loss of existing trees (which post-date the campus development). As they mature over time they will play a crucial role in screening the buildings in longer views whilst helping to maintain the downland setting.
- 8.21 The proposed hard landscaping uses a suitably restrained palette of materials, including large element concrete paving slabs as were used by Spence in the more formal pedestrian routes of the original campus. Details of elements such as handrails to steps, bollards, fixed setting and litter bins will need to be agreed by condition.

**Impact on Amenity:**

- 8.22 There are considered to be no additional adverse impacts on amenity either within or surrounding the campus as a result of the details being considered in

relation to appearance, landscaping and layout. The impacts are therefore considered acceptable.

**Other Considerations:**

*Conditions:*

- 8.23 The applicant has submitted some detail required by conditions relating to outline permission BH2013/04337 namely nos. 22 (surface water drainage scheme), 23 (disabled parking), 24 (pedestrian/cycle routes and bus stops) which cannot be formally agreed under the Reserved Matters application. However, consideration of the detail has been given in order to assist a subsequent submission and in this regard the Environment Agency are content that the details submitted meet their requirements for condition 12 and 22.
- 8.24 Details have also been submitted which both relate to conditions 14 (materials), 15 (landscaping) and 16 (arboricultural method statement) however each of these elements relate to the Reserved Matters i.e. appearance and landscaping respectively. As such these details can be taken into consideration and regulatory conditions imposed where the details are acceptable to ensure the development is carried out in accordance with those details.

**9 CONCLUSION**

- 9.1 The principle of development, and the associated access, use and scale, was established as part of outline planning permission BH2013/04337. The appearance, layout and landscaping of the development, submitted as part of this reserved matters application are considered acceptable in relation to the overall development of Phase 1 of the masterplan and the wider campus and would not cause harm to setting of nearby Listed buildings, the Stanmer Park Conservation Area or the downland setting of the South Downs National Park; nor will it cause significant harm to amenity.

**10 EQUALITIES**

The topography of the site is very challenging however step free access has been integrated into the scheme to provide safe access across the site for those with mobility issues.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

Regulatory Conditions:

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

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

*Approved drawings list appended to report.*

- 2) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green/brown roofs have been submitted to and approved in writing by the Local



Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.

- 3) Prior to first occupation, the development hereby approved shall be connected to the University of Sussex's district heating system.

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

- 4) No development above ground floor slab level of any part of the development hereby permitted shall take place until a sample of the green rainscreen cladding material to the stair/lift tower, render and concrete used in the external surfaces of the development, including colour, along with details of the following hard landscaping features; hard surfacing/paved areas, handrails to steps, bollards, fixed seating and litter bins have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 5) Notwithstanding the requirements of condition 4, unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be carried out in accordance with the following approved schedule: brickwork – Celina Klinker, Cleaves, German – Sussex Red, mortar – Grout Mortar A – Buff, fenestration including windows and louvres: RAL 7015 (grey).

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

- 6) No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed landscaping phasing plan for the East Slope/Phase 1 development has been submitted to and approved in writing. The landscaping scheme detailed on drawing no. L-P-301 – L-P-309 received on 18 March 2016 shall be carried out in accordance with the updated planting schedule received 14 July 2016 and in accordance with the approved landscape phasing plan. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced 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 QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 7) The development shall be carried out in accordance with the Tree Removal and Retention Plan and Tree Protection and Arboricultural Method Statement drawing nos. tf 1023/TPP/300 - 308 received 18 March 2016.

**Reason:** 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 QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 8) The hard landscaping scheme hereby approved shall be implemented in accordance with the approved details prior to first occupation 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 policy CP12 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 principle of development, and the associated access, use and scale, was established as part of outline planning permission BH2013/04337. The appearance, layout and landscaping of the development, submitted as part of this reserved matters application are considered acceptable in relation to the overall development of Phase 1 of the masterplan and the wider campus and would not cause harm to setting of nearby Listed buildings, the Stanmer Park Conservation Area or the downland setting of the South Downs National Park; nor will it cause significant harm to amenity.
3. The applicant is advised to contact the UK Native Seed Hub for advice about sourcing seeds of local provenance.
4. The applicant is advised to avoid the use of herbicides within areas of chalk grassland.

Reserved Matters Application Reference **BH2016/01004**

<b>Drawing Number</b>	<b>Revision number</b>	<b>Description</b>	<b>Date received</b>
<b>Site Drawings</b>			
A10656-TPB-S1-XX-DR-1060	P01	Existing Site Location plan	8 April 2016
A10656G0001	P24	Proposed Site Plan (A3)	18 March 2016
A10656G0001	P23	Proposed Site Plan (A0)	18 March 2016
ESR-TPB-04-ZZ-DR-A-2045	P02	Zone 04 Cluster Detail Strip Section	18 March 2016
ESR-TPB-07-ZZ-DR-A-2045	P02	Zone 07 and Zone 08 Townhouse Detail Strip Section	18 March 2016
-	-	Illustrative Site Section D-D	18 March 2016
-	-	Illustrative Site Section H-H	18 March 2016
-	-	Illustrative Site Section J-J	18 March 2016

<b>Drawing Number</b>	<b>Revision number</b>	<b>Description</b>	<b>Date received</b>
<b>Building Drawings</b>			
ESR-TPB-02-00-DR-A-1040	P04	Zone 02 - 2A, 2B, 2C, 2D - Level 00 Plan	18 March 2016
ESR-TPB-02-01-DR-A-1040	P04	Zone 02 - 2A, 2B, 2C, 2D - Level 01 Plan	18 March 2016
ESR-TPB-02-02-DR-A-1040	P03	Zone 02 - 2A, 2B, 2C, 2D - Level 02 Plan	18 March 2016
ESR-TPB-02-03-DR-A-1040	P03	Zone 02 - 2A, 2B, 2C, 2D - Level 03 Plan	18 March 2016
ESR-TPB-02-04-DR-A-1040	P03	Zone 02 - 2A, 2B, 2C, 2D - Level 04 Plan	18 March 2016
ESR-TPB-02-05-DR-A-1040	P04	Zone 02 - 2A, 2B, 2C, 2D - Level 05 Plan	18 March 2016
ESR-TPB-02-06-DR-A-1040	P03	Zone 02 - 2A, 2B, 2C, 2D - Roof Plan	18 March 2016
ESR-TPB-02-XX-DR-A-2040	P04	Zone 02 - 2A, 2B, 2C, 2D - Cross Sections	18 March 2016
ESR-TPB-02-XX-DR-A-2041	P03	Zone 02-2A, 2B, 2C, 2D - Longitudinal Sections	18 March 2016
ESR-TPB-02-XX-DR-A-3040	P04	Zone 02 - 2A, 2B, 2C, 2D - East Elevations	18 March 2016
ESR-TPB-02-XX-DR-A-3041	P03	Zone 02 - 2A, 2B, 2C, 2D - West Elevations	18 March 2016
ESR-TPB-02-XX-DR-A-3042	P03	Zone 02 - 2A, 2B, 2C, 2D - North Elevations	18 March 2016
ESR-TPB-02-XX-DR-A-3043	P03	Zone 02 - 2A, 2B, 2C, 2D - South Elevations	18 March 2016
ESR-TPB-03-00-DR-A-1040	P04	Zone 03 - 2E, 2F, 2G, 2H - Level 00 Plan	18 March 2016
ESR-TPB-03-01-DR-A-1040	P04	Zone 03 - 2E, 2F, 2G, 2H - Level 01 Plan	18 March 2016
ESR-TPB-03-02-DR-A-1040	P03	Zone 03 - 2E, 2F, 2G, 2H - Level 02 Plan	18 March 2016
ESR-TPB-03-03-DR-A-1040	P03	Zone 03 - 2E, 2F, 2G, 2H - Level 03 Plan	18 March 2016
ESR-TPB-03-04-DR-A-1040	P04	Zone 03 - 2E, 2F, 2G, 2H - Level 04 Plan	18 March 2016
ESR-TPB-03-05-DR-A-1040	P03	Zone 03 - 2E, 2F, 2G, 2H - Roof Plan	18 March 2016
ESR-TPB-03-XX-DR-A-2040	P04	Zone 03 - 2E, 2F, 2G, 2H - Cross Sections	18 March 2016
ESR-TPB-03-XX-DR-A-2041	P03	Zone 03-2E, 2F, 2G, 2H - Longitudinal Sections	18 March 2016
ESR-TPB-03-XX-DR-A-3040	P04	Zone 03 - 2E, 2F, 2G, 2H - East Elevations	18 March 2016
ESR-TPB-03-XX-DR-A-3041	P04	Zone 03 - 2E, 2F, 2G, 2H - West Elevations	18 March 2016
ESR-TPB-03-XX-DR-A-3042	P03	Zone 03 - 2E, 2F, 2G, 2H - North Elevations	18 March 2016
ESR-TPB-03-XX-DR-A-3043	P03	Zone 03 - 2E, 2F, 2G, 2H - South Elevations	18 March 2016
ESR-TPB-04-00-DR-A-1040	P04	Zone 04 - Buildings 3A, 3C - Level 00 Plan	18 March 2016
ESR-TPB-04-01-DR-A-1040	P04	Zone 04 - Buildings 3A, 3C - Level 01 Plan	18 March 2016
ESR-TPB-04-02-DR-A-1040	P03	Zone 04 - Buildings 3A, 3C - Level 02 Plan	18 March 2016
ESR-TPB-04-03-DR-A-1040	P03	Zone 04 - Buildings 3A, 3C - Level 03 Plan	18 March 2016
ESR-TPB-04-04-DR-A-1040	P03	Zone 04 - Buildings 3A, 3C - Level 04 Plan	18 March 2016
ESR-TPB-04-05-DR-A-1040	P04	Zone 04 - Buildings 3A, 3C - Level 05 Plan	18 March 2016
ESR-TPB-04-06-DR-A-1040	P03	Zone 04 - Buildings 3A, 3C - Roof Plan	18 March 2016
ESR-TPB-04-XX-DR-A-2040	P04	Zone 04 - Buildings 3A, 3C - Cross Sections	18 March 2016
ESR-TPB-04-XX-DR-A-2041	P03	Zone 04 - Buildings 3A, 3C - Longitudinal Sections	18 March 2016
ESR-TPB-04-XX-DR-A-3040	P03	Zone 04 - Buildings 3A, 3C - East Elevations	18 March 2016
ESR-TPB-04-XX-DR-A-3041	P04	Zone 04 - Buildings 3A, 3C - West Elevations	18 March 2016
ESR-TPB-04-XX-DR-A-3042	P03	Zone 04 - Buildings 3A, 3C - North Elevations	18 March 2016
ESR-TPB-04-XX-DR-A-3043	P03	Zone 04 - Buildings 3A, 3C - South Elevations	18 March 2016

ESR-TPB-05-00-DR-A-1040	P04	Zone 05 - Buildings 3B, 3D - Level 00 Plan	18 March 2016
ESR-TPB-05-01-DR-A-1040	P04	Zone 05 - Buildings 3B, 3D - Level 01 Plan	18 March 2016
ESR-TPB-05-02-DR-A-1040	P03	Zone 05 - Buildings 3B, 3D - Level 02 Plan	18 March 2016
ESR-TPB-05-03-DR-A-1040	P03	Zone 05 - Buildings 3B, 3D - Level 03 Plan	18 March 2016
ESR-TPB-05-04-DR-A-1040	P03	Zone 05 - Buildings 3B, 3D - Level 04 Plan	18 March 2016
ESR-TPB-05-05-DR-A-1040	P04	Zone 05 - Buildings 3B, 3D - Level 05 Plan	18 March 2016
ESR-TPB-05-06-DR-A-1040	P03	Zone 05 - Buildings 3B, 3D - Roof Plan	18 March 2016
ESR-TPB-05-XX-DR-A-2040	P04	Zone 05 - Buildings 3B, 3D - Cross Sections	18 March 2016
ESR-TPB-05-XX-DR-A-2041	P03	Zone 05 - Buildings 3B, 3D - Longitudinal Sections	18 March 2016
ESR-TPB-05-XX-DR-A-3040	P03	Zone 05 - Buildings 3B, 3D - East Elevations	18 March 2016
ESR-TPB-05-XX-DR-A-3041	P04	Zone 05 - Buildings 3B, 3D - West Elevations	18 March 2016
ESR-TPB-05-XX-DR-A-3042	P03	Zone 05 - Buildings 3B, 3D - North Elevations	18 March 2016
ESR-TPB-05-XX-DR-A-3043	P03	Zone 05 - Buildings 3B, 3D - South Elevations	18 March 2016
ESR-TPB-06-00-DR-A-1040	P03	Zone 06 - Buildings 4a - Level 00 Plan	18 March 2016
ESR-TPB-06-01-DR-A-1040	P03	Zone 06 - Buildings 4a - Level 01 Plan	18 March 2016
ESR-TPB-06-02-DR-A-1040	P03	Zone 06 - Buildings 4a - Level 02 Plan	18 March 2016
ESR-TPB-06-03-DR-A-1040	P03	Zone 06 - Buildings 4a - Level 03 Plan	18 March 2016
ESR-TPB-06-04-DR-A-1040	P03	Zone 06 - Buildings 4a - Level 04 Plan	18 March 2016
ESR-TPB-06-05-DR-A-1040	P03	Zone 06 - Buildings 4a - Roof Plan	18 March 2016
ESR-TPB-06-XX-DR-A-2040	P03	Zone 06 - Buildings 4a - Sections	18 March 2016
ESR-TPB-06-XX-DR-A-3040	P03	Zone 06 - Buildings 4a - E & W Elevations	18 March 2016
ESR-TPB-06-XX-DR-A-3041	P03	Zone 06 - Buildings 4a - N & S Elevations	18 March 2016
ESR-TPB-07-00-DR-A-1040	P03	Zone 07-4B, 4C, 4D, 4E, 4F-Level 00 Plan	18 March 2016
ESR-TPB-07-01-DR-A-1040	P03	Zone 07- 4B, 4C, 4D, 4E, 4F - Level 01 Plan	18 March 2016
ESR-TPB-07-02-DR-A-1040	P03	Zone 07 - 4B, 4C, 4D, 4E, 4F - Level 02 Plan	18 March 2016
ESR-TPB-07-03-DR-A-1040	P03	Zone 07 - 4B, 4C, 4D, 4E, 4F - Level 03 Plan	18 March 2016
ESR-TPB-07-04-DR-A-1040	P03	Zone 07 - 4B, 4C, 4D, 4E, 4F - Roof Plan	18 March 2016
ESR-TPB-07-XX-DR-A-2040	P03	Zone 07 - 4B, 4C, 4D, 4E, 4F - Sections	18 March 2016
ESR-TPB-07-XX-DR-A-2041	P03	Zone 07 - 4B, 4C, 4D, 4E, 4F - Sections	18 March 2016
ESR-TPB-07-XX-DR-A-3040	P03	Zone 07 - 4B, 4C, 4D, 4E, 4F - Elevations	18 March 2016
ESR-TPB-07-XX-DR-A-3041	P03	Zone 07 - 4B, 4C, 4D, 4E, 4F - Elevations	18 March 2016
ESR-TPB-07-XX-DR-A-3042	P03	Zone 07 - 4B, 4C, 4D, 4E, 4F - Elevations	18 March 2016
ESR-TPB-07-XX-DR-A-3043	P03	Zone 07 - 4B, 4C, 4D, 4E, 4F - Elevations	18 March 2016
ESR-TPB-08-00-DR-A-1040	P03	Zone 08 - Buildings 5A, 5B - Level 00 Plan	18 March 2016
ESR-TPB-08-01-DR-A-1040	P03	Zone 08 - Buildings 5A, 5B - Level 01 Plan	18 March 2016
ESR-TPB-08-02-DR-A-1040	P03	Zone 08 - Buildings 5A, 5B - Level 02 Plan	18 March 2016
ESR-TPB-08-03-DR-A-1040	P03	Zone 08 - Buildings 5A, 5B - Roof Plan	18 March 2016
ESR-TPB-08-XX-DR-A-2040	P03	Zone 08 - Buildings 5A, 5B - Sections	18 March 2016
ESR-TPB-08-XX-DR-A-3040	P03	Zone 08 - Buildings 5A, 5B - Elevations	18 March 2016
ESR-TPB-08-XX-DR-A-3041	P03	Zone 08 - Buildings 5A, 5B - Elevations	18 March 2016

ESR-TPB-09-00-DR-A-1040	P03	Zone 09 - Buildings 5C, 5D - Level 00 Plan	18 March 2016
ESR-TPB-09-01-DR-A-1040	P03	Zone 09 - Buildings 5C, 5D - Level 01 Plan	18 March 2016
ESR-TPB-09-02-DR-A-1040	P03	Zone 09 - Buildings 5C, 5D - Level 02 Plan	18 March 2016
ESR-TPB-09-03-DR-A-1040	P03	Zone 09 - Buildings 5C, 5D - Roof Plan	18 March 2016
ESR-TPB-09-XX-DR-A-2040	P03	Zone 09 - Buildings 5C, 5D - Sections	18 March 2016
ESR-TPB-09-XX-DR-A-3040	P03	Zone 09 - Buildings 5C, 5D - Elevations	18 March 2016
ESR-TPB-09-XX-DR-A-3041	P03	Zone 09 - Buildings 5C, 5D - Elevations	18 March 2016
ESR-TPB-10-00-DR-A-1040	P03	Zone 10 - Buildings 5E, 5F - Level 00 Plan	18 March 2016
ESR-TPB-10-01-DR-A-1040	P03	Zone 10 - Buildings 5E, 5F - Level 01 Plan	18 March 2016
ESR-TPB-10-02-DR-A-1040	P03	Zone 10 - Buildings 5E, 5F - Level 02 Plan	18 March 2016
ESR-TPB-10-03-DR-A-1040	P03	Zone 10 - Buildings 5E, 5F - Roof Plan	18 March 2016
ESR-TPB-10-XX-DR-A-2040	P03	Zone 10 - Buildings 5E, 5F - Sections	18 March 2016
ESR-TPB-10-XX-DR-A-3040	P03	Zone 10 - Buildings 5E, 5F - Elevations	18 March 2016
ESR-TPB-10-XX-DR-A-3041	P03	Zone 10 - Buildings 5E, 5F - Elevations	18 March 2016
ESR-TPB-11-00-DR-A-1040	P03	Zone 11 - 5G, 5H, 3E - Level 00 Plan	18 March 2016
ESR-TPB-11-01-DR-A-1040	P03	Zone 11 - 5G, 5H, 3E - Level 01 Plan	18 March 2016
ESR-TPB-11-02-DR-A-1040	P03	Zone 11 - 5G, 5H, 3E - Level 02 Plan	18 March 2016
ESR-TPB-11-03-DR-A-1040	P03	Zone 11 - 5G, 5H, 3E - Level 03 Plan	18 March 2016
ESR-TPB-11-04-DR-A-1040	P03	Zone 11 - 5G, 5H, 3E - Level 04 Plan	18 March 2016
ESR-TPB-11-05-DR-A-1040	P03	Zone 11 - 5G, 5H, 3E - Level 05 Plan	18 March 2016
ESR-TPB-11-XX-DR-A-2040	P03	Zone 11 - 5G, 5H, 3E - Sections	18 March 2016
ESR-TPB-11-XX-DR-A-2041	P03	Zone 11 - 5G, 5H, 3E - Section	18 March 2016
ESR-TPB-11-XX-DR-A-3040	P03	Zone 11 - 5G, 5H, 3E - Elevations	18 March 2016
ESR-TPB-11-XX-DR-A-3041	P03	Zone 11 - 5G, 5H, 3E - Elevations	18 March 2016
ESR-TPB-11-XX-DR-A-3042	P03	Zone 11 - 5G, 5H, 3E - Elevations	18 March 2016
ESR-TPB-12-00-DR-A-1040	P03	Zone 12 - Buildings 5J - Level 00 Plan	18 March 2016
ESR-TPB-12-01-DR-A-1040	P03	Zone 12 - Buildings 5J - Level 01 Plan	18 March 2016
ESR-TPB-12-02-DR-A-1040	P03	Zone 12 - Buildings 5J - Level 02 Plan	18 March 2016
ESR-TPB-12-03-DR-A-1040	P03	Zone 12 - Buildings 5J - Roof Plan	18 March 2016
ESR-TPB-12-XX-DR-A-2040	P03	Zone 12 - Buildings 5J - Sections	18 March 2016
ESR-TPB-12-XX-DR-A-3040	P03	Zone 12 - Buildings 5J - Elevations	18 March 2016
ESR-TPB-12-XX-DR-A-3041	P03	Zone 12 - Buildings 5J - Elevations	18 March 2016

#### Landscape Drawings

D2190-L-P-100 rev 02	-	Landscape Colour Masterplan	18 March 2016
D2190-L-P-201 rev 02	-	Hard Landscape General Arrangement plan sheet 1 of 9	18 March 2016
D2190-L-P-202 rev 02	-	Hard Landscape General Arrangement plan sheet 2 of 9	18 March 2016
D2190-L-P-203 rev 02	-	Hard Landscape General Arrangement plan sheet 3 of 9	18 March 2016
D2190-L-P-204 rev 02	-	Hard Landscape General Arrangement plan	18 March 2016

		sheet 4 of 9	
D2190-L-P-205 rev 02	-	Hard Landscape General Arrangement plan sheet 5 of 9	18 March 2016
D2190-L-P-206 rev 02	-	Hard Landscape General Arrangement plan sheet 6 of 9	18 March 2016
D2190-L-P-207 rev 02	-	Hard Landscape General Arrangement plan sheet 7 of 9	18 March 2016
D2190-L-P-208 rev 02	-	Hard Landscape General Arrangement plan sheet 8 of 9	18 March 2016
D2190-L-P-209 rev 02	-	Hard Landscape General Arrangement plan sheet 9 of 9	18 March 2016
D2190-L-P-300 rev 03	-	Planting Schedule	14 July 2016
D2190-L-P-301 rev 02	-	Soft Landscape General Arrangement plan sheet 1 of 9	18 March 2016
D2190-L-P-302 rev 02	-	Soft Landscape General Arrangement plan sheet 2 of 9	18 March 2016
D2190-L-P-303 rev 02	-	Soft Landscape General Arrangement plan sheet 3 of 9	18 March 2016
D2190-L-P-304 rev 02	-	Soft Landscape General Arrangement plan sheet 4 of 9	18 March 2016
D2190-L-P-305 rev 02	-	Soft Landscape General Arrangement plan sheet 5 of 9	18 March 2016
D2190-L-P-306 rev 02	-	Soft Landscape General Arrangement plan sheet 6 of 9	18 March 2016
D2190-L-P-307 rev 02	-	Soft Landscape General Arrangement plan sheet 7 of 9	18 March 2016
D2190-L-P-308 rev 02	-	Soft Landscape General Arrangement plan sheet 8 of 9	18 March 2016
D2190-L-P-309 rev 02	-	Soft Landscape General Arrangement plan sheet 9 of 9	18 March 2016

### Tree Retention Removal and Protection

TF1023/TS/100	- Off-site woodland	18 March 2016
TF1023/TS/101	- Tree Survey reference plan (part)	18 March 2016
TF1023/TPP/300	- Tree Removal & Retention Plan (Sheet 1 of 2)	18 March 2016
TF1023/TPP/301	- Tree Removal & Retention Plan (Sheet 2 of 2)	18 March 2016
TF1023/TPP/302	- Tree protection & Arboricultural Method Statement – demolition (sheet 1 of 3)	18 March 2016
TF1023/TPP/303	- Tree protection & Arboricultural Method Statement – demolition (sheet 2 of 3)	18 March 2016
TF1023/TPP/304	- Tree protection & Arboricultural Method Statement – demolition (sheet 3 of 3)	18 March 2016
TF1023/TPP/305	- Tree protection & Arboricultural Method Statement – construction (sheet 1 of 3)	18 March 2016
TF1023/TPP/306	- Tree protection & Arboricultural Method Statement – construction (sheet 2 of 3)	18 March 2016
TF1023/TPP/307	- Tree protection & Arboricultural Method Statement – construction (sheet 3 of 3)	18 March 2016

Note:

Following Drawings related to Full Application also submitted for completeness:

D2190 L-P-210 rev 01	-	Hard Landscape General Arrangement Plan	18 March 2016
D2190 L-P-310 rev 01	-	Planting Schedule	14 July 2016
D2190 L-P-311 rev 01	-	Soft Landscape General Arrangement Plan	18 March 2016



# **ITEM C**

**1-6 Lions Gardens and The Coach House,  
Withdean Avenue, Brighton**

**BH2016/00803  
Full planning**

**03 AUGUST 2016**



# BH2016/00803 1-6 Lions Gardens and The Coach House, Withdean Avenue, Brighton



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2016/00803</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1-6 Lions Gardens and The Coach House Withdean Avenue Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwellings and erection of part two part three storey building providing 28 residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.</b>		
<b><u>Officer:</u></b>	Mark Dennett Tel 292321	<b><u>Valid Date:</u></b>	18/05/2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	17 August 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	LCE Architects, 164-165 Western Road Brighton BN1 2BB		
<b><u>Applicant:</u></b>	Brighton Lions Housing Society, Mr William Catchpole Lions Gate 95 Rowan Avenue Hove BN3 7JZ		

## 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(s) set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is 2225 sq.m. and is currently occupied by 6 bungalows arranged in two rows of joined units plus a separate two storey house 'The Coach House'. The bungalows are social rented units of accommodation, the house is market housing. There is one vehicular access to the site, from Withdean Avenue. The Coach House is set in its own, enclosed garden occupying about a third of the application site. The bungalows are arranged in an 'L' shape- one arm lying east-west and a little off the northern boundary with the other arm running north-south and lying close to the eastern boundary. Between the two arms of the 'L' is a lawn with some soft planting. The vehicular access gives on to a small area of hardstanding. At the time of the site visit only two of the six bungalows were occupied (along with the Coach House). The existing bungalows date from the 1970s and are all one- bedroom units. Each existing unit is approximately 95m<sup>2</sup>. The bungalows are of a conventional appearance with dual pitched roofs and with elevations in light buff brick and grey concrete roof tiles. The Coach House has 4 bedrooms and is in a neo-vernacular style with red brick and red tile-hanging. The site is enclosed by close-boarded fencing to the west and south and a brick wall to the north and east.

- 2.2 The immediate surroundings are wholly residential. Withdean Avenue is a short road whose south side, opposite the application site is backed onto, rather than fronted by back gardens of houses in Tivoli Crescent North. Some of these premises have vehicular access to Withdean Avenue, some do not. The north side of Withdean Avenue comprises residential buildings well set back from the road and considerably obscured from view by planting. The road itself has a grass verge, pavement and mature street trees on the north side and pavement only on the south side. Immediately to the west and facing the whole of the west boundary is the site of a recent three storey residential building, comprising 8 flats- Ruston Heights. The building itself is approximately 4.5m off the boundary with Lions Gardens and runs for about half its length. The northern boundary is to Hazeldene Meads- specifically the gardens of houses at nos. 8 and 10. The east is bounded by the ends of five gardens of properties in Withdean Road. These are relatively long gardens, the shortest house to boundary distance being 23m. The application site is about the highest point of land in the vicinity and adjoining sites, particularly in Withdean Road are up to 1m lower.

### **3 RELEVANT HISTORY**

None.

#### Pre-Application Consultation

A pre-application submission was made and responded to in late 2015/early 2016.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing site buildings and the erection of a part two, part three storey residential building comprising 28 flats with associated landscaping, parking spaces and cycle and mobility scooter store. All the units would be 1 bedroom and all would be social rented. Each would be between 51 and 55 sq.m. and self-contained comprising bedroom, living/kitchen/dining room and wc/bathroom. There would not be any communal facilities except two small 'service' rooms. The applicants have advised that the criteria for consideration for a tenancy is:

- (i) Over 55 years of age.
- (ii) Must have lived in Brighton & Hove for at least 5 years.
- (iii) Must have less than £16,000 in savings or assets.

The rent for each property would be set at a maximum of 80% market rate.

- 4.2 The applicant, the Brighton Lions Housing Society is a Registered Provider (governed by the Homes & Communities Agency) - it is affiliated with Lions International- a members club of volunteers involved in carrying out a wide range of charitable causes world-wide. The charity has run a housing programme in the city since 1961 and advises that it currently has 111 flats and 6 bungalows in the city.

- 4.3 The floor plan of the proposed building is broadly cruciform with the longer, north-south central part being two storeys and the cross, east-west, part being three storey. Although a single building there are two entrances with no internal connection between the two equal sized parts. Each of the two parts has a lift. Each ground floor flat has direct access to the grounds.
- 4.4 At its highest point, the roof ridge above the second storey of the building would be 10.7m high; the ridge height for the two storey part would be 7.65m high. The building would be set in a minimum of 14.1m from Withdean Avenue. There would be a minimum of 1m from the eastern boundary (Withdean Road gardens), 3.2m (the three storey part) from the boundary with Ruston Heights and 1m (at two storeys) from the northern boundary (gardens in Hazeldene Meads).
- 4.5 The design would be modern and includes a mix of flat and shallow pitched roofs, plus a small roof terrace in the middle of the development. The main proposed materials would be walling of both red and buff brick and parts of the upper floors in copper coloured zinc cladding- the latter material also being proposed for the pitched roofs. Windows would be aluminium. It is proposed that existing boundary enclosures be retained and that ground surfacing be of permeable paving.
- 4.6 Other than the general arrangement of hard and soft-surfaced parts of the site out with the proposed building the submitted 'Landscape Plan' does not provide planting details. The submitted arboricultural report states that the proposed building would result in the removal of 4 trees two described as poor specimens and two as fair. No advice is given on the potential impact on trees on adjoining sites. There are TPOs on three adjoining sites- 9, Hazeldene Meads, 1 and 9, Withdean Road.
- 4.7 The proposed plans show 9 car parking spaces adjoining the western boundary with Ruston Heights. Two of these would be suitable for disabled persons vehicles. Also adjoining this boundary is an enclosure annotated as 'Cycle/mobility scooter store which illustrates storage spaces for 5 mobility scooters and 4 cycles. Additionally in the grounds are 2 bin store enclosures and a 6m x 3m outbuilding labelled as plant room

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

#### **Neighbours:**

**Nineteen (19) letters of representation have been received from 6, 8, 10 & 11 Hazeldene Meads + a letter signed by nine residents of that road; 1, 2, 4, 5 and 8 Ruston Heights and its managing agents; 109, 178, 182 & 197 Tivoli Crescent North; 3 and 5, Withdean Road; Missenden Lodge, Withdean Avenue; 8, Dyke Road and 82, Loder Road objecting to the application for the following reasons:**

- The level of parking provision is insufficient,
- The building would cause overlooking and loss of privacy,

- The building would cause overshadowing of and loss of light to neighbouring residential premises including gardens,
  - Noise and disturbance from increased traffic movements
  - The appearance is out of character
  - It would give rise to pedestrian safety issues on Withdean Avenue
  - The proposal is out of scale with its surroundings
  - The development is too close to the boundary with Hazeldene Meads and Ruston Heights
  - Would be liable to harm trees in adjoining premises
- 5.2 **One (1)** letter of representation has been received from the **Coach House, Withdean Avenue** supporting the application
- 5.3 **Councillor Nick Taylor:** Objects to the application.
- 5.4 **Councillor Ann Norman and Ken Norman** jointly object to the application.
- 5.5 Copies of the letters are attached at the end of the report.
- 5.6 **Sussex Police:** No objection  
The scheme would allow good levels of observation across the development and boundary treatments delineating public and private space; note access control for the two main entrances. Suggest further security measures inc. video door entry, controlled gated entrance and enclosure of cycle/mobility scooter parking.
- 5.7 **East Sussex Fire & Rescue Service:** No objection  
Ensure that access, in accordance with the Building Regulations be provided such that a pump appliance may be within 45m of each flat.
- 5.8 **ESCC County Archaeologist:**  
Advise that the site has archaeological potential and thus that any permission should be subject to a requirement for a programme of archaeological works to be undertaken.
- 5.9 **Brighton & Hove Archaeological Society:**  
Local Roman and Palaeolithic finds and recommend county archaeologist advice sought.
- 5.10 **Southern Water:** No objection  
There is a foul water sewer crossing the site and it is advised that this would need to be diverted or the scheme altered to avoid it. Also advise that the proposal would require additional infrastructure and that any approval should be conditioned to require the submission of a drainage strategy.
- 5.11 **County Ecologist:** No objection  
It is considered that the proposal unlikely to impact on sites designated for nature conservation purposes and absence of records of notable or protected species on the site. Consider that opportunities for enhancement for nature conservation can be pursued through a landscaping scheme. Advise that works



involving demolition or tree/scrub removal be carried out outside of the breeding season.

**5.12 Internal:**

**CityClean: Comment**

The applicant should provide for 6 x 100 bins, the collection vehicles would be able to access the site.

**5.13 Sustainability: No objection**

Seek further details of the proposed photo-voltaic panels, composting, food growing areas and water butts and standard conditions to secure minimum energy and water performance standards. Further improvements to the scheme via green roofs, walls or biodiversity enhancements would be welcomed.

**5.14 Planning Policy:**

The provision of housing at a higher density and all affordable in nature is, in principle, welcomed. The merits of this proposal therefore depend on detailed matters and their respective compliance with policy objectives and criteria. This includes: the proposed lack of mix in unit size: the proposed affordable tenure and lack of mix in tenure and lack of mix in tenure: the proposed provision of accessible housing and lifetime homes; the provision of private useable outdoor amenity space; the provision of open space and biodiversity; the impact on adjacent TPOs; the impact on the archaeological notification area and design, amenity and transport matters.

**5.15 Sustainable Transport:**

Welcome provision of separate pedestrian access but would prefer it if it was on the other side of the vehicular access (to be on the side of Dyke Road with bus stops) and consider it should be wider. Would seek further detail on pedestrian/vehicular separation within the site

5.16 Whilst the vehicular access to Withdean Avenue is narrower than recommended (3m as opposed to 4.1m) given that this is an existing access and that the proposed parking level is low, this aspect is not objected to.

5.17 With regard to servicing consider turning area proposed would be satisfactory.

5.18 With regard to proposed parking it is noted that nine car parking spaces are proposed, two of which are allocated for disabled users. Notes that the maximum parking required by SPG4 for 'Dwellings for the Elderly' outside of controlled Parking Zones is one space per two dwellings plus one space per residential staff plus one space per two other staff. It is understood that the site will not employ staff meaning that the maximum parking requirement would therefore be 14 as calculated in the Transport Statement. Notes that although the age threshold is 55 that typically occupiers are substantially older thus a balance needs to be struck between meeting demand and avoiding providing excessive levels of parking provision.

5.19 The Highway Authority have considered local car ownership levels and the applicant's on-street parking surveys. They note that there is some local

capacity in unrestricted street parking spaces and also that some undesirable parking has taken place on Withdean Avenue but with regard to this do not regard this- where parking is an obstruction amounting to an offence which is capable of enforcement- to be a reason for refusal. In summary they take the view that if there is a level of car ownership of 51.4% (based on 2011 census levels for flats in Withdean ward) that with a proposed provision of 9 spaces that there is capacity to accommodate the forecast overspill of 5 cars *'even if the spare capacity may in practice be less than that indicated upon first inspection of the survey data'*. Taking into account that the applicants have proposed a scheme of Travel Plan measures and that the NPPF states that applications should only be refused on transport grounds where the impacts are 'severe' it is concluded that the level of car parking provision is appropriate.

5.20 Note that whilst the Transport Statement refers to ten cycle spaces that no details have been provided and that this should be required by condition.

5.21 In considering the applicant's 'trip generation' exercise consider the parameters used reasonable, despite inclusion of Sundays. Consider that the proposed scheme would increase trips and would seek a benefit in order to improve local bus stop accessibility and pedestrian improvements. In event of an approval would also seek conditions requiring (i) further access road and pedestrian access details (ii) a requirement to retain the parking area and (iii) details of secure cycle storage provision.

5.22 **Environmental Health:** No Comment

5.23 **Heritage:** No Comment

5.24 **Housing:** Support. Overall Housing support this scheme subject to the Nominations Agreement / Local lettings Plan being put in place through a S106 Agreement, and provision of wheelchair accessible units to the correct standard.

## 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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP19	Housing mix
CP20	Affordable housing

#### Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

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

Interim Guidance on Developer Contributions

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, including density and affordable housing provision; design and appearance; standard of accommodation including housing mix and amenity space; amenity impacts; trees, landscaping and ecology; sustainable transport and sustainability.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 Principle of Development**  
The existing six bungalows are of a prosaic 1970s design and there is no architectural or historic building rationale to seek their retention. The Coach House is a pleasant 20<sup>th</sup> Century building but of no particular merit and there is no reason to seek to keep it in the context of a redevelopment scheme.
- 8.4 The surroundings to the application site are wholly residential and there are no planning policy reasons why the principle of residential redevelopment here should not be acceptable. The form of development in the vicinity is a typical range of suburban types including bungalows, detached, semi-detached and terraced housing. Whilst there are not a great number of flatted developments there are some, including the neighbouring development to the west, Ruston Heights, a three storey building comprising 8 flats approved in 2004. It is not considered that there would be a legitimate 'character' rationale to object to apartments on this site.
- 8.5 City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited brownfield land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets a list of other criteria. These in synopsis are: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.
- 8.6 The development is 125 dph, clearly well above the 50 dph minimum sought and certainly above the prevailing densities of adjoining sites. The policy does not include a maximum quantitative density to be sought. The criteria set out under this policy are considered under the relevant sections in this report for amenity, standard of accommodation etc. It is not considered the proposed dph is in itself unacceptable in its context, but rather that the policy could be breached if one or more of the criteria is not met.

8.7 City Plan Part One policy CP20 requires the provision of 40% on-site affordable housing for developments of 15 or more units. In this case the applicant is a registered provider and would be offering all the units at an affordable rent- which is defined in the City Plan as being rent control requiring the rental level not to exceed 80% of market rent. In the event of an approval a legal agreement would be sought whereby a minimum of 40% of units would be required to meet these criteria (irrespective of the actual provision being likely to be 100%).

**8.8 Design & Appearance**

The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.

8.9 The character of Withdean Avenue is not so much defined by its buildings as by its rather arcadian appearance. The south side of the road is the ends of gardens (bar Missenden Lodge at the Dyke Road end) and the north side has a grass verge and mature street trees. The existing properties on the north side are all well set back from the road frontage and all have significant planting lining the back edge of pavement. The proposed application building is set back a minimum of 14m from the road. If this was well planted (the submitted landscaped plan is indicative only, but there is adequate space for trees) the proposed building would be viewed from limited viewpoints in the street. Notwithstanding this the scale and footprint is considered out of context with the prevailing character of the surrounding area. The surrounding context comprises of smaller dwellings in terms of footprint, site coverage and scale. The proposed development is considered excessive and overly dominant with the more suburban character of this section of Withdean Avenue. The development would in contrast to the prevailing character appear as a urbanised development, which adds to the inappropriate prominence of the proposal.

8.10 The design adopted would be considered 'modern' and includes the use of non-traditional materials including zinc cladding. Some consultees have referred to the design as being out of character. Whilst much of development in the vicinity is of more traditional appearance it might be noted that Ruston Heights with a flat roof and white rendered finish does not use any more historic references that is evident in the surrounding area. Notwithstanding this, there is concern that the approach would appear stark and out of context with the surrounding area. The choice of materials would accentuate the prominence and scale of the development.

**8.11 Standard of Accommodation**

The proposal is for 28 one bedroom flats not with identical but with very similar internal layouts. City Plan Part One policy CP19 Housing Mix seeks that 'windfall' sites have regard to housing mix considerations and have been informed by local assessments of housing demand and need. The proposal is a form of special needs housing being for over 55s. Occupiers would be of limited

means and include tenants from the council's waiting list. Policy CP19 sets no prescriptive desirable housing mix. The applicant states that: *1 bed developments are better suited to our target demographic of 1-2 person occupancy, we often find it challenging to find tenants for the larger two bed properties.* It is understood that prospective tenants are concerned at being subject to the penalties introduced by the Welfare Reform Act 2012 which introduced reductions in housing benefit if recipients had 'spare' rooms. Clearly if restricted to over 55s the accommodation will largely not house multi-generational families and a second bedroom is likely to not be permanently occupied. In the circumstances it is not considered that the lack of variety in dwelling size should constitute a reason for refusal.

8.12 Whilst the Council has not at this stage adopted the 'nationally described' Technical Housing Standards the proposed units all meet the minimum size set out in those standards for 1 bedroom/2 person dwellings of 50m<sup>2</sup>. There are flush thresholds to both parts of the proposed building and a lift in each. The applicants say the proposal would meet Lifetime Homes standards. Retained Brighton & Hove Local Plan policy HO13 seeks that major developments such as this have a proportion (suggested as 10% for affordable housing schemes) of units as wheelchair accessible. Whilst specific units are not identified the Council's normal practice is to secure such units by condition- this could be appended in the event of a permission.

8.13 Retained Brighton & Hove Local Plan policy HO5 seeks that new residential developments provide private useable amenity space 'where appropriate to the scale and character of the development'. Naturally as a block of flats there are not private gardens per se, but the 12 ground floor flats (42% of the total) all have direct access to the surrounds via French windows. Without a detailed landscape plan it is not possible to see how useable the space these doors give out onto would be. Those that access more secluded parts are likely to be better than those abutting the proposed car park. The 58m<sup>2</sup> second floor roof terrace would provide amenity space for upper floor occupiers. It is considered that in this suburban location that there should be a reasonable provision of external amenity space: the acceptability of the provision could only be properly judged in the context of a detailed landscape scheme.

**8.14 Impact on 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.

8.15 It may be noted that representations in relation to this application have been received from occupiers from each of the adjoining sides of the application site and it is appropriate to look at each.

8.16 Tivoli Crescent North is the road parallel to Withdean Avenue, whose gardens back on to that road- and to its south. The nearest habitable rooms in premises here are approximately 28m from the application site boundary to Withdean

Avenue. The proposed building is 14m to the rear of this. Several of the upper floors of these two storey houses have views over the site and the view would be materially altered by the proposed building. However a view per se cannot be protected and the distances between houses here and the proposed building are such that there would not be any other amenity detriment of substance.

- 8.17 To the east the application site is bounded by the ends of gardens of five Withdean Road properties. The gardens are comparatively long, the shortest building rear elevation to site boundary distance being 23m. Currently these properties benefit from a substantial belt of trees within those gardens which screen the application site from view. It is not clear whether the trees will be retained and in the absence of any assessment been made of the likely impact on trees in these gardens (footings are likely to exceed those for the current bungalows). As the building comes to within 1m of the boundary there could be impacts on these gardens if these trees were lost.
- 8.18 The application site is bounded to the west by the site of Ruston Heights a part three, part two storey apartment block comprising 8 flats. Its east elevation facing the application site is in a single plane and faces the site for a length of 31m. The building is mainly 3 storey, but with a two storey section at the north end. Ruston Heights is 5m from the mutual boundary. At its nearest point the proposed building is 3.2m from the boundary- this is the three storey part. There is a substantial amount of fenestration on the upper levels of Ruston Heights facing the application site, including large windows clearly serving habitable rooms. Whilst the facing flank of the proposed 3 storey part does not contain windows the distance of 8.2m between the blocks is considered below what might be considered as a neighbourly relationship in this suburban context. The fact that the strip between the proposed building and the boundary is taken up by the mobility scooter/cycle store means that there is no prospect of planting to soften the impact of the building. The length of the three storey part facing the boundary would be liable to give rise to some loss of daylighting, but the principal issue is considered to be that it would be an oppressive presence detrimental to outlook from premises in Ruston Heights.
- 8.19 At the north end the site is adjoined by 8 and 10 Hazeldene Meads, two storey houses, whose gardens directly abut the site boundary. At its nearest the house at no.8 is 14m from the boundary and for no. 10 the distance is 21m. The proposed building here is 1m off the boundary and at this point is two storeys (7.65m). The three storey part (10.7m) is 11.5m from the boundary. It is unfortunate that the building has been positioned so close to the boundary. The gap of 1m clearly would not allow for any planting to soften the impact. The proposed building is due south of these gardens. The two storey part has narrow windows only and any substantial overlooking is thus obviated. The three storey part has large windows with 'juliet' balconies. This is considered to be an unfortunate relationship. Whilst the distance between the three storey part and the Hazeldene Meads properties per se is considered adequate the gardens are considered to be overlooked to the detriment of the occupiers ability to enjoy the use of their gardens in reasonable privacy.

## 8.20 Trees, Landscaping & Ecology

There are no protected trees on the application site, but it does contain a number of ornamental trees, mainly in the grounds of the Coach House. It is proposed that 4 trees be removed- all in the current curtilage of the Coach House. Two are identified as poor specimens and two as fair. As small/medium trees within the site they are of limited public amenity value. It is however considered that there should be specific proposals for landscaping including along the Withdean Avenue frontage in order, inter alia, to soften the impact of the development in relation to the streetscene.

- 8.21 Trees on adjoining sites are important in relation to the likely impact of the proposal; in particular the three adjoining sites including TPOs (see 4.6 above). Whilst the need for further investigation of such trees was highlighted in the pre-application process no information on this issue has been given by the applicants.
- 8.22 The submitted 'Landscape Plan' sets out generally the disposition of elements outside the building envelope showing where there would be hard and soft landscaping including the car parking, mobility scooter/cycle store and bin stores. No planting detail is given however. Whilst there are some indicative trees shown there is no detail given on an approach to landscaping which is considered important here, both in terms of the streetscape of Withdean Avenue and the potential of planting to mitigate impacts of the proposal. Brighton & Hove Local Plan policy QD15 requires that for major schemes landscaping be agreed with the local planning authority prior to the determination of a planning application. The application is recommended for refusal, inter alia, in the absence of substantive landscaping proposals.
- 8.23 The County Ecologist has not identified any particular conservation interest on this site but commends that nature conservation measures be incorporated into a landscaping scheme. This is considered acceptable as a condition in the event of an approval.
- 8.24 **Sustainable Transport**  
City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.25 The proposed criteria for occupancy, in particular the age and means restrictions have some bearing on likely behaviour including car ownership. It is understood that although the threshold age for occupancy is over 55 that the average age of occupiers of their existing properties is considerably higher. It might be noted that whilst there are census figures for car ownership at a local level these are not broken down by age of owner.
- 8.26 The Council's adopted Parking Standards- SPG4 have a specific standard for 'dwellings for elderly': in common with other standards this is a maximum number of parking spaces, and is 1 car space per 2 dwellings. The maximum allowance here for 28 flats would thus be 14; 9 parking spaces are proposed. The applicant states that the level is considered appropriate due to the



accessibility of the development located close to facilities and the good public transport links to the city centre. The applicants have agreed to provide 2 years membership of the City Car Club to occupiers (nearest space 0.27 miles). They have undertaken parking surveys in relation to surrounding roads.

8.27 The Sustainable Transport Officer has given detailed consideration to the applicant's submitted Transport Statement- see 5 above. It is concluded that, bearing in mind what is assessed as spare capacity in local unrestricted spaces that the car parking provision is acceptable. Whilst acknowledging that many of the consultee responses consider car parking proposed to be insufficient as the Sustainable Transport Officer notes the NPPF states that applications should only be refused where impacts are deemed severe and there is not the evidence that this would be the case here.

8.28 The discrete proposed pedestrian access is desirable, but should be wider and preferably on the Dyke Road, rather than Withdean Road side of the vehicular access. This is not considered in itself to be a reason for refusal.

#### 8.29 **Sustainability**

As a residential scheme, the development is expected, under policy CP8 of City Plan Part One, to meet minimum efficiency standards for energy and water. AN Energy Statement has been submitted with the application which sets out how the energy efficiency standard can be met. The completed Sustainability checklist indicates a commitment to achievement of the water efficiency standard. This complies with the over-arching minimum standards set out in CP8. Policy CP8 sets out other sustainability issues that should be addressed by applications. In relation to these, the following proposed measures show ways that policy CP8 has been addressed.

8.30 Renewable technology is proposed in the form of a 77m<sup>2</sup> PV (11kWp) photo voltaic array on one of the largest roofs. Thermal values for fabric performance are proposed slightly in advance of national (notional) standards but only in respect of airtightness. A communal heating system is proposed to supply space and water heating; this can provide efficiencies in terms of carbon emissions provided heat losses are minimised for pipe runs and where there are safeguards against over-heating of internal spaces. Aspects of policy CP8 where little information is provided includes how materials specified for the development will be sustainable and sustainably resourced. Sustainable drainage is proposed in the form of permeable paving replacing some hardstanding. Whilst a communal heating system is proposed the site does not offer potential to any future heat network.

8.31 Further sustainable items would be desirable- such as food growing areas; rainwater butts and composting. Energy and water performance standards could be secured by condition in the event of approval.

## 9 **CONCLUSION**

- 9.1 The principle of the residential redevelopment of the existing Lions Gardens is not objected to; the form of affordable housing proposed would be acceptable if secured by legal agreement.
- 9.2 The density of the development as proposed is considerably higher than the minimum sought by City Plan Part One Policy CP14. This would not necessarily be unacceptable in itself if the criteria set for considering 'higher densities typically found in the locality' were met. However it is not considered that this proposal has demonstrated that it meets the policy criteria to 'help maintain or create a coherent townscape' or that it 'would respect, reinforce or repair the character of the neighbourhood and contribute positively to a sense of place'.
- 9.3 The proposed development by reason of excessive massing, scale and footprint would create a discordant form of development that is contrary to the prevailing character and of the surrounding area. In addition, concerns are raised in respect of the disposition of the bulk of the development in relation to adjoining premises, which is considered un-neighbourly. The closeness of the building to the sensitive north and west boundaries and the absence of any planting to soften the impact, together with the absence of an overall landscaping scheme demonstrating how the building would be complementary to the streetscape results in an inappropriate development and is therefore recommended for refusal.

## **10 EQUALITIES**

None identified

## **11 REASON FOR REFUSAL / INFORMATIVES**

### Reasons for Refusal:

1. The proposed development, by reason of excessive footprint, scale, height and materials would constitute an inappropriate form of development that fails to respect the prevailing character of the surrounding area. The proposed development would therefore constitute an incongruous form of development that is contrary to policies CP12 and CP14 of the Brighton and Hove City Plan Part One.
2. The proposed building would, by virtue of its relationship with the boundary with 8 and 10 Hazeldene Meads to the north, give rise to a loss of amenity to the occupiers of those premises by means of:
  - (a) The creation of an oppressive outlook, unable to be screened by planting due to the narrowness of the gap between the proposed building and boundary.
  - (b) The creation of large second floor windows directly facing the gardens of 8 & 10 Hazeldene Meads giving rise to overlooking and the perception of overlooking, severely reducing the ability to enjoy the use of each garden.
  - (c) Giving rise to a loss of sunlight detrimental to the ability of the occupiers of 8 and 10 Hazeldene Meads to enjoy the use of each garden.

PLANNING COMMITTEE LIST- 03 August 2016

The proposal does not, therefore, comply with the requirements of policy QD27 of the Brighton & Hove Local Plan and policy CP14 of the Brighton and Hove City Plan Part One.

3. The proposed building would, by virtue of its relationship with Ruston Heights to the west give rise to the creation of an oppressive outlook for residential occupiers of that building, unable to be screened by planting due to the location of a mobility scooter and cycle storage facility in the intervening space. The proposal does not, therefore, comply with the requirements of policy QD27 of the Brighton & Hove Local Plan and policy CP14 of the Brighton and Hove City Plan Part One.
4. No planting details or analysis of the impact of the proposed building on trees in immediately surrounding premises has been submitted, in the absence of which the applicant is unable to demonstrate that adequate mitigation of impacts of the proposal on the appearance of the streetscene, residential amenities of neighbouring properties and nature conservation interests will be undertaken. The proposal does not, therefore comply with policy QD15 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 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan	15894/PA-A-1000		07/03/16
Existing site plan	15894/PA-A-1002		07/03/16
Existing elevations- north & east	15894/PA-A-1003		07/03/16
Existing elevations south & west	15894/PA-A-1004		07/03/16
Proposed ground floor plan	15894/PA-A-200	A	07/03/16
Proposed 1 <sup>st</sup> floor plan	15894/PA-A-201		07/03/16
Proposed 2 <sup>nd</sup> floor plan	15894/PA-A-202		07/03/16
Proposed roof plan	15894/PA-A-203	A	07/03/16
Landscape plan	15894/PA-A-210		07/03/16
Proposed west & north elevations	15894/PA-A-		07/03/16

PLANNING COMMITTEE LIST- 03 August 2016

	220		
Proposed east & west elevations	15894/PA-A-221		07/03/16
Proposed sections	15894/PA-A-230		07/03/16
Sketch view 1	15894/PA-A-240		07/03/16
Sketch view 2	15894/PA-A-241		07/03/16
Sketch view 3	15894/PA-A-242		07/03/16
Sketch view 04	15894-PA-A-243		07/03/16

Mr. M. Dennett.  
Planning Officer.  
Brighton and Hove City Council.  
King's House.  
Grand Avenue,  
HOVE BN2 2LS

June 10th 2016

Cc Penny Jennings

Dear Mr. Dennett,

Ref: Planning Application BH2016/00803  
1-6 Lions Gardens and The Coach House Withdean Avenue Brighton  
Demolition of existing dwellings and erection of part two part three storey  
building providing 28 residential apartments (C3) with associated landscaping,  
parking spaces, cycle and mobility scooter store.

We are writing in our capacity as elected members for Withdean Ward to oppose application  
BH2016/00803 on behalf of residents living close by to the application location who have  
contacted us to explain their concerns.

We consider that the application as described constitutes a serious overdevelopment of the  
site which will impact negatively on a number of immediately neighbouring properties. (QD27  
of the Brighton and Hove Local Plan 2005)

This area of Withdean Ward does have a CPZ nearby and areas of single and double yellow  
lines in Withdean Avenue and nearby, Withdean Road. This application proposes 28 (C3)  
one bedroom residential units but only two disabled and seven on-site parking spaces. It is  
apparent to us that there is no area for any additional on road parking nearby to the  
application site. We understand that many of these residential dwellings are appropriate for  
older residents and we do understand the need for additional residences for our older  
residents and appreciate proposals for a safe store for mobility scooters on site.

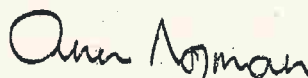
The addition of a Car Club space nearby could assist transport arrangements for residents  
who would be living some distance from shops, GP surgeries and pharmacists.

Should this application be recommended for approval under powers delegated to council  
officers, we ask that it be referred to the planning committee for decision and our letter of  
objection be included in full with the application.

Yours sincerely,



Cllr. Ken Norman  
Withdean Ward.



Cllr. Ann Norman  
Withdean Ward



Ms Jeanette Walsh  
Planning Manager  
Brighton and Hove City Council  
Kings House  
Grand Avenue  
Hove  
BN3 2LS

26<sup>th</sup> June 2016

Dear Ms Walsh,

**RE: OBJECTION TO APPLICATION BH2016/00803**

I write to you further to my letter of objection of the 13<sup>th</sup> June regarding the above planning application.

Since writing my original letter of objection, I have received yet more correspondence and wish to add some further detail of the concerns of nearby residents whilst officers continue to deliberate on this matter.

I would like to draw attention that the plans particularly affect residents at 8 and 10 Hazeldene Meads who I have met to discuss this matter with them. They are especially concerned that the plans submitted are very near to the boundary wall. Both neighbours are very concerned about how this will potentially affect the structural integrity of this wall, in addition to the significant loss of amenity (referred to in my previous letter) if this development proceeds.

It should also be considered that 8 Hazeldene Meads has a tree with a TPO in the immediate vicinity of the boundary. Therefore, the continued maintenance and viability of the tree ought to be considered by the construction of such a large structure within the path of its likely root growth.

I would also like to point out that the buildings are substantially higher than many properties in the area. With the roof included, the development exceeds 10 metres in height. This is not compatible with the Urban Characterisation Study for Westdene and Withdean. The Withdean area is described as "very low density" and having an "almost rural feel". This development is not in keeping with this description and ought to be scaled down.

In addition, the plans also entail significant reduction in vegetation which keeps the character of the area.

Tel: 01273 291898  
Email: [nick.taylor@brighton-hove.gov.uk](mailto:nick.taylor@brighton-hove.gov.uk)

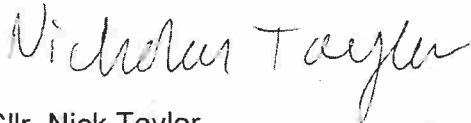
Conservative Member for Withdean Ward

Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)  
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The main access road is Withdean Avenue which is only 4.5 metres wide with double yellow lines. This prevents off-street parking when provision has only been made for 7 parking and 2 disabled spaces for 28 dwellings.

I very much hope that this application is refused given the above but I would like this matter to be discussed at Planning Committee should the officer recommendation is to grant.

Yours sincerely,



Cllr. Nick Taylor





**Brighton & Hove  
City Council**

Ms Jeanette Walsh  
Planning Manager  
Brighton and Hove City Council  
Kings House  
Grand Avenue  
Hove  
BN3 2LS

**Councillor Nick Taylor**

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

13<sup>th</sup> June 2016

Dear Ms Walsh,

**RE: OBJECTION TO APPLICATION BH2016/00803**

I am writing to register an objection to the above application in Withdean ward.

The development adjoins the small estate of Hazeldene Meads which are primarily comprised of low density bungalows. The development does infringe upon the adjoining properties in this estate resulting in a significant loss of light and amenity.

I am also concerned as a ward councillor that the roads cannot adequately cope with an additional 28 dwellings. The area is already under significant parking stress and whilst a permit scheme seems to have removed commuter parking in the area, the increase in household cars and visitors are likely to overwhelm this area.

I am also deeply concerned that the design of the dwellings does not match the design and character of the neighbouring houses. This is an area that has a semi-suburban appeal and the proposed designs do not do this justice. Unfortunately the current designs would look more in place on a university campus, or industrial estate; not a residential one.

I understand that major applications are taken to full planning committee for debate and decision. I have been contacted by residents who wish to object to these proposals and so I would like to add my objection to theirs and, if possible, attend to represent their views to the committee.

Yours sincerely,

Cltr. Nick Taylor

Tel: 01273 291898  
Email: [nick.taylor@brighton-hove.gov.uk](mailto:nick.taylor@brighton-hove.gov.uk)

Conservative Member for Withdean Ward

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# **ITEM D**

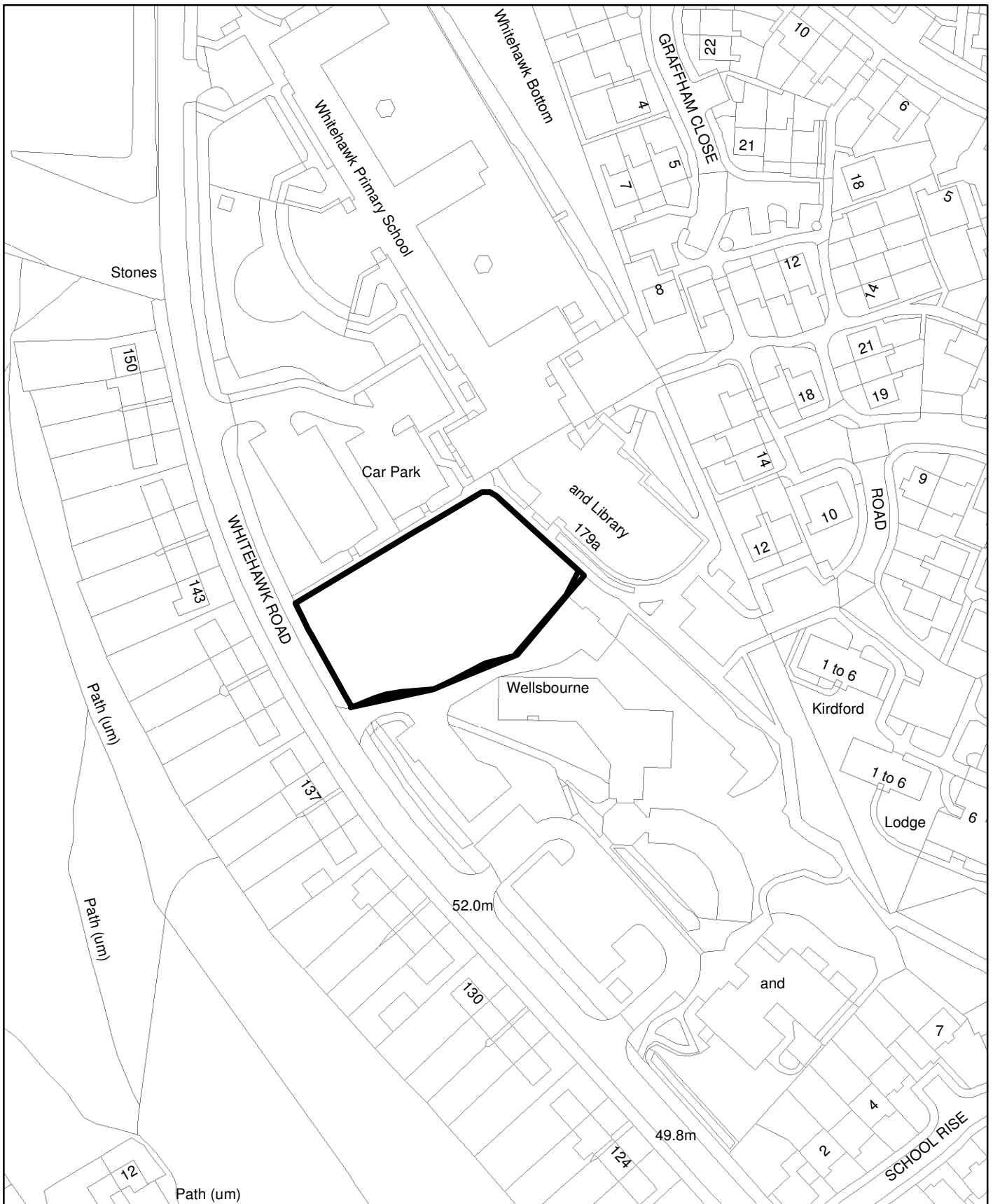
**Land adjacent Wellsbourne Health Centre,  
179 Whitehawk Road, Brighton**

**BH2016/01438  
Council development**

**03 AUGUST 2016**



# BH2016/01438 Land Adjacent Wellsbourne Health Centre



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/01438</b>	<b><u>Ward:</u></b>	<b>EAST BRIGHTON</b>
<b><u>App Type:</u></b>	<b>Council Development (Full Planning)</b>		
<b><u>Address:</u></b>	<b>Land Adjacent Wellsbourne Health Centre 179 Whitehawk Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no three storey block and 1no part three part four storey block containing 29no one, two and three bedroom flats (C3) with a separate single storey plant room containing communal boilers. Provision of 12no vehicle parking spaces with cycle racks and associated landscaping.</b>		
<b><u>Officer:</u></b>	<b>Stewart Glassar Tel 292153</b>	<b><u>Valid Date:</u></b>	<b>11/05/2016</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>10 August 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Brighton &amp; Hove City Council, Property &amp; Design Kings House Grand Avenue Hove BN3 2LS</b>		
<b><u>Applicant:</u></b>	<b>Brighton &amp; Hove City Council, Mr Sam Smith Kings House Grand Avenue Hove BN3 2LS</b>		

## 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 relates to a vacant piece of land located at the northern end of Whitehawk Road. The site is located on the eastern side of the road between Whitehawk Primary School car park and Wellsbourne Health Centre. To the rear of the site is Whitehawk Library and there are residential properties opposite the site. A public footpath from Whitehawk Road, which provides access to the school and library, separates the site from the school car park. The school, its car park and the library are set at higher ground levels than the application site. The area is a mix of two storey municipal housing and larger institutional buildings which are both traditional and contemporary in their design and appearance.
- 2.2 The site is roughly rectangular in shape and runs from the library to Whitehawk Road. It measures approximately 36 metres in width at its maximum between the car park and Health Centre and is on average 59 metres in length. In total,

the site covers 0.19ha and rises slightly in ground level from Whitehawk Road to the Library.

### **3 RELEVANT HISTORY**

None relevant.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the redevelopment of the site to provide 29 flats. The flats will be accommodated in two blocks. One block will be positioned towards the front of the site (West Block) with the second block located to the rear of the site (East Block). Access would be taken from the existing access to the south of the site which serves the Health Centre.
- 4.2 The West Block would be three storeys in height and provide 11 flats. Of these flats, three would be 1-bedroom units and the remaining 8 would be 2-bedroom units. The East Block would be a part three/part four storey building and accommodate 18 flats. The accommodation in the East Block would comprise of six 1-bedroom flats, five 2-bedroom flats and seven 3-bedroom flats.
- 4.3 The buildings would have a buff brick finish and incorporate balcony features on the front and rear elevations. There would be a central courtyard area between the two buildings which would provide an area for car parking and refuse/recycling bins. A plant room, finished to match the main buildings, would be located within this central area.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

- 5.1 **Neighbours:** None received.
- 5.2 **County Archaeologist:** No objection. Unlikely the proposal will have a significant archaeological impact.
- 5.3 **Southern Water:** No objection subject to conditions requiring a drainage strategy that details the proposed foul disposal and an implementation timetable.
- 5.4 **Sussex Police:** No objection
- 5.5 **County Ecologist:** Support subject to conditions
- Internal:**
- 5.6 **Highway Authority:** Recommend approval subject to conditions and s106 agreement.
- 5.7 **Housing Strategy:** Support as the scheme meets the Affordable Housing Brief.



5.8 **Regeneration:** Support subject to conditions and legal agreement.

5.9 **Sustainability:** Support subject to conditions.

5.10 **Arboriculture:** No objection.

## **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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6.5 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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages

- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, the design and appearance of the proposed blocks, their impact upon the amenity of neighbouring properties and uses, the standard of accommodation created, transport and sustainability issues. The impact of the scheme on the City's housing supply will also be taken into account.
- 8.2 **Principle of Development:**

The site is located within the built area of the City and constitutes previously developed land, having originally formed part of the adjacent primary school site but has subsequently been declared surplus to requirements. It is surrounded on all sides by existing built development.
- 8.3 The fringes of the site are shown in the Policies Map as being open space. Policy CP16 states that the Council will work to promote and improve access to open space through the retention and enhancement of open space. However, the areas shown as being open space are the edges of the site which have become overgrown. Given that the bulk of the site is not allocated for open space and the fringes of the site will be retained for perimeter landscaping, it is considered that Policy CP16 would not be applicable.
- 8.4 It is therefore reasonable to conclude that the redevelopment of the site is acceptable in principle and that a residential use would be compatible with the surrounding land uses.
- 8.5 **Housing Supply, Mix and Density:**

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.6 The application proposes a total of 29 new flats, which will make an important contribution towards the overall housing supply targets for the City. The development produces a density in excess of the minimum desired density set out in Policy CP14 of the City Plan, which encourages developments to make efficient use of land. It states that increased densities can be acceptable where the development is of a high standard and respects and reinforces the character

of the area and contributes positively to the sense of place. This site is relatively close to public transport, Whitehawk Way is on a bus route, and in addition to the community facilities that adjoin the site there are shops on Whitehawk Way. Both these factors are also identified in Policy CP14 as being necessary components of ensuring higher density developments are acceptable.

- 8.7 The scheme also proposes a mix of unit sizes. As noted in the supporting text to Policy CP19, it is estimated that 65% of the overall need/demand (for both market and affordable homes) over the City Plan period will be for two and three bedroom properties (34% and 31% respectively); 24% for 1 bedroom properties. Given that the majority of units proposed in this scheme are two and three bedroom units, the development is considered to accord with the objectives of both Policy CP14 and Policy CP19.
- 8.8 As the Council is the applicant/developer the intention is that the development will provide 100% 'affordable housing' and that when the development is completed the City Council will be able to nominate people from the housing register to the properties. It may also enable people to move into the new units thereby freeing up larger family homes elsewhere. Any permission would need to be subject to a condition which limited the housing in this way. Therefore, the application would accord with Policy CP20 of the City Plan.
- 8.9 **Design and Appearance:**  
The proposed buildings have been given a relatively simple but contemporary design, being finished in a lighter, buff brick with the central communal areas of both blocks and parts of the upper floor of the East Block detailed in metal cladding. The corner units on each block will have balconies.
- 8.10 The area comprises a mix of building types, styles and finished materials. The existing houses in Whitehawk Road are finished in lighter brown brick or rendered walls with brown clay roof tiles whereas the Health Centre has a render and wood clad finish with a flat roof design that is edged in green. Similarly, the Primary School to the rear is a larger, more visually imposing building with a brown brick and clay tile appearance it has a relatively conventional pitched roof design whereas the adjacent library has a brick and render finish with a more modern asymmetrical roof designs and curved walls displaying large expanses of glazing. The brick finishes in the area are generally darker than the buff brick proposed in the application and therefore whilst a brick finish is acceptable it may be that a slightly darker brick would be more in keeping. However, this can be controlled through a condition requiring the submission and approval of the specific finished materials.
- 8.11 The existing buildings in the area not only display a range of finishes but they have varying sizes and scale. Whilst the houses are conventional two storey buildings, the Health Centre, Library and School, which are also nominally two storey all have a much greater scale and are more visually imposing. The Library and School also sit at a higher ground level than Whitehawk Road and the application site. Whilst both of the proposed buildings will be higher than the Health Centre to the south of the site, neither will be higher than the existing school building to the north. Thus, in terms of townscape, they will provide a

reasonable stepping up in building heights from the Health Centre to the School. Because of the position of the site between Whitehawk Road and the Library, any development on this land will be likely to limit wider views of the library building from Whitehawk Road. However, in terms of the wider townscape this is unlikely to be detrimental and the building will still be able to be glimpsed between the new flats and the Health Centre.

8.12 Given this context it is considered that the design and appearance of the buildings is considered acceptable.

**8.13 Impact on Amenity:**

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.

8.14 The closest residential properties to the site are those on the opposite side of Whitehawk Road. The West Block, which fronts on to Whitehawk Road, is set back into the site by some 5 metres meaning that the elevation-to-elevation distance between the existing houses and the West Block would be some 23 metres. There will be balconies at first and second floor at the corners of the building but these will not project beyond the front elevation of the block.

8.15 The redevelopment of the site will change the views and outlook from the houses in Whitehawk Road but the loss of the vacant site can be seen as a visual improvement. Given the distances between the West Block and the houses on Whitehawk Road and the orientation of the site, the existing houses are unlikely to have their outlook unduly impacted by the development nor is the development likely to block light or cast a shadow across these neighbours.

8.16 The Health Centre is closer to the site than the houses in Whitehawk Road but its position and the orientation of the buildings to one another mean that its amenity is not likely to suffer as a result of the development. Whilst the Health Centre does have some windows on its rear elevation the windows on the front and side elevations of the East Block, which at 10m are the closest elevations to the Health Centre, do not directly face onto the rear elevation of the Health Centre.

8.17 The main building to be affected by the development is the Library. The rear elevation of the East Block will be set in from the site boundary by approximately 4m and will at its closest be some 7m from the Library building although most of the building is between 9m and 11m from the Library. The proposed flats would be set at a lower ground level than the Library by approximately 1.75m. It is also noted that the top floor of the East Block is set in from the edge of the building and thus reducing its impact upon the neighbouring building. The proposed building will alter the outlook from the front of the library and it will diminish to some degree the light to the front of the building. However, the proposed building is to the west of the library and thus it will only be later in the day when the Library is likely to be closed that the new buildings will cast a shadow across the front of the Library.

8.18 Any redevelopment of this site will alter the outlook from the neighbouring buildings and their relationship with the site. Given the surrounding context the proposed scheme's impact upon the amenity of surrounding buildings and occupants is considered acceptable.

**8.19 Standard of Accommodation:**

The proposed flats have been designed to be of sufficient size to meet the Nationally Described Space Standards, which provide a useful guide to the standard of accommodation being provided. Although one of the bedroom types in the East Block is slightly narrower at one end than the Standards would ideally prescribe, its overall size meets the Standards. As the Standards are only indicative and the overall level of accommodation is of a good standard there is no objection to the scheme in this regard.

8.20 Both principle entrances to the buildings will provide suitable level access and the wheelchair accessible parking is adjacent to the main entrance to the East Block where the wheelchair accessible flats are provided. Each of the three wheelchair accessible flats on the ground floor of the East Block will comply with the Building Regulations Part M4(3) and all the other units will comply with Part M4(2) which relates to Accessible and Adaptable Dwellings. All of these aspects would be Lifetime Home compliant.

8.21 The development provides some landscaping to the site boundary and will retain the existing 4 Large Hybrid Elms along the site frontage, which are protected and have both an amenity value and provide screening and softening of the site. There is some concern as to likely shade levels to the block on West Block as the trees still have growth potential and are located to the Southwest of the building. Whilst some pruning may well be required to manage the situation the existing TPO provides adequate protection to prevent excessive works. However, there is no communal amenity space although each flat is provided with its own balcony. Given that the flats are designed for family accommodation, a balcony would in some circumstances be considered insufficient in relation to Policy H05. However, as the site is on the edge of the City and is in close proximity to large open areas of open space, the absence of on-site provision is less crucial in this instance.

8.22 Sussex Police have not raised concerns with regard to the overall design and layout of the scheme, noting in particular that there are good levels of observation across the development; that the parking is overlooked from active rooms and that the boundary treatments clearly indicate the difference between private and public space. Some observations have been made with regard to detailed matters such as locks, door entry systems and internal lighting. However, these are not planning matters and are issues for the applicants to consider.

**8.23 Sustainable Transport:**

The Highway Authority notes that the proposed 12 car parking spaces would be below that maximum permitted under SPG4 and that although there could be overspill parking of up to seven vehicles, the parking surveys undertaken as

part of the application submission confirm that there is sufficient capacity within the surrounding area to absorb the level of overspill parking that could be reasonably accepted from the development.

- 8.24 A trip generation exercise has also been prepared for the site and its conclusion has been agreed by the Highway Authority. Applying a standard contribution methodology to mitigate impacts of the trip generation produces a requirement for a £31,800 contribution which would be put towards real time transport information at bus stops and pedestrian route improvements. A Travel Plan which should include provision of a three month bus ticket per dwelling is also requested. As this is a council development, it is not possible to secure a legal agreement although a condition can be imposed requiring a Travel Plan, the details of which can include off-site works if they are directly related to the development.
- 8.25 The application will provide 30 cycle parking spaces within the ground floor of the West Block, which will be accessible to residents of both blocks. This provides the minimum of one space per unit as required by SPG4. In addition, five Sheffield stands are provided outside the entrances to each block, providing the minimum of ten visitor spaces. The Highway Authority have requested that a condition be imposed to ensure the details of the bike stores are provided.
- 8.26 Owing to the nature of the site within a residential area and being adjacent to a school and a health centre, the Highway Authority also recommends that a Construction Environment Management Plan (CEMP) be secured by condition. This would provide details of how the applicant will address the impacts of construction vehicle movements, including timing deliveries so as that these do not coincide with school drop off and collection periods.
- 8.27 **Sustainability:**  
City Plan policy CP8 sets out that all new residential dwellings must meet minimum energy and water efficiency standards. These are energy efficiency standards that require a 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013; and a water efficiency standard of 110 litres per person per day. These are equivalent to the energy and water performance standards from the former Code for Sustainable Homes to Level 4.
- 8.28 The Design & Access Statement makes a commitment to achieve the minimum energy and water efficiency standards. Other aspects of Policy CP8 have also been addressed by the application including 17kWp PV panels to be sited on the roofs of each block together with energy efficiency measures such as: highly efficient fabric performance; low energy lighting; extremely efficient aluminium faced timber double glazed with argon filled double glazed windows; natural ventilation; and large windows which will provide good levels of daylight to habitable rooms. Heating is proposed to be provided via two community gas boilers sited in an energy centre with heat distribution units within each flat and low temperature radiators.
- 8.29 It is also noted that the design incorporates measures to reduce surface water runoff. Sustainable drainage techniques have been incorporated into the

scheme which aim to ensure the development will not increase the risk of flooding, or surface water runoff.

**8.30 Ecology:**

The site is predominantly hardstanding, with some amenity grassland, scattered trees and tall vegetation, and is of relatively low ecological value. Given the location, size and nature of the proposed development, the County Ecologist has confirmed that there are unlikely to be any impacts on any sites designated for their nature conservation interest and that the approach set out in the submitted ecological reports are acceptable.

8.31 The risk of reptiles being present on site is considered to be low. However, the ecology reports submitted with the application suggest a precautionary approach should be taken to site clearance and that it should be done under ecological supervision.

8.32 In addition, to avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August) although as an alternative a nesting bird check could be carried out by an appropriately trained, qualified and experienced ecologist, prior to any demolition/clearance works. The scheme will provide bird and insect boxes as part of the final landscape/ecological works.

8.33 Any permission would be specifically linked to the works specified in the submitted ecological reports.

**8.34 Regeneration:**

The Council's City Regeneration officers support the scheme both in terms of the improvement it will make to towards the City's housing provision but also the enhancement to the local environment by using a vacant site.

8.35 They have requested a £14,500 payment towards the Local Employment Scheme but as with the request by the Highway Authority, it is not possible to secure such payments through a planning agreement as this is a Council development. However, the request that an Employment and Training Strategy which will commit to using at least 20% local employment during the construction phase and where possible the demolition phase can be covered by a planning condition.

**9 CONCLUSION**

9.1 In principle the redevelopment of this unused, previously developed site within the built up area of the City is acceptable for residential purposes. In addition, where residential development is acceptable it will be preferable if the density of development were at least 50 units per hectare in order to use the site as efficiently as possible.

9.2 The scheme as proposed represents a density of 150 units per hectare which exceeds the Council's minimum density requirements although it does reduce the amount of amenity space that can be provided. In this instance the amenity space is limited to a single balcony for each flat. However, the proximity of the

site to extensive areas of open space does help to compensate for the limited on-site provision.

- 9.3 The proposed buildings are set sufficiently far from the nearest houses on Whitehawk Road so as not to have an adverse effect either in terms of overlooking, overshadowing or loss of privacy. Similarly, the development is not likely to impact the Health Centre or Primary School. The block at the rear of the site will be close to the Library building and therefore views from the Library will now look out across a building rather than a vacant site. However, access to the Library and its day to day operations will be unaffected by the development.
- 9.4 The scheme will not have an adverse ecological impact and will meet the Council's requirements for sustainable buildings and development.

## 10 EQUALITIES

- 10.1 The site provides three disabled parking spaces and three ground floor flats in the East Block which will be wheelchair accessible.

## 11 PLANNING CONDITIONS & INFORMATIVES

### 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 and documents listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	HOU010 001	A	11/05/16
Block Plan	HOU010 002	A	11/05/16
External Works Site Plan	HOU010 003	-	22/04/16
Proposed Floor Plans West Block	HOU010 004	-	22/04/16
Proposed Floor Plans East Block	HOU010 005	-	22/04/16
Proposed Elevations West Block	HOU010 006	-	22/04/16
Proposed Elevations East Block	HOU010 007	-	22/04/16
East Block Contextual Elevations	HOU010 008	-	22/04/16
West Block Contextual Elevations	HOU010 009	-	22/04/16
Site Section	HOU010 010	-	22/04/16
Energy Centre Plans and Elevations	HOU010 011	-	22/04/16



PLANNING COMMITTEE LIST- 03 August 2016

Proposed Detail Elevations and Section	HOU010 012	-	22/04/16
Extended Phase 1 Habitat Survey and Bat Roost Assessment (13 April 2016)	3145AO/16	Rev 01	22/04/16

- 3) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the affordable housing provision have been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate how the scheme provides 40% affordable housing. The scheme shall be implemented in strict accordance and retained hereafter.  
**Reason:** To ensure the provision and retention of affordable housing in accordance with policy CP20 of the City Plan Part One.

Pre-Commencement Conditions:

- 4) Notwithstanding the submitted documentation, 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 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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One

- 5) No development shall commence until fences for the protection of trees to be retained 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 QD16 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 6) No development shall commence until an Employment and Training Strategy is submitted to and approved in writing by the Local Planning Authority. The strategy shall detail measures to secure 20% local employment during the construction phase and 20% during the demolition phase where possible. The

approved Strategy shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To secure training and job opportunities for local residents and to comply with Policy CP2 of the Brighton & Hove City Plan

- 7) No development shall commence until a drainage strategy, detailing the proposed means of foul and surface water sewerage disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved strategy.

**Reason:** To ensure the development does not pose a flood risk or have any potential adverse effects on people or property in accordance with Policy CP11 of the Brighton & Hove City Plan.

- 8) Prior to the commencement of development details of the works to remove the redundant vehicle crossover adjacent to the site on Whitehawk Road and return it back to a footway by raising the existing kerb and footway shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to first occupation of the development.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.

- 9) No development shall take place until a full scheme including layout and constructional drawings, setting out the access road and footway details have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

**Reason:** To ensure that there suitable footway and public transport provision is provided to and from the development and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

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

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

- vi) Details of the construction compound;
- vii) A plan showing construction traffic routes;
- viii) An audit of all waste generated during construction works.

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

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 11) Unless otherwise agreed in writing by the Local Planning Authority, the site clearance works shall be undertaken in accordance with paragraphs 5.8 – 5.11 (inclusive) of the Extended Phase 1 Habitat Survey and Bat Roost Assessment (13 April 2016) prepared by PJC Consultancy and received by the Local Planning Authority on 11 May 2016.

**Reason:** To safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the City Plan Part One.

Pre-Occupation Conditions:

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

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 13) Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 14) 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.

15) 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 CP8 of the City Plan Part One.

16) 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 CP8 of the City Plan Part One.

17) Within three months of the date of first occupation, a Travel Plan for the development shall be submitted to in writing to the Local Planning Authority for approval. The measures shall include, but not be limited to, the following:

- The provision of a welcome pack for new residents providing details of sustainable transport facilities within the vicinity of the site, including cycle and bus routes and timetable brochures;
- The provision of a three-month public transport ticket per household.

The approved Travel Plan shall thereafter be fully implemented in accordance with the approved details.

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

18) Prior to first occupation of the development hereby permitted, details of the secure cycle parking facilities for the occupants of, and visitors to, the development shall be 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.

19) 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 CP9 of the City Plan Part One.

20) Prior to first occupation of the development hereby permitted details showing the type, number, location and timescale for implementation of the

compensatory bird / insect boxes shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

**Reason:** To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the City Plan Part One.

21) Prior to first occupation of the development hereby permitted, a scheme and timetable for implementation, for the installation of real time public transport information at Wellsbourne Centre southbound bus stop and pedestrian route improvements between the site and local facilities including Whitehawk Road shops, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented.

**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 will not be detrimental to the appearance of the building, wider street scene, the character or appearance of the area or amenities of adjacent occupiers, in accordance with development plan policies.
3. 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.
4. The water efficiency standard required under condition 15 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;

PLANNING COMMITTEE LIST- 03 August 2016

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.

5. Southern Water is likely to require a formal agreement to provide the necessary sewerage infrastructure required to service this development. They can be contacted at: Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire, SO21 2SW. (Tel: 0330 303 0119) or at [www.southerwater.co.uk](http://www.southerwater.co.uk)
6. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
7. 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.

# **ITEM E**

**Unit 4 Home Farm Business Centre, Home  
Farm Road, Brighton**

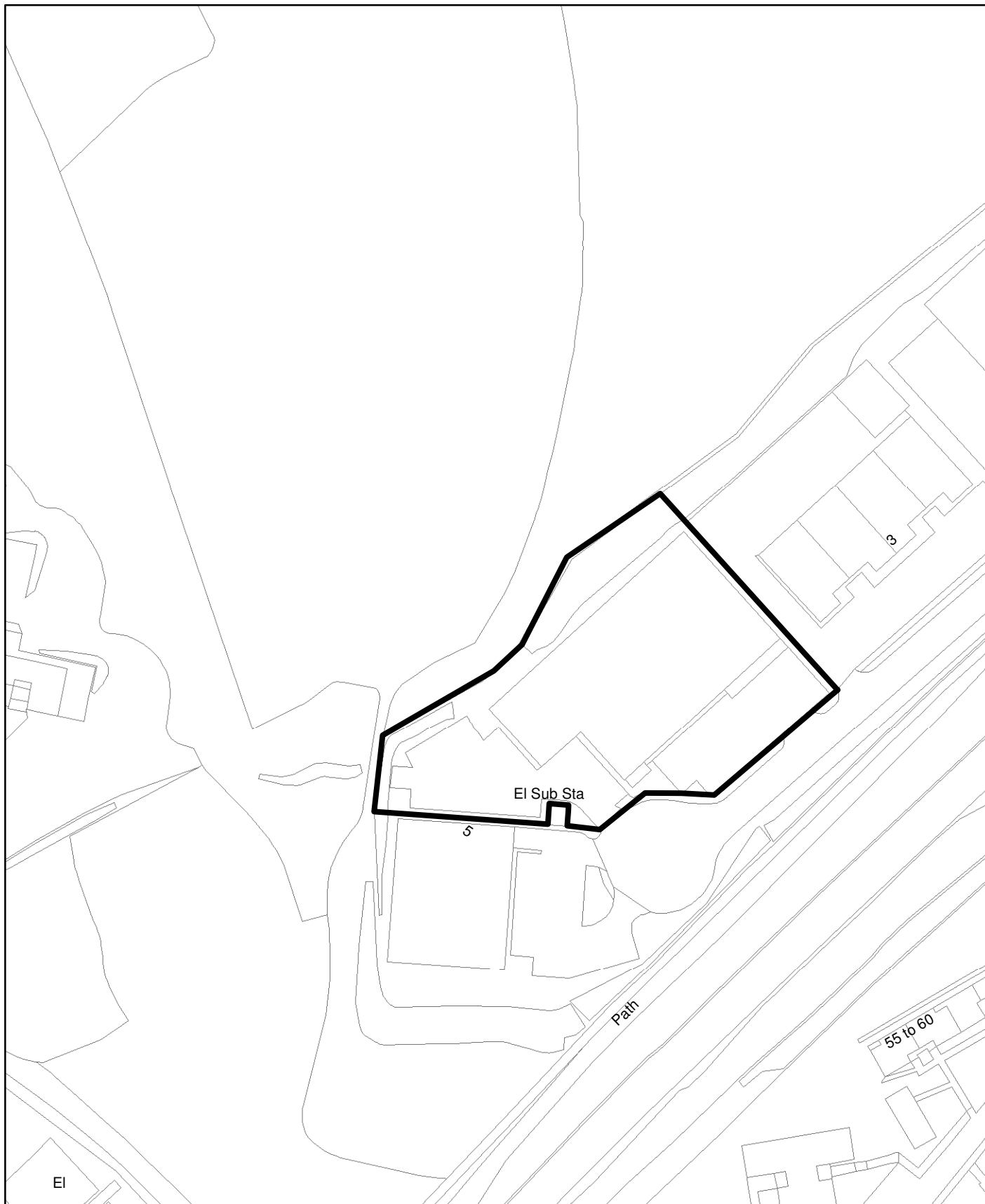
**BH2016/01414  
Full planning**

**03 AUGUST 2016**





# BH2016/01414 Unit 4 Home Farm Industrial Estate



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/01414</b>	<b><u>Ward:</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Unit 4 Home Farm Business Centre Home Farm Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from light/general industrial (B1c/B2) to Class B1 use.</b>		
<b><u>Officer:</u></b>	Stewart Glassar Tel 292153	<b><u>Valid Date:</u></b>	06/06/2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	05 September 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b>Agent:</b>	Planit Consulting, PO Box 721 Godalming GU7 9BR		
<b>Applicant:</b>	Novus Interiors, Mr V Blake C/o Planit Consulting PO Box 721 Godalming GU7 9BR		

## 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 is located to the north of Lewes Road and to the east of Moulsecombe station. It is accessed via Home Farm Road which is a turning off Lewes Road (A270). The Home Farm Business Centre is at the western end of Home Farm Road and comprises five production, distribution and office units.
- 2.2 The application relates to an existing detached industrial building towards the western end of Home Farm Road. The building is arranged across two floors although the central part of the building is a void at first floor level. Externally it is clad in profiled metal sheeting which matches the neighbouring units. The front elevation faces onto Home Farm Road, with a tarmacked forecourt to the front and western side of the building.

## 3 RELEVANT HISTORY

**BH2015/04569** - External alterations including removal of roller shutters and canopies and installation of structural glazing to South and East elevations, new canopies and new entrance to East elevation. Approved 08/04/2016.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the building from light and general industrial uses (Classes B1(c) and B2) to use as an office (Class B1(a)).
- 4.2 The applicants design and manufacture door and building entry systems and access control systems. These systems are generally high tech and are designed to provide security and monitoring for a building and will integrate with other parts of a buildings infrastructure such as lighting and energy efficiency. The manufacturing takes place in Eastbourne and their headquarters are located at Unit 3 Home Farm. Their headquarters building houses all the main support functions such as sales, personnel, finance as well as the design and research of products, technical support and training for clients. As part of their expansion they need additional floorspace and the availability of Unit 4 provides an obvious solution for the applicants.
- 4.3 The intention is therefore to use the application building for the applicant's main research and development activities as well as testing and training facilities for staff and clients. The more central, core activities of the business such as personnel, finance, sales/marketing will remain within the existing building.
- 4.4 Given the nature of the operations, it is considered that the activities being undertaken would be more than just a Class B1(a) office use. Having spoken to the applicant's agents it has been agreed that the nature of the use being sought is a more general Class B1 use which would encompass both office and research and development uses as well as the existing light industrial use.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 **Neighbours:** None received.
- 5.2 **County Archaeologist:** No objection as unlikely that there will be a significant archaeological impact.
- 5.3 **Sussex Police:** No objection.
- 5.4 **Southern Water:** No objection.

### **Internal:**

- 5.5 **Sustainability Officer:** No Object subject to conditions.

## **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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP2 Sustainable economic development
- CP3 Employment land
- CP8 Sustainable buildings
- CP9 Sustainable transport

#### Brighton and Hove Local Plan (retained policies March 2016):

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- QD27 Protection of amenity

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main consideration in the determination of this application is whether the change of use accords with planning policy and whether the change of use could have a detrimental impact upon amenity. Sustainability and Highways issues also need to be considered.
- 8.2 **Planning Policy:**  
Home Farm Industrial area is a purpose-built estate and comprises a series of five units occupied by a range of Class B1a/ B1c/ B2/ B8 uses.
- 8.3 Unit 4 is an industrial style unit that provides 3,600sq m of floorspace for light or general industrial uses (Use Class B1(c) and B2). It was most recently used by Forfars bakery but following its closure the unit was marketed and purchased by

Paxton, who currently own and occupy Unit 3 to the east of the application site. External changes to the building were recently granted planning permission reference (BH2015/04569).

- 8.4 The application initially sought to use the building for Class B1(a) office use purposes as part of the business expansion plans for Paxton. However, during the course of assessing the application it became clear that the nature of the works undertaken by Paxton and in particular the work that is proposed to be undertaken in Unit 4 includes research and development use, Class B1(b) use and potentially some light industrial use, Class B1(c). Given that government advice is generally not to split permissions for Class B1 use into its constituent parts as any Class B1 use should be capable of being undertaken in a residential area and that the unit is already capable of being used for light industrial purposes (Class B1(c)) it is not considered that amending the application to an unfettered Class B1 use would prejudice consideration of the application, neighbouring units or the wider area.
- 8.5 Policy CP3 of the City Plan seeks to protect a number of existing industrial estates and business parks, including the Home Farm Industrial Area, for Class B1, B2 and B8 uses. The policy provides a positive and flexible approach allowing owners to respond to changing business needs in accordance with the NPPF and the findings of the Employment Land Study (2012). The Policy is clear that the council will support proposals for the upgrade and refurbishment of estates and premises such as Home Farm so that they meet modern standards required by business.
- 8.6 Given that the proposal would enable a local business to expand their operation in response to their changing business requirements and the use of the Unit 4 is not proposed to move outside of the Class B1-B8 range of uses, the change of use would not be contrary to Policy CP3 of the City Plan.
- 8.7 **Impact on Amenity**  
The existing building has planning permission for both light industrial and general industrial use and was previously occupied by Forfars Bakery. The current application will in effect retain the light industrial use and enable office and research and development activities to be undertaken alongside the light industrial use but the general industrial use will cease.
- 8.8 In order to be considered a Class B1 use (office, research and development, light industrial uses) the activities should be capable of being undertaken in a residential area. In this case, the building has commercial uses on either side (offices and industrial buildings). There are no neighbours to the rear and Homewood College is nearly 100m to the north west of the site and separated by a dense, wooden copse. To the south are a series of three storey blocks of flats in Highbrook Close, which is set down at a much lower level below that of Home Farm Road. These buildings are separated by the Brighton-Lewes railway line which itself is shielded on either side by mature tree planting.
- 8.9 Given its context, the site has previously been considered suitable for a range of industrial uses and the City Plan continues to support its use for general

industrial and storage/warehousing uses. Accordingly, a Class B1 use would not see a diminution to the amenity of the area in terms of noise, vibration, fumes, smells etc. and there may be some slight improvement in the immediate vicinity of the site from the cessation of a general industrial use. Accordingly, the proposal would not be contrary to Policy QD27 of the Local Plan.

**8.10 Sustainability:**

Policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the city's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. Under Policy CP8 all major non-residential development is expected to achieve BREEAM 'excellent'.

8.11 The applicant's agent has confirmed that the refurbishment works being undertaken include the recladding and re-roofing of the building and that this will considerably improve the energy efficiency of the building, as required by Policy CP8.

8.12 Some information has been provided with regard to the construction of windows and doors (which have been previously approved) but a reduction to the BREEAM standard required by Policy CP8 has not been specifically sought. The Council's Sustainability Officer has therefore recommended that the standard condition be applied to secure submission of a Final pre occupation certificate showing that BREEAM (Refurb) 'excellent' has been achieved. It is considered that given the nature of the change of use and the previous approval of the external changes, this would be sufficient and that the submission of a Design Stage certificate pre commencement would not be necessary.

**8.13 Sustainable Transport:**

The Highway Authority has assessed the proposed change of use and has concluded that there is likely to be only a limited change (1-2 vehicles) in trip generation during the morning and evening peak periods whilst it is likely that there is the potential for trips by heavy goods vehicles to be reduced. There is also reasonable provision for pedestrians on routes between the site and Moulsecomb Station/ Lewes Road which provide good public transport accessibility.

8.14 Whilst overspill parking is a potential issue this would be expected to be contained to Home Farm Road where there is on-street capacity. It is also noted that Lewes Road to the north and Queensdown School Road/ Bates Estate to the south are beyond the area where a parking survey would typically be expected to cover. Details of the car parking layout and the provision of suitable disabled parking spaces can be secured by condition.

8.15 It is nevertheless considered that in order to provide appropriate mitigation for the increase in vehicle trips and potential increase in on-street parking demand that the applicant should commit to introducing a Travel Plan combining both their current and existing sites in accordance with Brighton & Hove Local Plan policy TR4. It is recommended that this include a package of measures, including a public transport taster ticket for all staff and the provision of a real

time public transport information screen within the site. These measures can be secured by condition.

- 8.16 SPG4 requires 19 cycle parking spaces to be provided for 3,600sqm office floor space; however, the submitted documents do not appear to show any cycle parking on the site. There is ample space within the site to accommodate cycle parking, and as such, the Highway Authority recommends that details of cycle parking be secured by condition.

**9 CONCLUSION**

- 9.1 The change of use is considered to be acceptable in principle as a Class B1 use would be in accordance with Policy CP3 of the City Plan. The external changes to the building to enable this use to take place have previously been agreed and as the building is already capable of being used for light and general industrial purposes allowing office/research and development/light industrial uses would not prejudice the amenity of any of the adjoining sites or wider area.
- 9.2 The Highway Authority has indicated that there is no objection in principle to the use of the building and that measures such as the layout of car parking and provision of a Travel Plan can be controlled by condition.
- 9.3 Accordingly, the application is recommended for approval.

**10 EQUALITIES**

- 10.1 None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

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
Location Plan	3027-00-009	Rev P	22/04/16

- 3) In accordance with the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall be used for Class B1 purpose only.



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

**Reason:** For the avoidance of doubt and to ensure the retention of employment floorspace in accordance with Policy CP3 of the City Plan.

- 4) No development shall commence until a drainage strategy, detailing the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved strategy.

**Reason:** To ensure the development does not pose a flood risk or have any potential adverse effects on people or property in accordance with Policy CP11 of the Brighton & Hove City Plan.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a minimum BREEAM rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 6) Within three months of the date of first occupation of the building, a Travel Plan for the development shall be submitted to the Local Planning Authority for approval. The approved Travel Plan shall thereafter be fully implemented in accordance with the approved details.

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 7) Prior to first occupation of the development hereby permitted, a car park layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of loading areas and the provision of disabled parking. 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, to ensure the provision of satisfactory facilities for pedestrians and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR18 of the Brighton & Hove Local Plan.

- 8) 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 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 will be in accordance with development plan policies for the site and the change of use will not raise concerns with regard to impacts upon neighbours, the wider area or sustainable transport issues.
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
4. Formal applications for connection to the public sewerage system and water supply will be required to service this development. Southern Water can be contacted at: Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire, SO21 2SW. (Tel: 0330 303 0119) or at [www.southerwater.co.uk](http://www.southerwater.co.uk)
5. The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
  - a) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole occupancy car use. Measures may include, but not be limited to:
    - Induction packs containing details of walking, cycling and public transport routes and timetable information for new employees;
    - a Real Time Public Transport Information screen
    - Public transport 'taster' voucher for employees.

## PLANNING COMMITTEE LIST- 03 August 2016

- b) Increase awareness of and improve road safety and personal security;
- c) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
- d) Identify targets focussed on reductions in the level of business and commuter car use;
- e) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
- f) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
- g) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.



# **ITEM F**

**51 Westbourne Villas, Hove**

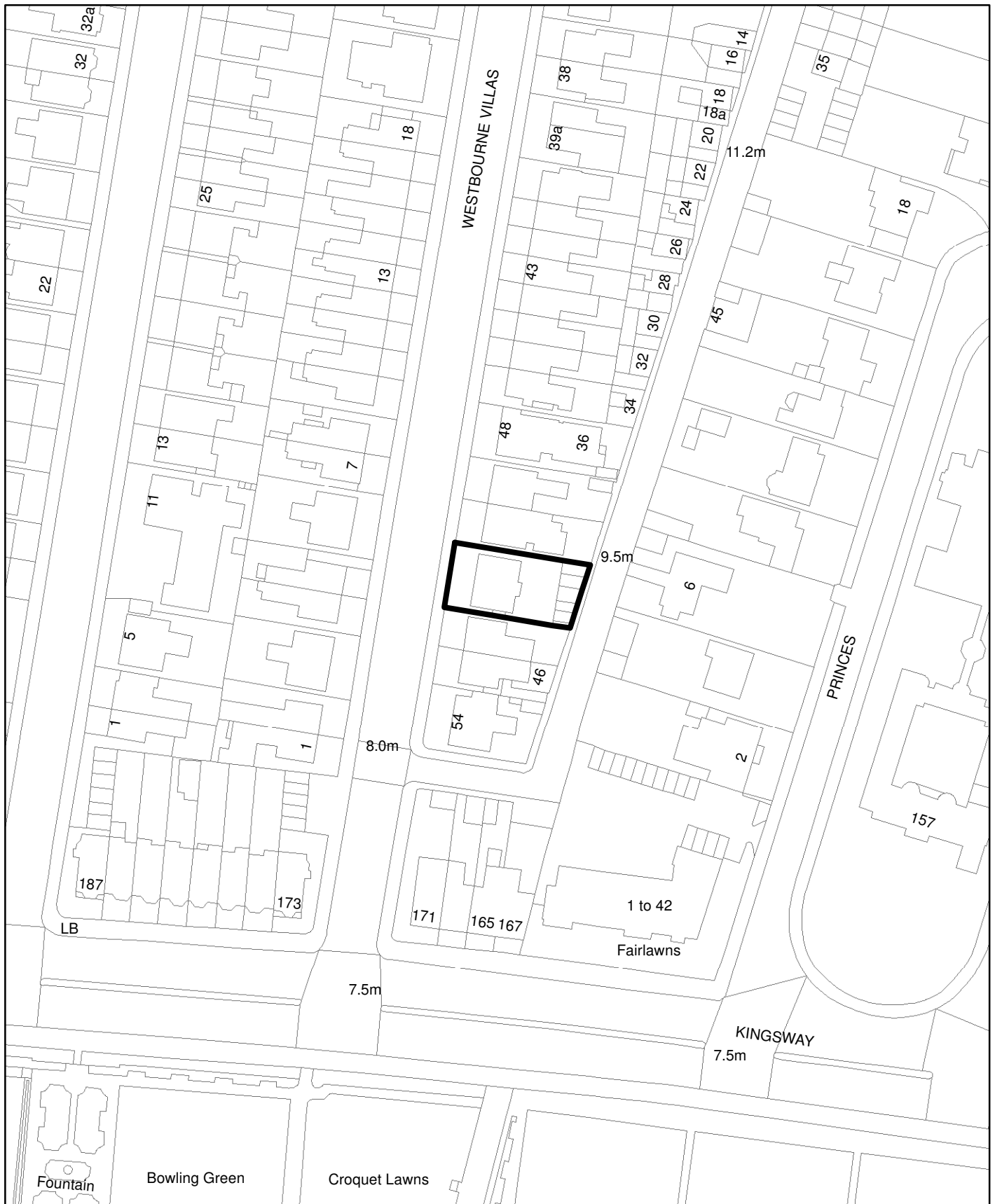
**BH2016/00015**

**Householder planning consent**

**03 AUGUST 2016**



# BH2016/00015 51 Westbourne Villas



**Brighton & Hove  
City Council**



N

**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2016/00015</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>51 Westbourne Villas Hove</b>		
<b><u>Proposal:</u></b>	<b>Alterations to rear elevation incorporating erection of timber conservatory and new balcony at ground floor level.</b>		
<b><u>Officer:</u></b>	Joanne Doyle Tel 292198	<b><u>Valid Date:</u></b>	13/01/2016
<b><u>Con Area:</u></b>	Sackville Gardens	<b><u>Expiry Date:</u></b>	09 March 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Chalk Architecture Ltd, Wilbury Stratton 3rd Floor Nile House Nile Street Brighton BN1 4HW		
<b><u>Applicant:</u></b>	Mr John Fairall, 51 Westbourne Villas Hove BN3 4GG		

The application was deferred at Committee on the 13 July 2016 to allow Members to carry out 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 **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 a two storey plus basement detached property, located on the east side of Westbourne Villas. The property backs directly onto Westbourne Place. The property has recently been converted back into a single dwelling following the part implementation of planning permission BH2010/04001. A row of garages that formerly fronted Westbourne Place have been demolished. A rear extension has been recently completed at basement level.

## 3 RELEVANT HISTORY

**BH2016/00037-** Application for Approval of Details Reserved by Condition 7 of application BH2015/02110. Approved 02/03/2016.

**BH2015/03844-** Application for Approval of Details Reserved by Condition 7 of application BH2015/02110. Refused 17/12/15.

**BH2015/02110-** Erection of a single storey rear extension. Erection of a single storey detached annex with garage fronting Westbourne Place. Approved 20/10/15.

**BH2011/01517-** Application for Approval of Details Reserved by Conditions 9, 10, 11 and 12 of application BH2010/04001. Approved 02/08/2011.

**BH2010/04001-** Conversion of flats and 5 no. garages to the rear into one 5 bedroom family home, rear annex and parking for 2 cars. Approved 28/02/2011.

**BH2010/03023-** Reconversion of 3no flats back into 1no 5 bedroom dwelling and conversion of garages to rear into 1no one bedroom dwelling. Refused 24/11/2010.

**BH2010/01059-** Re-conversion of 3no existing flats back into 1no 5 bed dwelling house and conversion of garages to rear into a detached 3 bed house. Refused 03/09/2010.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for alterations to rear elevation incorporating erection of timber conservatory and new balcony at ground floor level.

#### **5 PUBLICITY & CONSULTATIONS**

##### **5.1 External**

**Neighbours: Twenty Three (23)** letters of representation have been received from **Flat 1, 2 & 3 49 & 50 Westbourne Villas (solicitor) (x4) 75 Westbourne Street (x2) 16, 19, 20, 36 & 46 Westbourne Place 2 Willow Close 4 Princes Crescent 60 Glebe Crescent 41 Stanley Road** objecting to the proposal for the following reasons:

- The extension will result in loss of daylight/sunlight and loss of outlook toward windows which serve habitable rooms on the south side elevation of no. 50.
- The proposal will result in loss of amenity, an overbearing impact, sense of enclosure, increased overlooking, loss of privacy, oppressive effect, the blocking in of habitable rooms, negative effect on the health of occupants, increased need for heating and artificial lighting negating efforts to improve energy efficiency and sustainability.
- The design of the extension would be out of keeping with the street scene and conservation area.
- The extension would unbalance the proportions of the main house.
- The plans are inaccurate.
- The application is sketchy/lack of information.
- There were four apartments in no.51, not three.
- Whether BH2010/04001 has been lawfully implemented and is therefore extant.

- 5.2 **Councillor Denise Cobb** has objected to the scheme. Copies of the letters are attached.

##### **5.3 Internal:**

**Heritage:** No objection

The rear elevation of the property can be seen from the road to the rear; however the entire conservatory would not be seen above the annex structure proposed to the rear.

#### **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 City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One:

SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

#### Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations  
QD27 Protection of Amenity  
HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Document:

SPD09 Architectural Features  
SPD12 Design Guide for Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed extensions and alterations on the appearance of the property, the street scene and wider Sackville Gardens Conservation Area, and the amenities of adjacent occupiers.
- 8.2 Planning permission BH2010/04001 has been part-implemented by virtue of the works having been largely completed to convert the main building into a single dwelling. A recent application BH2015/02110 has been approved for a basement

rear extension and an annexe to replace the rear garages. At the time of the site visit the rear basement extension was complete.

**Design and Appearance:**

- 8.3 The single storey rear extension at basement level approved under BH2015/02110 is the same depth as that approved under BH2010/04001, but does not extend to the full approved width. This application seeks permission to construct a conservatory at ground floor level on top of the extension at basement level. The proposed conservatory would have the same depth as the extension approved under BH2010/04001, but would not extend the full approved width and would differ in design.
- 8.4 The lightweight appearance of the conservatory featuring timber frames with large areas of glazing, coupled with its modest depth and width would allow for the main features of the recipient property to be read. The conservatory would represent a contemporary addition to the rear of the property, yet the design and finishing of the conservatory would respect rather than compete with the traditional character of the recipient property. A condition will be added to ensure that the conservatory is painted white to match the recipient property. The ground floor balcony with cast iron railings would complement the appearance of the property and is an acceptable addition to the rear. It is also noted that there is a varied assortment of rear additions and development to the rear of the properties which directly face Westbourne Place to the rear. In this setting it is considered that the proposed conservatory would not cause any substantive harm to the building, the prevailing character or appearance of the streetscene or the Sackville Gardens Conservation Area.
- 8.5 **Impact on 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.
- 8.6 The rear conservatory is of the same depth as the extension previously approved, yet does not extend the full approved width and no appreciable harm is identified
- 8.7 Since planning permission BH2010/04001 was granted the adjacent property at 50 Westbourne Villas has been re-occupied as a single dwelling and includes principle rooms with south side windows facing towards the application site.
- 8.8 This property features an original two storey rear addition and a large single storey rear extension which extends considerably further to the rear than the application property. It is considered that given the modest depth of 2.4m and the distance of 3.5m between the two properties that it would not cause overshadowing, loss of light or loss of outlook toward no. 50. The submitted plans indicate that the windows to the north side elevation will be obscure glazed and therefore no opportunity for loss of privacy would result; a condition will be added to ensure this. It is considered that the views attainable from the rear facing windows would be similar to the existing rear facing windows on the property and would not result in the opportunity for loss of privacy.

8.9 The neighbouring occupier, no. 50 Westbourne Villas has submitted a BRE light assessment. This advises that the proposed extension would breach the vertical sky component. No clarification or further details have been submitted with the light assessment. Notwithstanding the lack of details, it remains that the limited scale and glazed finish would not significantly harm the light and outlook to the side windows on no. 50 Westbourne Villas.

8.10 To the south, the relationship with no.52 is broadly as previous and as previously approved and no appreciable harm is identified. The location of the conservatory to the northern side of the rear elevation, with a 12m gap, would ensure that no. 52 to the south would not be impacted in terms of overshadowing, loss of light or loss of outlook. The views from the windows on the south side elevation could potentially overlook no. 52 to the south and therefore a condition will be added to obscure these windows.

8.11 The proposed balcony to the rear at ground floor level would create an external space to sit out upon. Whilst it is noted that views could be possible toward windows on the north side elevation of no. 52 to the south, these views would already be achievable from the rear garden space at a similar level and therefore it is not considered that these views would be different to existing.

**8.12 Other Matters:**

Objectors have questioned whether BH2010/04001 has been lawfully implemented and is therefore extant. For the avoidance of doubt, even were BH2010/04001 to be considered unimplemented and therefore expired as a consent, the proposal is considered acceptable on its own merit having regard to its impact on the appearance of the site, conservation area and adjacent occupiers.

8.13 It has been identified that there are inaccuracies on the submitted plans; however this has not prevented a full assessment of the application, notably the relationship between the proposed extension and the existing features on the property.

**9 CONCLUSION**

9.1 The proposed extension and alterations would not harm the appearance of the site, street scene or Sackville Gardens Conservation Area, and would not significantly impact on the amenities of adjacent occupiers, in accordance with development plan policies.

**10 EQUALITIES**

10.1 None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

Regulatory Conditions:

PLANNING COMMITTEE LIST- 03 August 2016

- 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 & Block Plan	A.01		04 Jan 2016
Existing Floor Plans	A.02		04 Jan 2016
Existing East Elevation	A.03		04 Jan 2016
Existing South Elevation	A.04		04 Jan 2016
Existing North Elevation	A.05		04 Jan 2016
Proposed Floor Plans	D.70		04 Jan 2016
Proposed East Elevation	D.71		04 Jan 2016
Proposed South Elevation	D.72		04 Jan 2016
Proposed North Elevation	D.73		04 Jan 2016

- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any annex elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.
- 4) Notwithstanding the details submitted with the application, no expansion joints, metal beads or stops, and no bell moulds shall be used in the external construction of the development hereby permitted.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of City Plan Part One.
- 5) The windows in the north and south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) The timber frame of the conservatory hereby approved shall be painted white and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of City Plan Part One.

Informatives:

## PLANNING COMMITTEE LIST- 03 August 2016

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 extension and alterations would not harm the appearance of the site, street scene or Sackville Gardens Conservation Area, and would not significantly impact on the amenities of adjacent occupiers, in accordance with development plan policies.





**Steve Harrington**

---

**From:** Denise Ward Work <westbournecllr@btinternet.com>  
**Sent:** 09 February 2016 13:26  
**To:** Planning Applications  
**Cc:** Jan and Kel Tyler  
**Subject:** Planning Application No: BH2016/00015: 51 Westbourne Villas, Hove, BN3 4GG

Dear Planning Applications Team,

As one of the local ward councillors for Westbourne Ward, I write to request that Application number BH2016/00015, 51 Westbourne Villas, Hove, goes to the Planning Committee for determination: I also request that I be allowed to speak at this meeting.

The objection is in relation to the effect that this application would have on the neighbouring property, number 50 Westbourne Villas for the following reasons:-

QD1 – Design and QD14 – Extensions and alterations and QD27 - Protection of Amenity

I believe the size, scale, height and bulk of the development would have a detrimental effect on number 50, resulting in a loss of outlook and daylight/sunlight and privacy to the windows on the south side of number 50.

I would be grateful if you could acknowledge my request and let me have some idea of timescale for this application to be determined as soon as you are able.

Many thanks,

Regards

Denise

Councillor Denise Cobb



**From:** Denise Ward Work [<mailto:westbournecllr@btinternet.com>]  
**Sent:** 08 July 2016 12:04  
**To:** Adrian Smith  
**Cc:** Planning Applications  
**Subject:** Re: Planning Application: 51 Westbourne Villas, Hove

Dear Adrian,

## **Planning Application: 51 Westbourne Villas, Hove**

Unfortunately, due to an existing commitment I will be unable to attend Committee this coming Wednesday, 13<sup>th</sup> July 2016. However, as one of the Councillors for Westbourne Ward I would like to stress to the Committee the objections of Jan & Kel Tyler who neighbour this site and who live at 50 Westbourne Villas.

I have previously supported them on two occasions with objections to similar developments on this site. As you will be aware this application has been under consideration by the Planning Dept since early January. An officer made a visit to the property and told Jan Tyler that she would not allow an extension that impacted the windows of their property. She has evidently changed her mind in the months since her visit, and is now minded to Grant.

As you will remember the Committee considered an application on this development when I was a member of that Committee. I seem to remember there was a site visit by the Committee and that the Committee rejected the application. It was subsequently dismissed by the Crown under Appeal. It was reapplied for under a different application number with slight changes and approval was granted by the planning officer.

I am attaching a copy of a letter written by Mr Alistair Redler, BSc FRICS, Senior Partner at Delva Patman Redler, Thavies Inn House, London and supplied by the Tylers. Mr Redler is a highly respected expert in matters of light (more about his qualifications below). He is of the view that the proposed extension does not meet the requirements of the Building Research Establishment Report "Site Layout Planning for Daylight & Sunlight 2011". He has conducted a survey of the Tyler's property and the effect of the extension and has said clearly, as an expert, that the extension would lower the light levels in the Tyler's room below acceptable limits. He said the application should not be granted in its present form.

This would suggest that the view of the planning officer, who is not a trained expert in light matters, is clearly not correct.

A little more about Mr Redler and why his view should be taken seriously, He is chairman of the working group that wrote the current RICS Guidance Note "Daylighting and Sunlighting" and was a member of the working group that wrote the current RICS Guidance Note "Party Wall Legislation and Procedure". He is called in Court as an expert witness in matters of daylight and sunlight. Mr Redler was also a RICS spokesman for Government consultation. He is a frequently invited speaker on daylight/sunlight matters and has lectured for the RICS around the country. He is past chairman of the Pyramus and Thisbe Club (Party wall matters) and is the author of "The Practical Neighbour Law Handbook", the national textbook on property law.

I understand that there were 22 neighbour objections to the application, although only 4 consultation letters were sent out.

I would suggest that it would be helpful to look again at the issue before coming to a decision on the application. The neighbours have built a half-below ground kitchen extension on which this new 5.5m high extension will be built. It makes it easier to see exactly where the building is planned to be and therefore I would like to request that a further site visit be held for Members before reaching a decision on this application.

Please acknowledge receipt of this email/letter.

Yours sincerely,

Councillor Denise Cobb



Our Ref: AR/sev/13400

16 February 2016

Town Planning Department  
Hove Town Hall  
Norton Road  
Hove  
Sussex BN3 4GG

020 7936 3668  
info@delvapatmanredler.co.uk  
www.delvapatmanredler.co.uk

Dear Sirs,

**Rear extension at 51 Westbourne Villas, Hove – Daylight impact  
Planning Application Ref: BH2016/00015**

I sent a letter to you dated 12 February, on behalf of Mr and Mrs Tyler. I would be grateful if you could replace that with this letter which encloses a more accurate floor plan of 50 Westbourne Villas and therefore makes the relevant point more effectively.

I am writing on behalf of Mr and Mrs Tyler of 50 Westbourne Villas in relation to the daylight and sunlight implications of this planning application. I have carried out an initial assessment of the likely impact of the latest extension proposals at 51 Westbourne Villas on daylight and sunlight to the house at No. 50. Brighton & Hove District Council should ensure that the proposal meets the recommendations of the Building Research Establishment Report "Site Layout Planning for Daylight & Sunlight 2011" in respect of the effect of this application. I do not believe that it will meet that standard and that the Local Authority should require calculations to support this application. It is the case the Checklist for Planning Applications of the council does not require a daylight study for a single storey extension, but the impact in this case is so clearly an adverse impact that I believe it is needed to avoid creating a very badly lit habitable room.

50 Westbourne Villas has a habitable room in the centre of the south elevation that has a single window directly looking towards the rear of No. 51 and directly towards the location of the proposed new conservatory. I attach a plan showing the room in question. The design and layout of that room is such that it has relatively limited access to light with only a single window to one side of the room which at present gives adequate light due to the ability to receive relatively good sky visibility to the rear. The proposed conservatory extension will significantly reduce that sky visibility by being located close to it or directly outside it.

The BRE Guide recommends that the Vertical Sky Component (VSC) to the face of the window should be at 27% or, if lower than that, reduced by not more than 20% from existing. It is clear that this extension will reduce the VSC by more than 20% from existing and fail the standard. In addition, the BRE report advises that the area of a room that can see direct skylight on the working plane, the No Sky Contour, should not be reduced by more than 20% from existing. The area of the relevant room that can see direct sky visibility is limited and is less than half the room at present. This will clearly be reduced by more than 20% and there will be a substantial reduction of the skylight in the room. The result of this is that the room will appear significantly darker and will be adversely affected.

It is therefore appropriate for the Local Authority to require a daylight and sunlight report to be submitted with the planning application and should not determine the application until the planning officer and members of the committee have that information to consider. If the BRE standards are not met then the application should not be granted consent in its current form.

Yours sincerely,

**Alistair Redler BSc FRICS**  
**Senior Partner**  
[Alistair.redler@delvapatmanredler.co.uk](mailto:Alistair.redler@delvapatmanredler.co.uk)



# **ITEM G**

**Pembroke Hotel, 2 Third Avenue, Hove**

**BH2016/01318**  
**Full planning**

**03 AUGUST 2016**





# BH2016/01318 Pembroke Hotel, 2 Third Avenue, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/01318</b>	<b><u>Ward:</u></b>	<b>CENTRAL HOVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>2 Pembroke Hotel Third Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated alterations.</b>		
<b><u>Officer:</u></b>	Wayne Nee Tel 292132	<b><u>Valid Date:</u></b>	18/04/2016
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	13 June 2016
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<b><u>Applicant:</u></b>	Mr & Mrs Papanichola, c/o Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		

This application was deferred at Committee on the 13 July 2016 to allow Members to carry out 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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a Grade II Listed Building in the Avenues Conservation Area. It is a substantial detached yellow brick villa dating from c1880, subsequently used as flats and more recently a care home. The interior has been affected by modern uses with unsympathetic subdivision of spaces, however many original features survive at least in part.
- 2.2 Externally there have also been alterations, however the property retains a grand presence and makes an important contribution to the group of similar buildings in this location.
- 2.3 The property has an existing Class use of C2 Nursing Home, however it is currently vacant.

## **3 RELEVANT HISTORY**

**BH2016/01319** Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations – Currently under consideration.

**3/93/0519(F) & 3/93/0520(LB)** Construction of new conservatory above the existing ground floor extension – Approved 20/12/93.

**3/86/0436** Change of use to rest home – Approved 12/12/86.

#### **4 THE APPLICATION**

4.1 Planning permission is sought for the change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated alterations.

4.2 The applicant has raised concerns regarding the imposition of recommended condition 9.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

##### **5.1 Neighbours:**

**Eight (8)** letters of representation have been received from (**Flats E & F (x2) 1 Fourth Avenue, Flat 1 of 3 Fourth Avenue Flats 3, 5, 6, 9 of 9 Kings Gardens**) objecting to the application for the following reasons:

- Loss of privacy from Conservatory windows;
- Effect of conservatory and roof alteration on light levels for neighbours;
- Noise of construction;
- Extensions are out of character;
- Loss of views;
- Effect on right to light;
- Set precedent for further extensions that could increase risk of flooding

5.2 **Twelve (12)** letters of representation have been received from (**Flat 7 of 6 Third Avenue, 53 Brunswick Square, 23 Ferndale Road, Flat 4 of 37 Holland Road, Flat 2 of 1 Kings Gardens, Flats 1, 4 & 5 of 2 Kings Gardens, Flat 7 of unknown address in Kings Gardens, Flat 5 of 54 Lansdowne Place, 92 Sandhurst Avenue, Wineham lane Bolney**) supporting the application for the following reasons:

- Good detail to the restoration works;
- Project is not for profit;
- Roof alterations will be a significant improvement;
- Conservatory is proportionate;
- Development will preserve and enhance local heritage;
- In accordance with NPPF and local policy;
- Rare application to be used for original use.

5.3 **Councillor Nemeth** supports the application.

5.4 **Councillor Wealls** supports the application. A copy of the letter is attached to this report.

5.5 **Hove Civic Centre** support the application for the following reason:

- Great opportunity to improve and preserve the building;

5.6 **Conservation Advisory Group:**

The Group welcome the application and recommend approval with the following comments:

- Where the façade is repaired the bricks need to be near-matched to the original and should be imperial and not metric
- Fenestration on all proposed dormers should be either one over one or two over two sliding sash.
- The piers to the road need to be reinstated
- Clarification is needed about the railings

**Internal:**

5.7 **Environmental Health:** Comment.

5.8 Noise

It is noted that there is particularly high road traffic noise from the A259. However, the proposed application is roughly 50 metres from the A259, and appears to be offered some protection from 8 Kings Garden. It is therefore not seen that in this particular set of circumstances that an acoustic report is necessary. However changes to the design may alter this.

5.9 Contaminated land

There is a concern that Pembroke Hotel may contain asbestos, which should be viewed as possible contamination. Having previously been a care home there should already be an asbestos risk register relating to the premises in line with the Control of Asbestos Regulations 2012.

5.10 In order to make an informed decision a copy of the register is required. If the register details that there is likely asbestos in the property then further investigation, and a remediation strategy if necessary, would also be required in order to protect future residents.

5.11 While asbestos may have been managed in the property when it was a care home, this is not always appropriate for residential, as occupiers can't be expected to keep track of asbestos locations or integrity.

5.12 **Heritage:**

This application follows pre-application advice provided to the applicants and incorporates welcome improvements to the internal layout, reverting many rooms to their original proportions and also the removal of disfiguring elements of non-original external alterations and reinstatement of appropriate architectural features. During pre-application discussions on site it was noted that there were significant areas of repair that require attention to ensure the proper preservation of this historic building.

5.13 Externally the two main areas of alteration not based on reinstatements are the re-configuration of the roof, and the addition of the glazed extension at first floor.

5.14 Roof

It is accepted that the current overall roof form is not original and does not present a positive element of the building. As it is not known what the original structure looked like, respectful alteration is accepted as an appropriate approach. In general it is considered that this has been achieved with the proposed roof form and individual dormers. The width of the proposed dormers is greater than the guidance provided in SPD 12, however the size and proportions sit reasonably within the roof form and it is considered that for this reason, and in consideration of the previous inappropriate arrangement that this element of the proposal is acceptable.

5.15 The design of the windows, (multi-paned top sashes) contrasts with the rest of the property and it is not clear what opening arrangement is proposed. Please seek amendments/clarification (it is suggested that single pane sliding sashes would be appropriate).

5.16 First floor extension

The proposed light-weight extension above the existing non-original ground floor addition in a contemporary style follows the advice previously provided and is considered successful. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Confirmation is sought that it is to be frameless, and details of the means of fixing to the historic structure should be provided (by condition).

5.17 Access to the terrace in front of the extension is proposed to be provided from the master bedroom. The design is a plain glazed door and will be in a clearly visible position towards the front of the building. It is considered that this will appear an incongruous feature within this historic part of the building, aligning with the extension rather than the original openings, and should be revised to match the height and reveals of the historic windows. It is suggested that it could have a mid rail at the same level as the adjacent sliding sash meeting rail, and access provided through the bottom sash.

5.18 Ground floor extension

The additional open area behind the existing extension is considered acceptable, however the success of this visually will largely depend on matching brick details and a condition requiring samples of the brick colour and texture and profiles of specials to be submitted for approval is required.

5.19 Landscaping

Any works to boundary walls and railings should be part of this application and further details should be submitted if this is proposed. Mention is made of the replacement of existing entrance tiles with chequerboard 'Victorian' tiles, however no details are provided and full justification for the removal of the existing tiles would be required.

5.20 Details of the position and appearance of the electric charging point are required for consideration.

5.21 Further comments

The amended plans are considered acceptable.

5.22 **Sustainable Transport:**

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.

5.23 Trip Generation/Highway Impact

The change of use from a nursing home to 1 house is unlikely to generate additional trips to the site therefore the Highway Authority has no objection (and does not request developer contributions in this instance).

5.24 Car Parking.

The applicant proposes 1 car parking space with associated crossover as existing and is acceptable and complies with the City Council's Parking Standards SPG04.

5.25 Cycle Parking

The applicant appears not to have included cycle parking within the submitted drawings. There appears to be adequate space therefore the Highway Authority requests this detail and the condition below is recommended to be attached.

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 a secure covered store or Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

## 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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage

#### Brighton & Hove Local Plan (retained policies March 2016):

- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO11 Residential care and nursing homes
- HE1 Listed buildings
- HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

- SPD09 Architectural Features
- SPD12 Design Guide for Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of the application relate to the loss of the care home, the impact of the proposed external alterations on the appearance of the listed building and surrounding conservation area, the standard of accommodation to be provided, and the effects on residential amenity, sustainability and traffic impact.
- 8.2 **Planning Policy:**  
Policy HO11 of the Brighton & Hove Local Plan states that planning permission will not be granted for proposals involving the loss of residential care and / or nursing homes which comply with, or are realistically capable of reaching the respective standards set out for residential care or nursing homes. In instances



where the loss is considered acceptable, the priority will be to secure additional housing units or supported housing, for people with special needs.

- 8.3 According to the applicant the care home closed in January 2015. In support of the application the applicant has submitted a Planning Statement that details that building is not suitable for the continued use as a care home, that the care home was not financially viable due to required renovation works, and that the listed building status would not make it possible to bring it up to modern standards. Thus the home would need complete re-decoration and refurbishment to provide any form of residential care.
- 8.4 The submitted evidence suggests that the building has significant restrictions and presents risks and limitations for residents. There are no reasons to dispute the submitted information and it is apparent that the care home was making a loss and would require significant investment in the short term to secure its longer term future.
- 8.5 It is considered that the submitted information sufficiently demonstrates that the existing home is not viable and the works required to meet current standards are not practicable having regard to the financial and internal constraints of the building. The home is not therefore realistically capable of reaching the required standards for residential care homes.
- 8.6 Policy HO11 states a preference for housing or supported housing for people with special needs. However in this case, many of the above adaptations would still be required which would not make the premises viable. On this basis it is considered acceptable in this instance to permit a change of use to a residential dwelling instead.
- 8.7 For these reasons, it is considered that the site does not form a viable care home facility therefore the principle of its release for residential use is accepted.
- 8.8 **Standard of accommodation:**  
It is considered that the size, aspect and outlook to the house would be sufficient to provide for a good standard of residential accommodation. The existing rear garden would be acceptable in use as a private amenity space.
- 8.9 All new development is required to make provision for adequate refuse and recycling storage facilities. In this instance refuse and recycling is collected from communal on street bins.
- 8.10 It has been identified that the site is in proximity to high road traffic noise from the A259. However due to the distance from the site in this instance, it is considered that future occupiers would not be impacted upon by this to any significant degree.
- 8.11 **Design:**  
The NPPF at para 132 states that when considering the impact of development, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (for example substantial harm to or

loss of a Grade II Listed Building should be exceptional and substantial harm or loss of assets of the highest significance such as Grade I Listed Buildings, scheduled monuments and world heritage sites should be wholly exceptional). Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting.

- 8.12 The existing roof form is not original and does not present a positive element of the building. The Heritage Team have highlighted that it is not known what the original structure looked like. The replacement of the existing roof alteration with individual dormers is therefore considered acceptable in principle.
- 8.13 The proposed dormers are not in strict accordance with guidance provided in SPD 12. The overall size and width of the dormers do not relate to the windows directly below. However, the dormers are considered an improvement on the inappropriate roof form as existing and amendments received during the course of the application have further refined the dormers and reduced in size, which are considered appropriate additions.
- 8.14 The proposed front dormer has been altered in width during the application process, and all proposed dormer windows have been altered in terms of their detail. However the overall size and width of the dormers does not relate to the windows directly below.
- 8.15 It is clear however there is a public benefit to the overall scheme, in that it would bring the building back into use, and would involve substantial improvements to the internal assets of the listed building. It is therefore not agreed that the harm identified is substantial and the public benefits and the upkeep of the building in the future are considered to outweigh the harm.
- 8.16 In accordance with the NPPF, the finding of less than substantial harm is judged against the positive public benefits of the proposal and these are outlined in this report. Whilst considerable weight is given to the finding of harm, this is considered to be outweighed by the advantages of the scheme.
- 8.17 The proposed first floor conservatory extension above the existing non-original ground floor addition would have a contemporary style that is considered acceptable in design terms by the Heritage Team. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Further details of the balustrading and details of the means of fixing would be required by condition.
- 8.18 The proposed front terrace at first floor level would be accessed by a new door via the master bedroom. The design of the door has now been amended during the course of the application and is considered acceptable.
- 8.19 At ground floor level, the proposed additional open area behind the existing extension would replace the existing decking area and is considered acceptable, subject to matching brick details and confirmation of the brick colour and texture and profiles which can be conditioned.

Overall the proposal is considered to not be detrimental to the appearance of the building or the wider Conservation Area in accordance with policies QD14, HE1 and HE6.

**8.20 Impact on Amenity:**

Policy QD27 protection of amenity confirms that permission will not be granted where development 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.

8.21 This is a predominantly residential area; it is therefore considered that the proposed conversion of the building in principle would not result in significant harm to the detriment of neighbouring amenity.

8.22 A main consideration is with regard the impact of the residential unit on the amenities of all immediately adjoining properties, by way of loss of light, overlooking and loss of privacy. The proposed first floor extension would be in close proximity in particular to the residents of the flats of no. 9 Kings Gardens.

8.23 It is considered that the proposed structure would be of a height and of sufficient distance away that it would not result in significant loss of light to this neighbouring property, or to any other neighbouring properties in the vicinity.

8.24 The proposed extension would result in an extensive amount of glazing that would provide direct views towards the shared rear garden and rear windows of no. 9 Kings Gardens, as well as more longer distance and more oblique views towards other properties to the south. However it is considered that this issue could be overcome by way of a condition for obscure glazing to two sections of the proposed south elevation. It is considered that the remaining glazing would not provide significant overlooking due to the distance and oblique nature of the views.

8.25 The proposed upper ground floor terrace area towards the rear would have no more significant views than from the existing terrace which it is to replace. It is considered that the roof alterations would result in new windows overlooking neighbours however due to their distance would not result in significant harm in terms of privacy or indeed to light levels.

**8.26 Sustainable Transport:**

Policy TR1 of the Brighton & Hove Local Plan requires new development to address the demand for travel they create and should be designed to promote the use of sustainable modes of transport in and off site, so that public transport, walking and cycling are as attractive as use of a private car.

8.27 The proposed change of use from a care home to residential house is unlikely to generate additional trips. The proposed level of car parking is as existing and within the maximum parking standards SPG04.

No proposed cycle storage is shown on the drawings. It appears that there is adequate space on site for cycle storage. However locations to the front, due to their prominence, could be detrimental to the Conservation Area. Details of proposed cycle parking would be required through condition.

**8.28 Other Considerations:**

The site has been identified as potentially containing asbestos. Further investigation, and a remediation strategy if necessary, would be required in order to protect future residents. This can be addressed as an informative.

**9 CONCLUSION**

- 9.1 The proposed works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration.
- 9.2 The proposed development would not result in the loss of a viable care home and would provide a residential unit with a good standard of accommodation. The external alterations would not harm the appearance of the listed building or the surrounding Conservation Area, would not harm the amenities of neighbouring properties or create a harmful demand for travel. The proposal is considered to be in accordance with development plan policies.

**10 EQUALITIES**

- 10.1 None identified

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

- 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
Location plan	1559-P-101	P1	14/04/2016
Second floor	1559-P-105	P1	14/04/2016
Proposed joinery	1559-P-109	P2	29/06/2016
Existing internal details	1559-P-110	P1	14/04/2016
Proposed first floor extension	1559-P-115	P2	29/06/2016
Proposed joinery	1559-P-116	P2	29/06/2016
Basement level	1559-P-102	P2	20/06/2016
Ground floor	1559-P-103	P2	20/06/2016
Third floor	1559-P-106	P2	20/06/2016
Roof plan	1559-P-107	P2	20/06/2016
Section A-A	1559-P-108	P2	20/06/2016
First floor	1559-P-104	P2	20/06/2016

PLANNING COMMITTEE LIST – 03 August 2016

East elevation	1559-P-111	P2	20/06/2016
South elevation	1559-P-112	P2	20/06/2016
West elevation	1559-P-113	P2	20/06/2016
North elevation	1559-P-114	P2	20/06/2016
Daylight analysis	1559-P-117	P3	20/06/2016

- 3) 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.
- 4) No external works shall take place until full details of frameless glass balustrades, including details for the means of fixing to the historic structure, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 5) No external works shall take place until full details of first floor extension, including 1:1 scale joinery details and framing colour and roof detailing materials and colours, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 6) No fenestration works shall take place until full details of all new windows and doors, including 1:1 scale joinery details, have been submitted to and approved by the Local Planning Authority in writing. Details should include the depth of reveals and profiles of cills, and comparison for joinery dimensions with originals in the building to ensure exact matches. . Bespoke detailing for the new door leading to the terrace from the master bedroom, and the jib door between music room and dining room are required. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 7) No external works shall take place until samples the proposed brick colour and texture, and profiles of specials and mortar mix and colour and joint profile

have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 8) The removal of the fire escape shall include the full removal of embedded metalwork from the masonry and the sensitive reinstatement of brickwork and pointing in matching materials, colours and profiles.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 9) The central and western window panes in the flank (south) elevation of the first floor extension 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration.

The proposed development would not result in the loss of a viable care home and would provide a residential unit with a good standard of accommodation. The external alterations would not harm the appearance of the listed building or the surrounding Conservation Area, would not harm the amenities of neighbouring properties or create a harmful demand for travel. The proposal is considered to be in accordance with development plan policies.

PLANNING COMMITTEE LIST – 03 August 2016

- 
- 
3. The property may contain asbestos, the applicant is advised that the existence of asbestos and its remediation is the applicant's responsibility and falls under separate legislation to planning.





Planning Department  
Brighton & Hove City Council  
Hove Town Hall  
Hove  
BN3 3BQ

30th May 2016

Dear Sir or Madam,

Ref Application Number BH2016/01319 at 2 Third Avenue, Hove

Please note my support for the above application for change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations.

This project has the opportunity to return one of Hove's grandest houses to close to its original layout and retaining and restoring its original features.

I visited the property on 29th May and considered each of the objections posted to date in detail.

Concerns have been expressed regarding potential loss of light to the property to the rear of 2 Third Avenue as a result of the installation of dormer windows in the roof, replacing the late addition roof crown structure. Whilst this will result in dormer windows which extend closer to the edge of the roof, they are much narrower than the current structure, thereby potentially allowing an increase in light to the property to the rear at some areas of their garden. Additionally, the property to the rear is sufficiently set back from the development property so that overlooking and loss of light should be minimal.

The proposed orangery to the southern elevation will result in the removal of an unsightly fire escape. I understand the Conservation Officer has advised on the design of the orangery and the applicant has welcomed and accepted this advice. Whilst concerns have been expressed regarding loss of light and overlooking from the orangery, to properties to the south, the distance between the southernmost elevation of the orangery and the windows of the properties south is sufficient that any overlooking would be minimal. There is unlikely to be any loss of light since direct sunlight does not enter the southern properties from the direction of the property to be developed. Again, the distance is sufficiently great, and the structure will be of glass so the potential for light loss is minimised.

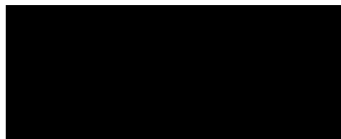
31 MAY 2016



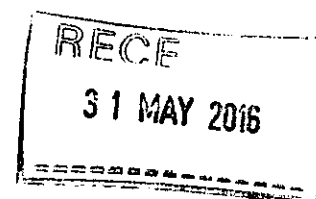
Should officers be minded to refuse this application, I request that it is considered by Planning Committee and that I am informed, so that I am able to make representations to the committee should the applicant request that I do so? \_\_\_\_\_

Thank you in advance,

Yours faithfully,



Councillor Andrew Wealls



# **ITEM H**

**Pembroke Hotel, 2 Third Avenue, Hove**

**BH2016/01319  
Listed Building consent**

**03 AUGUST 2016**



# BH2016/01319 Pembroke Hotel, 2 Third Avenue, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/01319</b>	<b><u>Ward:</u></b>	<b>CENTRAL HOVE</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>2 Pembroke Hotel Third Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations.</b>		
<b><u>Officer:</u></b>	Wayne Nee tel: 292132	<b><u>Valid Date:</u></b>	14 April 2016
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	09 June 2016
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<b><u>Applicant:</u></b>	Mr & Mrs Papanichola, c/o Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		

This application was deferred at Committee on the 13 July 2016 to allow Members to carry out 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 GRANT Listed Building Consent subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a Grade II Listed Building in the Avenues Conservation Area. It is a substantial detached yellow brick villa dating from c1880, subsequently used as flats and more recently a care home. The interior has been affected by modern uses with unsympathetic subdivision of spaces, however many original features survive at least in part.
- 2.2 Externally there have also been alterations, however the property retains a grand presence and makes an important contribution to the group of similar buildings in this location.

## **3 RELEVANT HISTORY**

**BH2016/01319** Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations – Currently under consideration

**3/93/0519(F) & 3/93/0520(LB)** Construction of new conservatory above the existing ground floor extension – Granted 20/12/93

**3/86/0436** Change of use to rest home – Granted 12/12/86

#### 4 **THE APPLICATION**

- 4.1 Listed Building Consent is sought for Change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations.

#### 5 **PUBLICITY & CONSULTATIONS**

##### **External**

##### 5.1 **Neighbours:**

**Five (5)** letters of representation have been received from **82 Church Road(x2), unknown address in Church Road, Flat 4 of 37 Holland Road, and Flat 2 Royal Court 8 Kings Gardens** supporting the application for the following reasons:

- Good detail to the restoration works;
- Development will preserve and enhance local heritage;
- Rare application to be used for original use.

- 5.2 **Cllr Wealls** supports the application. A copy of the letter is attached to the report.

##### 5.3 **Conservation Advisory Group:**

The Group welcome the application and recommend approval with the following comments:

- Where the facade is repaired the bricks need to be near-matched to the original and should be imperial and not metric
- Fenestration on all proposed dormers should be either one over one or two over two sliding sash.
- The piers to the road need to be reinstated
- Clarification is needed about the railings

##### **Internal:**

##### 5.4 **Heritage:**

This application follows pre-application advice provided to the applicants and incorporates welcome improvements to the internal layout, reverting many rooms to their original proportions and also the removal of disfiguring elements of non-original external alterations and reinstatement of appropriate architectural features. During pre-application discussions on site it was noted that there were significant areas of repair that require attention to ensure the proper preservation of this historic building.



- 5.5 Externally the two main areas of alteration not based on reinstatements are the re-configuration of the roof, and the addition of the glazed extension at first floor.
- 5.6 Roof  
It is accepted that the current overall roof form is not original and does not present a positive element of the building. As it is not known what the original structure looked like, respectful alteration is accepted as an appropriate approach. In general it is considered that this has been achieved with the proposed roof form and individual dormers. The width of the proposed dormers is greater than the guidance provided in SPD 12, however the size and proportions sit reasonably within the roof form and it is considered that for this reason, and in consideration of the previous inappropriate arrangement that this element of the proposal is acceptable.
- 5.7 The design of the windows, (multi-paned top sashes) contrasts with the rest of the property and it is not clear what opening arrangement is proposed. Please seek amendments/clarification (it is suggested that single pane sliding sashes would be appropriate).
- 5.8 First floor extension  
The proposed light-weight extension above the existing non-original ground floor addition in a contemporary style follows the advice previously provided and is considered successful. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Confirmation is sought that it is to be frameless, and details of the means of fixing to the historic structure should be provided (by condition).
- 5.9 Access to the terrace in front of the extension is proposed to be provided from the master bedroom. The design is a plain glazed door and will be in a clearly visible position towards the front of the building. It is considered that this will appear an incongruous feature within this historic part of the building, aligning with the extension rather than the original openings, and should be revised to match the height and reveals of the historic windows. It is suggested that it could have a mid-rail at the same level as the adjacent sliding sash meeting rail, and access provided through the bottom sash.
- 5.10 Ground floor extension  
The additional open area behind the existing extension is considered acceptable, however the success of this visually will largely depend on matching brick details and a condition requiring samples of the brick colour and texture and profiles of specials to be submitted for approval is required.
- 5.11 Interior  
Some of the proposed new uses in the basement are likely to involve significant increases in humidity, therefore ventilation requirements are important considerations and the details of this need to be fully considered – please seek further information.

- 5.12 Clarification is required regarding the door details at each level of the building and confirmation is therefore sought that any new single doors proposed (apart from jib/hidden doors) will match surviving originals on the same level of the building.
- 5.13 The multi-paned screens, particularly on the ground floor are considered over fussy and should be simplified with fewer glazing bars.
- 5.14 Unblocking of fire places is welcomed, however details of their finishing treatment are required for consideration.
- 5.15 It is not generally considered that wood-burning stoves are appropriate for the character of interiors of buildings such as this and it is considered that this should be deleted from the scheme. There is also the added complication of where the flue would run or exit the building.
- 5.16 The structural survey identifies areas of damp and their probable causes. The means of dealing with this may need listed building consent and the applicants should provide the details of this for consideration either as part of this application or separately before commissioning works.
- 5.17 Landscaping  
Any works to boundary walls and railings should be part of this application and further details should be submitted if this is proposed. Mention is made of the replacement of existing entrance tiles with chequerboard 'Victorian' tiles, however no details are provided and full justification for the removal of the existing tiles would be required. Details of the position and appearance of the electric charging point are required for consideration.
- 5.18 Further comments  
The amended plans are considered acceptable.

## **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."

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

- 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.

The National Planning Policy Framework (NPPF) is a material consideration.

Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

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 City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

HE1 Listed Building Consent  
HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

Supplementary Planning Documents:

SPD09 Architectural Features

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building.
- 8.2 Policy HE1 of the Brighton & Hove Local Plan states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
  - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.3 External  
The NPPF at para 132 states that when considering the impact of development, great weight should be given to the asset’s conservation. The more important

the asset, the greater the weight should be (for example substantial harm to or loss of a Grade II Listed Building should be exceptional and substantial harm or loss of assets of the highest significance such as Grade I Listed Buildings, scheduled monuments and world heritage sites should be wholly exceptional). Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting.

- 8.4 The existing roof form is not original and does not present a positive element of the building. The Heritage Team have highlighted that it is not known what the original structure looked like. The replacement of the existing roof alteration with individual dormers is therefore considered acceptable in principle.
- 8.5 The proposed dormers are not in strict accordance with guidance provided in SPD 12. The overall size and width of the dormers do not relate to the windows directly below. However, the dormers are considered an improvement on the inappropriate roof form as existing and amendments received during the course of the application have further refined the dormers and reduced in size, which are considered appropriate additions.
- 8.6 The proposed front dormer has been altered in width during the application process, and all proposed dormer windows have been altered in terms of their detail. However the overall size and width of the dormers does not relate to the windows directly below.
- 8.7 It is clear however there is a public benefit to the overall scheme, in that it would bring the building back into use, and would involve substantial improvements to the internal assets of the listed building, which have had inappropriate alterations in the past. It is therefore not agreed that the harm identified is substantial and the public benefits and the upkeep of the building in the future are considered to outweigh the harm.
- 8.8 In accordance with the NPPF, the finding of less than substantial harm is judged against the positive public benefits of the proposal and these are outlined in this report. Whilst considerable weight is given to the finding of harm, this is considered to be outweighed by the advantages of the scheme.
- 8.9 The proposed first floor conservatory extension above the existing non-original ground floor addition would have a contemporary style that is considered acceptable in design terms by the Heritage Team. The exact position of the glass balustrade is not clear and it is considered that it should be well behind the existing parapet. Further details of the balustrading and details of the means of fixing would be required by condition.
- 8.10 The proposed front terrace would be accessed by a new door via the master bedroom. The design of the door has now been amended and is considered acceptable. The removal of the non-original fire escape is welcomed in principle.

8.11 At ground floor level, the proposed additional open area behind the existing extension would replace the existing decking area and is considered acceptable, subject to matching brick details and confirmation of the brick colour and texture and profiles which can be conditioned.

8.12 Overall the proposal is considered to not be detrimental to the appearance of the building or the wider Conservation Area in accordance with policy HE1.

8.12 Internal

A number of internal alterations and restorations are proposed through the building. Overall the proposed internal works are considered to be welcome improvements to the internal layout, which include reverting many rooms to their original proportions and also the removal of disfiguring elements, and reinstatement of appropriate architectural features. The proposed removal of the lift shaft is welcomed in principle, as is the non-original second floor staircase.

8.13 In the basement, the kitchen and bathroom are likely to involve significant increases in humidity, therefore ventilation would be required, details of which can be conditioned.

8.14 Clarification is required regarding the door details at each level of the building and confirmation is therefore sought that any new single doors proposed (apart from jib/hidden doors) will match surviving originals on the same level of the building.

8.15 The proposed multi-paned screens have been altered to be simplified and are now considered acceptable. The proposed unblocking of fire places is welcomed, subject to further details of their finishing treatment by condition.

8.16 The structural survey identifies areas of damp and their probable causes which may require further listed building consent.

## **9 CONCLUSION**

9.1 The proposed works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration. Considerable weight and importance is given to the preservation of the listed building and its setting.

## **10 EQUALITIES**

10.1 None identified

## **11 CONDITIONS / INFORMATIVES**

Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
  
- 2) No external works shall take place until full details of frameless glass balustrades, including details for the means of fixing to the historic structure, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
  
- 3) No external works shall take place until full details of first floor extension, including 1:1 scale joinery details, framing colour and roof detailing materials and colours, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
  
- 4) No fenestration works shall take place until full details of all new windows and doors, including 1:1 scale joinery details, have been submitted to and approved by the Local Planning Authority in writing. Details should include the depth of reveals and profiles of cills, and comparison for joinery dimensions with originals in the building to ensure exact matches. Bespoke detailing for the new door leading to the terrace from the master bedroom, and the jib door between music room and dining room are required. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, and it is fundamental to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
  
- 5) No external works shall take place until samples the proposed brick colour and texture, and profiles of specials and mortar mix and colour and joint profile have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

PLANNING COMMITTEE LIST –03 August 2016

- 6) The removal of the fire escape shall include the full removal of embedded metalwork from the masonry and the sensitive reinstatement of brickwork and pointing in matching materials, colours and profiles.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 7) No kitchen/bathroom units shall be installed until details and drawings of the proposed ventilation for the basement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 8) No works to the fire places shall take place until full details of the proposed fire places have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 9) No works to the basement stairs shall take place until details for the new basement stairs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location plan	1559-P-101	P1	14/04/2016
Second floor	1559-P-105	P1	14/04/2016
Proposed joinery	1559-P-109	P1	14/04/2016
Existing internal details	1559-P-110	P1	14/04/2016
Proposed first floor extension	1559-P-115	P1	14/04/2016
Proposed joinery	1559-P-116	P1	14/04/2016
Basement level	1559-P-102	P2	20/06/2016
Ground floor	1559-P-103	P2	20/06/2016
Third floor	1559-P-106	P2	20/06/2016
Roof plan	1559-P-107	P2	20/06/2016
Section A-A	1559-P-108	P2	20/06/2016
First floor	1559-P-104	P2	20/06/2016
East elevation	1559-P-111	P2	20/06/2016

PLANNING COMMITTEE LIST –03 August 2016

South elevation	1559-P-112	P2	20/06/2016
West elevation	1559-P-113	P2	20/06/2016
North elevation	1559-P-114	P2	20/06/2016
Daylight analysis	1559-P-117	P3	20/06/2016

2. This decision to grant Listed Building Consent has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework, the Brighton & Hove City Plan Part One, and the Brighton & Hove Local 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 works would cause less than substantial harm to the listed building. The repair and re-use of the listed building is a material consideration. Considerable weight and importance is given to the preservation of the listed building and its setting.
3. The structural survey identifies areas of damp and their probable causes which may require further listed building consent.



Planning Department  
Brighton & Hove City Council  
Hove Town Hall  
Hove  
BN3 3BQ

30th May 2016

Dear Sir or Madam,

Ref Application Number BH2016/01319 at 2 Third Avenue, Hove

Please note my support for the above application for change of use from nursing home (C2) to 1no eight bedroom house (C3) including erection of orangery to first floor and other associated internal and external alterations.

This project has the opportunity to return one of Hove's grandest houses to close to its original layout and retaining and restoring its original features.

I visited the property on 29th May and considered each of the objections posted to date in detail.

Concerns have been expressed regarding potential loss of light to the property to the rear of 2 Third Avenue as a result of the installation of dormer windows in the roof, replacing the late addition roof crown structure. Whilst this will result in dormer windows which extend closer to the edge of the roof, they are much narrower than the current structure, thereby potentially allowing an increase in light to the property to the rear at some areas of their garden. Additionally, the property to the rear is sufficiently set back from the development property so that overlooking and loss of light should be minimal.

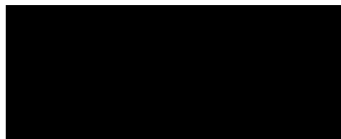
The proposed orangery to the southern elevation will result in the removal of an unsightly fire escape. I understand the Conservation Officer has advised on the design of the orangery and the applicant has welcomed and accepted this advice. Whilst concerns have been expressed regarding loss of light and overlooking from the orangery, to properties to the south, the distance between the southernmost elevation of the orangery and the windows of the properties south is sufficient that any overlooking would be minimal. There is unlikely to be any loss of light since direct sunlight does not enter the southern properties from the direction of the property to be developed. Again, the distance is sufficiently great, and the structure will be of glass so the potential for light loss is minimised.

31 MAY 2016

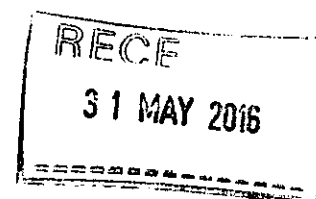
Should officers be minded to refuse this application, I request that it is considered by Planning Committee and that I am informed, so that I am able to make representations to the committee should the applicant request that I do so? \_\_\_\_\_

Thank you in advance,

Yours faithfully,



Councillor Andrew Wealls



# **ITEM I**

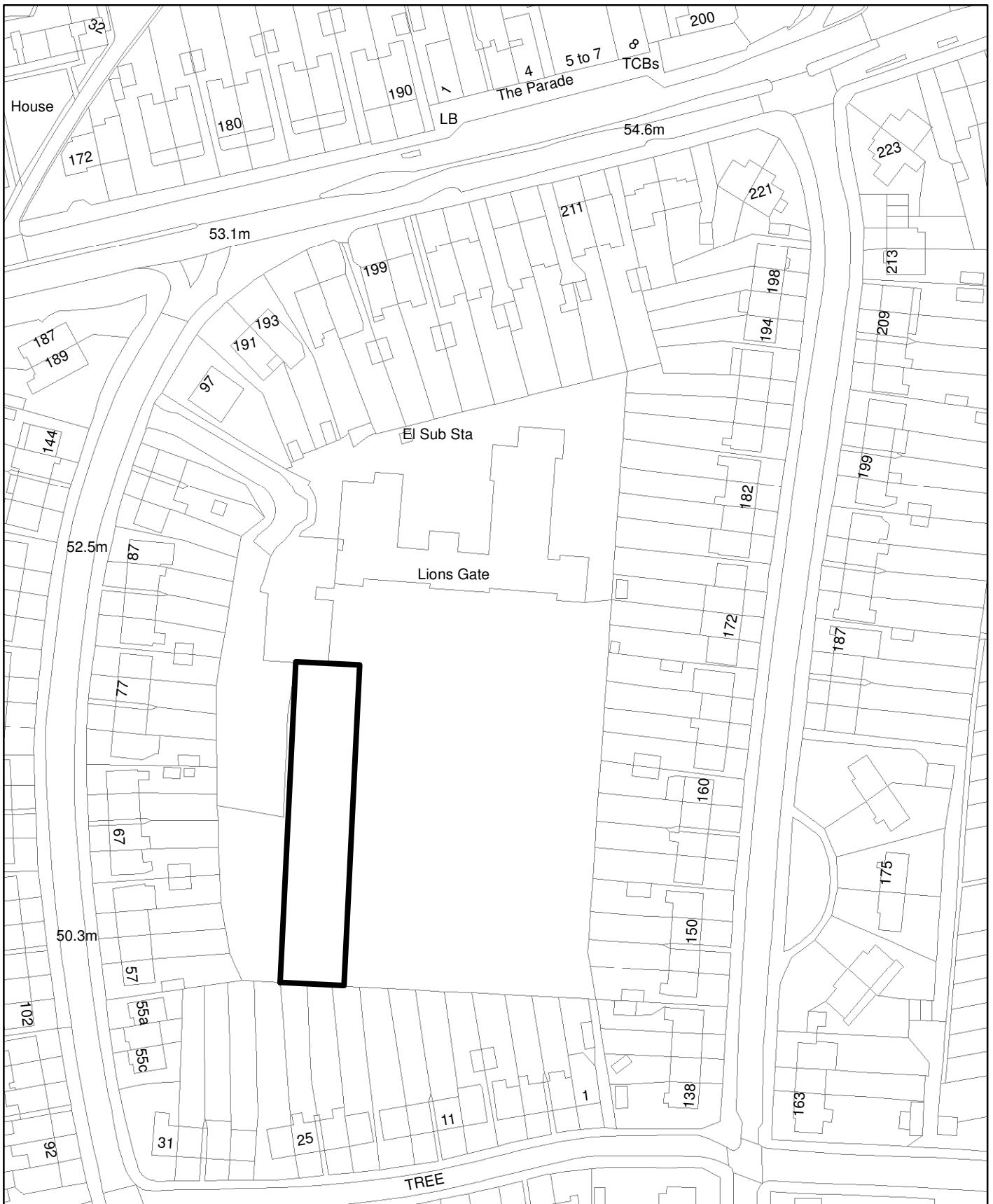
**The Hyde, 95 Rowan Avenue, Brighton**

**BH2016/01931  
Full planning**

**03 AUGUST 2016**



# BH2016/01931 The Hyde 95 Rowan Avenue Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/01931</b>	<b><u>Ward:</u></b>	<b>HANGLETON &amp; KNOLL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Hyde 95 Rowan Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 4no four bedroom houses and access road leading to Rowan Avenue.</b>		
<b><u>Officer:</u></b>	Stewart Glassar Tel 292153	<b><u>Valid Date:</u></b>	25/05/2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	20 July 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Stiles Harold Williams, 69 Park Lane Croydon CR0 1BY		
<b><u>Applicant:</u></b>	City Partnership Housing, 7 Woodland Drive Hove BN3 6DH		

## 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(s) set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to part of an area of grassed land to the rear of Nos. 17-21 Maytree Walk and to the east of five new dwellings currently under construction to the rear of Nos. 57-81 Rowan Avenue.
- 2.2 To the north of the application site is a two/three storey block of flats (Lions Gate), and to the east, beyond the remaining area of grassed land are the dwellings of Elm Drive. The overall character of the area is residential.
- 2.3 The application site is rectangular in shape and measures approximately 15 metres in width and 76 metres in length. The land is generally flat although it does have a gentle north to south slope.

## 3 RELEVANT HISTORY

**BH2016/00361** - Erection of 4 no. four bedroom houses and access road from Rowan Avenue. Refused 14/04/2016.

**BH2013/00848** - Construction of 5 No. four bedroom houses and access road off Rowan Avenue with associated works for including car parking. Approved 27 April 2015 subject to a legal agreement.

**BH2010/00102** - Certificate of Lawfulness for an existing use of the site as a builders yard for the purposes of securely storing builder's plant, equipment,

PLANNING COMMITTEE LIST- 03 August 2016

materials and re-claimed materials, no part of which exceeds 2 metres in height above ground level. Approved 4 May 2010.

**BH2009/01249** - proposed construction of two blocks of 2 and 3 storeys to provide a total of 27 new sheltered housing units with associated caretaker's flat, support and recreation areas including private landscaped gardens and car and cycle parking facilities. Refused 3 September 2009.

**BH2006/03568** - Certificate of Lawfulness to establish an existing use as a builder's store and as a car park. Refused on the 8th of January 2007. Subsequent appeal withdrawn.

**BH2005/01271/OA** - Outline application for 7 dwellings. Appeal withdrawn on 7 September 2006.

**BH2005/00249/FP** - Conversion of lounge to form an additional 1 bedroom flat. Refused 14 March 2005.

**BH2004/01816/FP** - Extension to existing development to provide 2 no. additional flats and laundry room. Approved 23 September 2004.

**BH2002/02206/FP** - Erection of 39 flats for the elderly, caretaker's accommodation and common room. Approved 20 January 2003 subject to legal agreement.

**BH2001/02545/FP** - Proposed additional football/tennis facilities and changing facilities. Approved 9 April 2002.

**BH2000/03007/OA** - Demolish 95 Rowan Ave, residential development on northern part of site occupied by Clubhouse and tennis courts. Improvements to playing fields including new changing facilities and pitches. Approved 9 October 2002 subject to legal agreement.

**BH1999/01245/OA** - Two storey block affordable flats, improvements to sports facilities. Approved 2 December 1999.

**3/94/0288(F)** - Internal and external alterations to form new entrance, caretaker's flat and general upgrading to re-instate existing club (retrospective). Approved 4 July 1994.

**3/93/0579(OL)** - Outline application for conversion of clubhouse to form 2 no. detached houses. Refused 8 December 1993.

**3/93/0578(O/L)** - Outline application for development of 8 linked residential units. Refused 26 November 1993.

**3/93/0381(OL)** - Outline application for development of 8 linked residential units. Refused 8 September 1993.



**3/93/0380(OL)** - Outline application for conversion of existing clubhouse to form 2 no. detached houses. Refused 8 September 1993.

**3/82/0533** - Ground floor changing room extension. Approved 22 October 1982.

**3/81/0488** - Extension to car park to form addition parking for 18 cars. Approved 25 September 1981.

**3/79/0399** - Erection of Groundsman's store/garage. Approved 6 August 1979.

**3/78/0725** - Extension to club room bar area, bar extension and re-siting of 20 car parking spaces. Approved 26 February 1979.

**M/14696/70** - Extension to existing sports pavilion and clubhouse with parking for 24 vehicles. Approved 3 August 1970.

**M/11432/65** - Outline application for residential development. Allowed to lapse 11 May 1965.

**M/3471/54** - Sports Pavilion. Approved 10 December 1954.

**M/1903/51** - Recreation ground. Approved 20 December 1951.

#### **4 THE APPLICATION**

- 4.1 The application proposes the erection of four new dwellings which would be laid out as two pairs of semi-detached dwellings, facing each other and separated by a central access road. This is a resubmission following the recent refusal for an identical proposal on the site for four dwellings (BH2016/00361).
- 4.2 The dwellings would be two storeys in height with pitched roof and gable ends, finished in white render with slate grey roof tiles. The dwellings would have a single rooflight to the front and small flat roof dormer on the rear roof slope. Each dwelling would measure approximately 5.5 metres by 11 metres and have a height to ridge of 9 metres.
- 4.3 The dwellings would mirror the size and appearance of the previously approved dwellings to the west of the site which are currently nearing completion. The dwelling would provide three bedrooms plus an unspecified room (2m x 2m) on the first floor and a master bedroom within the roofspace.
- 4.4 The proposed dwellings would be accessed by extending the private road that currently serves Lions Gate and the adjacent houses which are under construction. This access road, which runs south from its junction with Rowan Avenue to the rear of the properties in Rowan Avenue and then turns east into the adjacent site would be extended under this application to run through the central area of this application site, with a pair of semi-detached houses to the north of the access road and a pair to the south.

- 4.5 The northern houses would be on the same building line as the pair of semi-detached houses currently under construction. The pair of semi-detached houses located to the south of the access road would be set further south than the terrace of three new dwellings currently under construction so that their front elevation would be slightly forward of the rear elevation of the terraced houses. This arrangement allows for the creation of a turning head.

## 5 PUBLICITY & CONSULTATIONS

### External

#### 5.1 Neighbours:

**Nine (9)** representations have been received from the following properties objecting to the proposals: **148 Elm Drive; 67, 71, 91, 95, 97 Rowan Avenue; Brighton Lions Housing, 11 Lions Gate; 5 Maytree Walk.** Two further objections have been received without specifying an address. The main objections raised are:

- Impact on privacy of existing neighbours
- Overshadowing of neighbouring properties/gardens
- Overdevelopment
- Loss of open space
- Impact on wildlife/habitat
- Increase in traffic and associated noise/disturbance
- Access road is too narrow
- Insufficient parking provision
- Exacerbate local flooding problems
- Land was meant for local people/loss of allotments
- Disturbance from the construction

- 5.2 **Brighton & Hove Archaeological Society:** Recommend County Archaeologist is consulted.

- 5.3 **County Archaeologist:** No further comments as the western part of the site was archaeological evaluated in 2015 (BH2013/00848) but no significant archaeological remains were recorded.

### Internal:

- 5.4 **Sustainable Transport:** No objection.

## 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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP16 Open space
- CP17 Sports provision
- CP18 Healthy city
- CP19 Housing mix

#### Brighton and Hove Local Plan (retained policies March 2016):

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the loss of the open space, the impact of the development upon the amenity of

neighbours and the character and appearance of the area. The issue of housing supply is also addressed.

**8.2 Open Space**

The application site is currently part of a larger area of grassed land which was previously playing fields belonged to a private members club that occupied the site. As part of the agreement to develop the Lions Gate flats, this land was leased to the Council for use as “an open space for leisure and recreation purposes with ancillary changing facilities”. There was subsequent agreement between the landowners and the Council to vary the terms of the agreement so that the use of all this land was amended to allow it to be used for allotments or other informal open recreational use excluding formal football pitches but including tennis courts.

8.3 The land leased to the Council specifically excluded the area which has subsequently been developed for 5 houses. This site obtained a lawful development certificate as a builders yard in 2010 and was eventually granted planning permission for residential redevelopment in 2015.

8.4 A specification for the allotments has been agreed between the landowner and the Council although the allotments have not yet been laid out.

8.5 It is the applicant’s contention that as the layout of the allotments has been agreed and this layout excludes the area of this planning application, there is no conflict between the provision of the allotments and the proposed development. It is understood that the landowners are in the process of making a separate submission to the Council to vary the legal agreement so that the land given over to the Council is amended to exclude the application site and corresponds to just the land which will be laid out for the allotments.

8.6 It is on this basis that the applicants contend that the scheme does not prejudice Policy CP16 of the City Plan which seeks to safeguard, improve, expand and promote open space. The City Plan Policies Map identifies all of the land leased to the Council (allotment land and application site) as open space. (It is noted that the Policies Map does also identify the adjacent land on which 5 houses have been built as open space but it is not considered that this prejudices the wider thrust of the policy or the allocation of the remaining land as open space.) In addition to improving the access to the allotment site and providing a turning head close to the entrance of the proposed allotments, the applicants consider that the allotments would be accessible to the public and therefore retained as open space. Also, the applicants suggest that as the adjacent site for 5 houses was granted planning permission in 2015, and as there has been little material change in circumstance since that time, when an exception to the open space policy was agreed by the Council, the same reasoning can be applied to the current application site. In particular, it is suggested that the application site will not have any value as open space (having no recreational, amenity, historical, conservation or wildlife value) especially as it is not publically available and is not obliged to become publically available. In contrast the allotments will be provided as open space and thus provide an open space resource. Thus, the applicants point out that the

application site does not in any way impede the provision of the allotments; the site is not a high quality open space; the modest size and location of the application site, being effectively unused residual land, does not lend itself to a viable recreational facility in its own right and on this basis there is no merit in seeking to retain it as open space.

- 8.7 Although the agreed layout plan for the allotments excludes the current application site for housing, both the allotment land and the application site are leased as a whole to the Council and all of this land is leased on the basis that it can be used for allotments or other informal open recreational use excluding formal football pitches but including tennis courts. Therefore, whilst the layout for the allotments does not include the application site, the Council would be entitled, under the terms of the legal agreement, to use the application site for other informal recreation purposes. As informal recreation space, it could for example provide a useful barrier to help protect both the amenity of the 5 houses built on the adjacent site and the allotments. (It is noted that the proposed houses are close to the proposed allotments and plot 14 is directly to the rear of the proposed houses, which could have amenity implications for future residents). The applicants have indicated that they will be seeking to vary the legal agreement so that the land leased to the Council corresponds to the land given over to the allotments. However, at this stage the applicants have not submitted any information or evidence in support of their proposed variation.
- 8.8 The applicant's case depends largely on the application site being considered as a separate parcel from the allotments and in effect an area of land left over after the planned development has taken place. If the application site is considered as part of a single, larger parcel of land which can be used for informal recreation purposes, then the arguments around the application site not being accessible to the public, having little amenity/recreational value and being a modest sized residual site appear to carry much less weight.
- 8.9 Clearly the application site and allotment land as a whole were considered to be required by the Council as mitigation in relation to the earlier (2002) planning application. The specification for the allotments does not automatically mean that the remaining land is not required by the Council for other, agreed purposes. The application submission provides no evidence that the application site is not required by the Council or is an area of land which will be left over and unused once the allotments are provided.
- 8.10 The current situation is that the application site forms part of a larger plot which is to be provided for allotments or other informal open recreational use excluding formal football pitches but including tennis courts. in accordance with the terms of the varied legal agreement. This is significantly different from the situation pertaining to the adjacent land which has been developed for 5 houses and is now nearing completion. The Local Planning Authority accepted that that site could be considered as an exception to the prevailing open space Local Plan policy, not least as it was outside the land the subject of the legal agreement which is to be used for allotment/recreational uses. The lawful development certificate would also have carried weight in that decision.

- 8.11 However, the applicants suggest that the situation has changed little in the intervening period and that the same reasons for allowing an exception previously continue to apply to this site. Principally, they argue that the qualitative improvements which were needed to the residual open space were advanced through the provision of the allotments and this is unhindered by the current application. Whilst Local Plan Policy QD20 has been superseded by City Plan policy CP16, the applicants contend that this has no direct bearing on the exceptions argument that they are putting forward.
- 8.12 Although the area is currently overgrown and has various items on it from the adjoining construction site, it would appear entirely reasonable to interpret the application site as being part of a larger area that is intended to be used, in its widest definition, as an area of open space. Thus, at this stage the site is not an area of land which is not required and thus it would seem that little weight can be attached to the applicant's suggestion that the site should be considered as an exception to Policy CP16.
- 8.13 **Housing:**  
The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.14 It is therefore acknowledged that the scheme will provide four new houses that will make a contribution towards the Council's housing supply figures.
- 8.15 The applicants also note that the development positively addresses the City Plan's strategic objectives SO4, (housing need/delivery), SO8 (sustainable design/construction), SO12 (character/neighbourhoods) and SO15 (sport/recreation). The application submission also indicates that the development will provide family housing in dwellings which are of the same design as the council approved in 2015. In addition, the development will provide a turning head which better connects the allotments for pedestrians and vehicles and helps to complete a development of 9 houses that responds to the character of the area without impacting upon the delivery of the allotments.
- 8.16 Whilst the application submission contends that the scheme will provide much needed family housing it is noted there is no assessment of the need for 4/5 bedroom houses despite Policy CP19 requiring 'windfall' sites to demonstrate that the proposal has had regard to housing mix considerations and informed by local assessments of housing need. In slight contrast to the applicant's submission, the City Plan notes that a demographic analysis of the demand/need for homes in the city over the plan period indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties although there is also likely to be a considerable requirement for three or more bedroom sized properties.

- 8.17 Thus, whilst there is a continuing need for housing in the City, it has not been demonstrated that there is an overriding need for a development of this nature or that the provision of these houses should override other material considerations but must be weighed as part of the wider assessment.
- 8.18 **Impact on Amenity:**  
Policy CP14 of the City Plan accepts that higher density development than that typically found in a locality can be permitted, provided the proposal meets specified criteria. The criteria seek to ensure that the proposal includes a high standard of design, would respect the character of the neighbourhood and contribute positively to the sense of place, provide dwellings that reflect identified local needs, be accessible by public transport and provide outdoor recreation space appropriate to the demand it would generate.
- 8.19 Any development proposal must also have regard to Policy QD27 of the Brighton & Hove Local Plan which 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.
- 8.20 The current application notes that the form, scale, design, materials and layout of the adjacent scheme were considered acceptable and that the current application is almost identical. Furthermore, the submission notes that the dwellings will have garden space to a standard compatible with family dwellings of this size and generally compatible with immediate neighbours. It is also stated in the application that the houses are more remote from the immediate neighbours gardens than the previously approved scheme on the adjacent site and thus have demonstrably little additional impact on residential amenity. The applicant's conclusion is therefore that it would be unreasonable to resist the scheme in terms of its density, layout, etc.
- 8.21 The area around the application site is typified by post war semi-detached dwellings with modest front gardens and significantly larger rear gardens. With one or two exceptions the houses in Rowan Avenue have rear gardens of 15-20 metres in length; in Elm Drive they are mostly 20 metres in length and most of the houses in Maytree Walk have a rear garden in excess of 20 metres in length and those closest to the application site have gardens of approximately 30 metres in length. This provides residents with areas of relatively secluded amenity space and thus, for most of the properties, a strong degree of privacy which is supplemented by the existing area open space to the rear.
- 8.22 The terrace of three houses currently nearing completion have slightly narrower plots than the existing adjacent houses but their garden lengths (in excess of 20 metres) help to integrate the houses into the existing character and grain of the area. The pair of semi-detached dwellings recently constructed to the north are less characteristic of the area in that the gardens are of only 10 metres in length. However, the plot widths are more in keeping with the area and the previously perceived benefit in removing the builder's yard and the fact that the

site backs onto a car park rather than existing gardens are acknowledged as mitigating factors.

- 8.23 The pair of semi-detached dwellings now proposed next to these recently built semi-detached dwellings will have similar plot and house sizes to those dwellings. However, they would not back on to a car park but an area of land that wraps around the rear of these houses and is to be used as allotments. Beyond this land is the side elevation of Lions Gate. At this point the base level of Lions Gate is below that of the application site but it is a three storey building and thus this elevation contains a number of habitable room windows which will look directly across and into the gardens of the proposed houses. It is also noted that the proposed dwellings have rear dormer windows which will increase the sense of overlooking experienced by the residents of Lions Gate. The separation distance between the properties will be some 27 metres at its closest point.
- 8.24 The proposed southern pair of semi-detached dwellings have been set further south than the adjoining terrace of three dwellings. This is to accommodate the proposed turning head. The result is two dwellings with relatively short rear gardens (approximately 14 metres) compared to those they back on to. As these proposed dwellings also have rear roof dormers the overlooking of the existing gardens to the properties in Maytree Walk will be particularly pronounced.
- 8.25 The proposed dwellings would represent an increased density when compared to the prevailing more spacious character of the area. As noted, Policy CP14 does encourage increased densities where the development, amongst other criteria, is of a high standard of design, would help to maintain or create a coherent townscape; would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place; would include a mix of dwelling types, tenures and sizes that reflect identified local needs.
- 8.26 However this must also be balanced against the need not to harm the amenity of existing neighbours. The application suggests that as the previous scheme and layout was acceptable and was not considered to raise significant concerns, the current scheme which is largely the same, should therefore also be considered acceptable. However, the above assessment of the relationships between existing and proposed buildings demonstrates that there are subtle differences in the relationships with existing buildings and the size of the proposed gardens when compared to the previously approved scheme.
- 8.27 **Form and Density:**  
The previous application was refused for reason that the proposal represented an inappropriate form and density of development, which by virtue of its design, character and lack of outdoor recreation space, failed to make a positive contribution to the character of the area. Having reconsidered these issues in the light of the further justification submitted by the applicant and the houses under construction on the adjoining site, the proposed development is considered to be acceptable in terms of its form and density.



**8.28 Sustainable Transport:**

The Highway Authority has not raised an objection to the proposed scheme. They have noted that car and cycle parking would be provided that meet the Council's standards and that this could be controlled through appropriate conditions.

8.29 The development would increase trip generation in the vicinity but the Highway Authority considers that a £6,000 contribution to sustainable transport, in particular on accessible bus stops in the local area including those on Rowan Avenue and Elm Drive, would help to off-set these impacts and be in accordance with Policy CP9. The comments from the Highway Authority on the recently refused application (BH2016/00361) were not received until after the decision was made and therefore were not taken into account. If this current application was recommended for approval, this contribution would have been negotiated with the applicant.

8.30 The Highway Authority has noted that there was a slight alignment issue with regard to the parking space for one of the houses and access road and those details would need to be agreed with regard to the road treatment, traffic calming measures and footway details prior to development commencing. However, these matters could be dealt with by condition.

**9 CONCLUSION**

9.1 The application will result in the loss of land which is identified in the City Plan as being for open space. Policy CP16 seeks to prevent the loss of open space.

9.2 The applicant's indicate that the site has little value, will not prejudice the delivery of the allotments and therefore notwithstanding Policy CP16 should be seen as an exception to the wider objectives of retaining open space.

9.3 Given that, pursuant to the varied legal agreement, the site is leased to the Council for allotment or informal recreational uses and there is no indication that the Council will not wish to use all the land for these purposes little weight can be attached to the applicant's contentions. Accordingly the development of this land for residential purposes is considered to result in the loss of open space and thus contrary to City Plan Policy CP16.

9.4 The five new houses on the adjacent site were approved in 2015. Their design and appearance was considered acceptable as was their impact upon the neighbouring properties. The site had established a lawful use as a builders yard and the scheme therefore represented an improvement over such a use. The development is not entirely representative of the area in terms of the density of the surrounding houses but the Council does accept an increased density where there is no identified harm. The current scheme however, will have an impact upon the outlook and amenity of existing residents in Lions Gate and Maytree Walk. The smaller curtilages of the proposed houses when compared to the neighbouring properties means that the elevation-to-elevation distances rely on the size of the neighbour's amenity space rather than there being a more equal distribution and separation. This is a function of the

design/layout of the proposed development. An implication of these smaller gardens and increased density is the knock on effect the development is likely to have on the current levels of amenity enjoyed by existing residents. The proximity to and overlooking of buildings and in particular what is relatively private and secluded amenity space would result in the diminution of the neighbours' sense of privacy and amenity.

- 9.5 Given the spacious character of the area and the amount of accommodation proposed for these plots, it is considered that the proposed development has not been able to sufficiently respect the local character and therefore there will be harm to the amenity and outlook of neighbouring properties. Accordingly the proposal is unable to comply with Policy QD27 of the Local Plan and CP14 of the City Plan.
- 9.6 Despite the application not justifying the mix/size of proposed houses it is acknowledged that the development will make a positive contribution towards the City's housing supply figures. However, the addition of four 4/5 bedroom houses will only make a modest contribution to the City's housing needs.
- 9.7 Against the provision of these new houses, the loss of the open space and the impact upon the amenity of neighbouring residents must be weighed. It is considered that in assessing the severity of these factors, the adverse impacts of the development would outweigh the provision of four houses. On this basis the application is recommended for refusal.

## **10 EQUALITIES**

- 10.1 None.

## **11 REASONS FOR REFUSAL / INFORMATIVES**

1. The proposed development would result in the loss of open space. Accordingly the proposal is considered contrary to the National Planning Policy Framework and Policy CP16 of the Brighton & Hove City Plan Part One.

2. The proposal represents an inappropriate form and density of development which by virtue of its proximity to, and overlooking of, neighbours in Lions Gate and Maytree Walk, represent an unacceptable form of development which will cause a loss of amenity to these adjacent residents. In addition, the proximity of the proposed dwellings to the open space would prejudice the level of amenity future adjoining occupiers should reasonably expect to enjoy. Accordingly, the proposal is considered to be contrary to Policy QD27 of the Brighton & Hove Local and Policy CP14 of the Brighton & Hove City Plan Part One.

### Informatives:

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

## PLANNING COMMITTEE LIST- 03 August 2016

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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Plans	15909/PA/100	-	25/05/16
Plans and Elevations	15909/PA/101	-	25/05/16



# **ITEM J**

**Albion Court, 44-47 George Street, Brighton**

**BH2016/01151  
Full planning**

**03 AUGUST 2016**



# BH2016/01151 Albion Court, 44-47 George Street



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2016/01151</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Albion Court 44 - 47 George Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Creation of additional floor to create 2no one bedroom flats, 1no two bedroom flat and 1 no three bedroom flat with associated works.</b>		
<b><u>Officer:</u></b>	Sonia Gillam Tel 292265	<b><u>Valid Date:</u></b>	01/04/2016
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	27 May 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	JMT Planning, The Limit Station Road Rotherfield East Sussex TN6 3HN		
<b><u>Applicant:</u></b>	Wildwood Properties Ltd, GEI House 141 Cricklewood Broadway London NW2 3HY		

**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 relates to a terrace of properties of 6 three storey properties on the eastern side of George Street in Brighton. The properties are within the East Cliff Conservation Area. They are also part of the setting of the green space of Dorset Gardens to the East.

**3 RELEVANT HISTORY**

**BH2015/02820:** Creation of additional floor to create 2no one bedroom flats, 1no two bedroom flat and 1no three bedroom flat with other associated works.  
Withdrawn.

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the creation of an additional floor to create 2 no. one bedroom flats, 1 no. two bedroom flat and 1 no. three bedroom flat with associated works.

**5 PUBLICITY & CONSULTATIONS**

**5.1 External**

**Neighbours:**

**Nineteen (19)** letters of representation have been received from **Flats 3, 9 (x2), 12 (x2), 14 (x2), 44a Albion Court 44-47 George Street, 4, Flat 8 Howells Court 11-15, 18, 22, 36, 41, 44 George Street, 4 Downland Close, 8 Little George Street, 6, 8 Dorset Gardens, Albion Court Residential Leaseholders Group** objecting to the application for the following reasons:

- Design not in keeping with character of area
- Scale and height
- Removal of architectural features
- Cladding in white render
- Affect visual amenity of Dorset Gardens
- Overlooking and loss of privacy
- Overshadowing and loss of light
- Overbearing
- Overpopulation and cramming
- Noise, vibration and disturbance
- Parking issues
- Traffic issues and congestion
- Potential hazardous materials
- Financial objectives and greed of developer
- No disabled access
- Foundations taking extra weight
- Lack of adequate fire escape facilities
- Fire hazard from congestion in rapid evacuation situation
- Inappropriate cycle parking provision
- Too many permissions for flats granted in locale
- Invalidation of home insurance during build
- Removal of roof could risk damage to existing flats
- Lack of consultation from developer
- Drain on local amenities
- Potential graffiti on white walls
- Health and safety issues if tenants refuse to leave flats
- Impact on residents during build
- Noise and disturbance during build
- Impact on commercial viability of local businesses during build
- Pedestrian safety during build
- Impact on local wildlife during build
- Health concerns from dust and dirt during build

**5.2 Councillors Barford and Chapman** have objected to the development. The letters of representation are attached to the report.

**5.3 Conservation Advisory Group:** No objection

**Internal:**

- 5.4 **Environmental Health:** Approve subject to contaminated land condition.
- 5.5 **Heritage:** Approve. It is not considered that the proposal will harm the character of George Street. The proposals for the East elevation will, however, amount to a noticeable increase in scale and will have an impact on the setting of Dorset Gardens. However the design has minimised the impact of the increase in scale.
- 5.6 **Sustainable Transport:** Approve subject to conditions relating to cycle parking provision and car free housing.
- 5.7 **Private Sector Housing:** No objection.

**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 City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban Design
- CP14 Housing density
- CP15 Heritage
- CP19 Housing mix

CP20 Affordable housing

Brighton and Hove Local Plan (retained policies March 2016):

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD14 Extensions and alterations  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD09 Architectural Features  
SPD12 Design Guide for Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Matters relating to issues such as the financial objectives of the developer, the potential impact and disturbance caused to residents and businesses from the implementation of works, and potential graffiti on walls are noted but are not material planning considerations. All other non-planning related issues raised by objectors are noted but are not taken into account in the assessment of the application. Structural issues and fire safety issues would be dealt with under a Buildings Regulations application.
- 8.2 The main considerations in the determination of this application relate to the principle of the development, the effect on the appearance of the building and surrounding conservation area, neighbouring residential amenity, the standard of accommodation creates, transport and sustainability.
- 8.3 **Principle of Development**  
The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.4 Chapters 12 (Urban Design), 14 (Housing density) and 19 (Housing mix) of the City Plan set out aims to secure a high standard of design and development which pays respect to site constraints and the character of the area surrounding

the site. As such, a residential redevelopment of the site must be carefully assessed and considered.

**8.5 Design and visual impact:**

Front elevation

The eastern side of George Street has a mix of two and three storey buildings. However the eaves/ parapet levels are very consistent for most of the length of the street, although there is a mix of eaves and parapet treatment, and flat frontages and bays. The application property is considered to make a positive contribution to the character of the conservation area.

8.6 The addition of accommodation at roof level would be in the form of dormer windows and by retaining a pitched roof on the front elevation. Due to the narrow street width, the height of the properties and the shallow pitch of the roof, the roofslope of the site is not highly visible from street level. Additionally the development is considered to preserve the general scale of the street. Given this, it is not considered that the proposal would harm the character and appearance of George Street.

**8.7 Rear elevation**

The frontage to Dorset Gardens is mainly two storeys with pitched tiled roofs. The application property is clearly visible across the gardens and is in keeping with the general scale and materials; however the existing design of this elevation is not considered to be noteworthy.

8.8 The proposals for the east elevation would amount to a noticeable increase in scale and would have an impact on the setting of Dorset Gardens. However the proposed design would give the appearance of accommodation in the roof, rather than an additional storey, and as a result the impact of the increase in scale would be minimised.

8.9 The proposal to render the eastern elevation would have a further impact on Dorset Gardens. This streetscape is varied and has a mix of brick and render. The existing brick on this property is modern and does not match other brickwork therefore the change in material is not resisted.

8.10 There is a mix of window designs and materials on the rear of these properties and the proposed windows on the east elevation are considered acceptable in principle, subject to further consideration of details and colours. This can be secured by condition.

8.11 The Council's Heritage Officer and The Conservation Advisory Group support the scheme in design terms.

**8.12 Standard of accommodation**

Policy QD27 will not permit development where it would cause a loss of amenity to proposed residents. Overall it is considered that the proposed units would provide an adequate standard of accommodation; the units would benefit from adequate natural light and outlook.

- 8.13 It is noted that the unit size of the 1 bed flats would be slightly below the Government recommended space standards; this is due to the design constraints to provide a scheme that is acceptable in Heritage terms. On balance, given that additional residential units would be provided in the City, it is deemed to be acceptable in this case.
- 8.14 Policy HO5 requires the provision of private useable amenity space in new residential development. There is no private outside space proposed to the one and two bed flats, however it is recognised that the existing built form of the property restricts its provision. Given the above, that additional residential units would be provided in the City, and that the site is very close to public amenity spaces, the lack of provision of amenity space proposed is deemed to be acceptable in this case. It is proposed that the three bed unit would have a balcony to the rear bedroom which is considered to be appropriate.
- 8.15 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. Generally 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. However step-free access to the (new-build) dwellings are not achievable due to the proposed residential accommodation being located above ground floor level.
- 8.16 In terms of refuse and recycling the application confirms that the existing residents use the communal bins on the street; it is proposed that the residents of the new units would do the same. However the LPA does require that new residential development has a dedicated area for refuse and recycling; this can be secured by condition.
- 8.17 **Impact on Amenity**  
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.
- 8.18 The additional fenestration to the front of the building would give views across the street similar to the existing fenestration and would not warrant refusal in terms of overlooking or loss of privacy. The fenestration to the rear would overlook a park and is some distance from the nearest residential properties. There are no significant issues in terms of overbearing impact or loss of light or outlook from the development. Given the modest size of the proposed balcony to the three bed unit, and that it serves a bedroom, there is not considered that there would be a significant noise impact.
- 8.19 A resident has stated that there would be a privacy issue from occupants passing on the proposed stairwells gaining views into an existing flat. This is noted, however it is not considered to warrant refusal of the application.

8.20 The issue of noise transference between the new units and the existing flats would be dealt with under a Building Regulations application.

**8.21 Sustainable Transport**

Cycle parking

The City Council's parking standards SPG04 states that a minimum of 1 no. cycle parking space is required for each dwelling plus 1 space per three dwellings for visitors. For this development of four residential units the minimum cycle parking standard is 6 cycle parking spaces in total. The application proposes 8 cycle parking spaces which is above the minimum required and is therefore acceptable.

8.22 It is noted that the cycle stands can only be accessed via steps; this is not ideal however it is acknowledged that the site is constrained and in this instance the Council's Sustainable Transport team has no objections. Further details of cycle provision can be secured by condition.

**8.23 Car-free housing**

The site is near local services and public transport, and is within a controlled parking zone. Therefore the Sustainable Transport team recommends that a condition is attached which prohibits residents from being eligible for parking permits to encourage the development and the surrounding area to be genuinely car free.

**8.24 Sustainability**

Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.

**8.25 Other Considerations**

City Council records have identified the application site George Street as being potentially contaminated land as it is referenced as having an historical use as a Motor Engineers and a Coal and Coke Merchants. Similarly properties in the local vicinity are listed as having historical uses as Motor Engineers and Coachbuilders and Wheelwrights. These local uses may have also had the potential to cause localised contamination over time.

8.26 It is acknowledged that the proposed works involve the creation of an additional storey to the building with some alterations to the elevations; there are no works at ground floor or basement level. However the water supply could still be potentially contaminated

8.27 Therefore due to the above the Council's Environmental Health officer has recommended that a phased contaminated land condition is applied to ensure safe development of the site.

**9 CONCLUSION**

- 9.1 The proposal would make an effective and efficient use of the site by providing the City with additional dwellings without significantly compromising the quality of the local environment. Subject to compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to traffic and sustainability issues.

**10 EQUALITIES**

- 10.1 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 (new-build) dwellings is not achievable as the residential accommodation is above ground level.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan and block plan	4220-001		
Existing first floor plan	4220-001	C	
Existing second floor plan	4220-003	B	
Existing west elevation	4220-004	A	
Existing east elevation	4220-005	B	
Proposed third floor plan	4220-006	F	
Proposed west elevation	4220-007	I	
Proposed east elevation	4220-008	I	
Proposed section A-A	4220-009	E	
Existing ground floor plan	4220-010	A	
Existing roof plan	4220-011	A	
Proposed second floor plan	4220-012	B	
Proposed roof plan	4220-013	G	
Proposed section B-B	4220-018	B	
Existing and proposed street elevations	4220-014	C	
Site plan showing communal bins	4220-019		
Existing first floor showing cycle store	4220-020	A	
Proposed section C-C	4220-021	A	

Pre-Commencement Conditions:



- 3) No 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 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) details of the proposed window, door and balcony treatments
  - d) details of all other materials to be used externally

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 4) No development hereby permitted shall take place until elevational drawings showing full details of all cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 5) No development hereby permitted shall take place until full details of all new windows, doors, dormers and balconies etc, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 6) The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

**Reason:** This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 7) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

PLANNING COMMITTEE LIST- 03 August 2016

- (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.

Pre-Occupation Conditions:

- 8) 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.

- 9) 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.

- 10) 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 CP8 of the City Plan Part One.

- 11) 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 CP8 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 proposal would make an effective and efficient use of the site by providing the City with additional dwellings without significantly compromising the quality of the local environment. Subject to compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to traffic and sustainability issues.
3. The applicant is advised that the new render should be a traditional smooth textured wet system, without visible expansion joints, metal beads or stops or bell moulds.
4. The applicant is advised that the scheme required to be submitted by Condition 6 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to

the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

5. The applicant is advised that the above condition on land contamination has 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](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); 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.
7. The water efficiency standard required under condition 11 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.

## Sonia Gillam

---

**From:** Karen Barford  
**Sent:** 08 May 2016 15:23  
**To:** Planning Comments; Sonia Gillam  
**Cc:** Jeanette Walsh; Daniel Chapman  
**Subject:** Objection to the Planning Application: BH2016/01151 Albion Court 44 - 47 George Street Brighton  
**Attachments:** Objection to the Planning Application BH201601151 Albion Court 44 - 47 George Street Brighton.docx

Dear Planning Team

Please find attached my objection to the planning application mentioned above.

Should the officer recommendation be for approval of planning application, or refusal based on different reasons than I have set out, I would like this to be determined by Planning Committee.

Many thanks

Karen

Councillor Karen Barford, Queen's Park Ward  
Lead member for Adult Social Care  
Brighton and Hove City Council  
Tel: 01273 291096  
Mobile: 07809 100441  
E-mail: [karen.barford@brighton-hove.gov.uk](mailto:karen.barford@brighton-hove.gov.uk)

Planning Dept.  
Brighton and Hove City Council  
Kings House  
Grand Avenue  
Hove  
BN3 2LS

Cllr Karen Barford  
[REDACTED]  
[REDACTED]  
[REDACTED]

8<sup>th</sup> May 2016

**Objection to the Planning Application: BH2016/01151 Albion Court 44 - 47 George Street Brighton**

Dear Sir / Madam

I am writing to object to the planning application referenced above. This application follows the applicant's previous application BH2015/02820, which I understand was withdrawn.

The current application does show minor changes to appearance of the rear top floor. However, I feel that there is still a negative impact to residents in George Street and Dorset Gardens.

- According to that application's Design & Access Statement (3507869.pdf), Section 11.0, the **openings of the proposed dormer windows facing George Street have been designed to avoid** overlooking of neighbouring properties and are positioned to avoid any loss of light.

However, the current application makes no reference to properties on the opposite side of George Street and has made no changes to the plans for the west roof elevation which will mean a loss of privacy due to the development looking down on and into the top rooms of houses on the west side of George Street.

- The increased height of the roof line and a further forward pitch of the roof will substantially increase overshadowing of nearby properties.
- George Street is within East Cliff Conservation Area. Adding a fourth floor to Albion Court as is not in character with the rest of the street.

I therefore urge you to reject this planning application on the basis of the above reasons.

Yours sincerely



Karen Barford

Councillor, Queen's Park Ward

Brighton and Hove City Council

## Sonia Gillam

---

**From:** Daniel Chapman  
**Sent:** 08 May 2016 19:09  
**To:** Planning Comments; Sonia Gillam  
**Cc:** Jeanette Walsh; Karen Barford  
**Subject:** Objection to the Planning Application: BH2016/01151 Albion Court 44 - 47 George Street Brighton  
**Attachments:** Objection to the Planning Application BH201601151 Albion Court 44 - 47 George Street Brighton.docx

Dear Planning Team

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All the best

Daniel

Councillor Daniel Chapman, Queen's Park Ward  
Brighton and Hove City Council  
Deputy Chair - Children, Young People and Skills Committee  
Tel: 01273 291353  
Mobile: 07809100449  
E-mail: [daniel.chapman@brighton-hove.gov.uk](mailto:daniel.chapman@brighton-hove.gov.uk)

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**From:** Karen Barford  
**Sent:** 08 May 2016 3:23 PM  
**To:** Planning Comments; Sonia Gillam  
**Cc:** Jeanette Walsh; Daniel Chapman  
**Subject:** Objection to the Planning Application: BH2016/01151 Albion Court 44 - 47 George Street Brighton

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Many thanks

Karen

Councillor Karen Barford, Queen's Park Ward  
Lead member for Adult Social Care  
Brighton and Hove City Council  
Tel: 01273 291096  
Mobile: 07809 100441  
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Planning Dept.  
Brighton and Hove City Council  
Kings House  
Grand Avenue  
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BN3 2LS

8<sup>th</sup> May 2016

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- According to that application's Design & Access Statement (3507869.pdf), Section 11.0, the openings of the proposed dormer windows facing George Street have been designed to avoid overlooking of neighbouring properties and are positioned to avoid any loss of light.

However, the current application makes no reference to properties on the opposite side of George Street and has made no changes to the plans for the west roof elevation which will mean a loss of privacy due to the development looking down on and into the top rooms of houses on the west side of George Street.

- The increased height of the roof line and a further forward pitch of the roof will substantially increase overshadowing of nearby properties.
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I therefore urge you to reject this planning application on the basis of the above reasons.

Yours sincerely

Daniel Chapman

Councillor, Queen's Park Ward

Brighton and Hove City Council



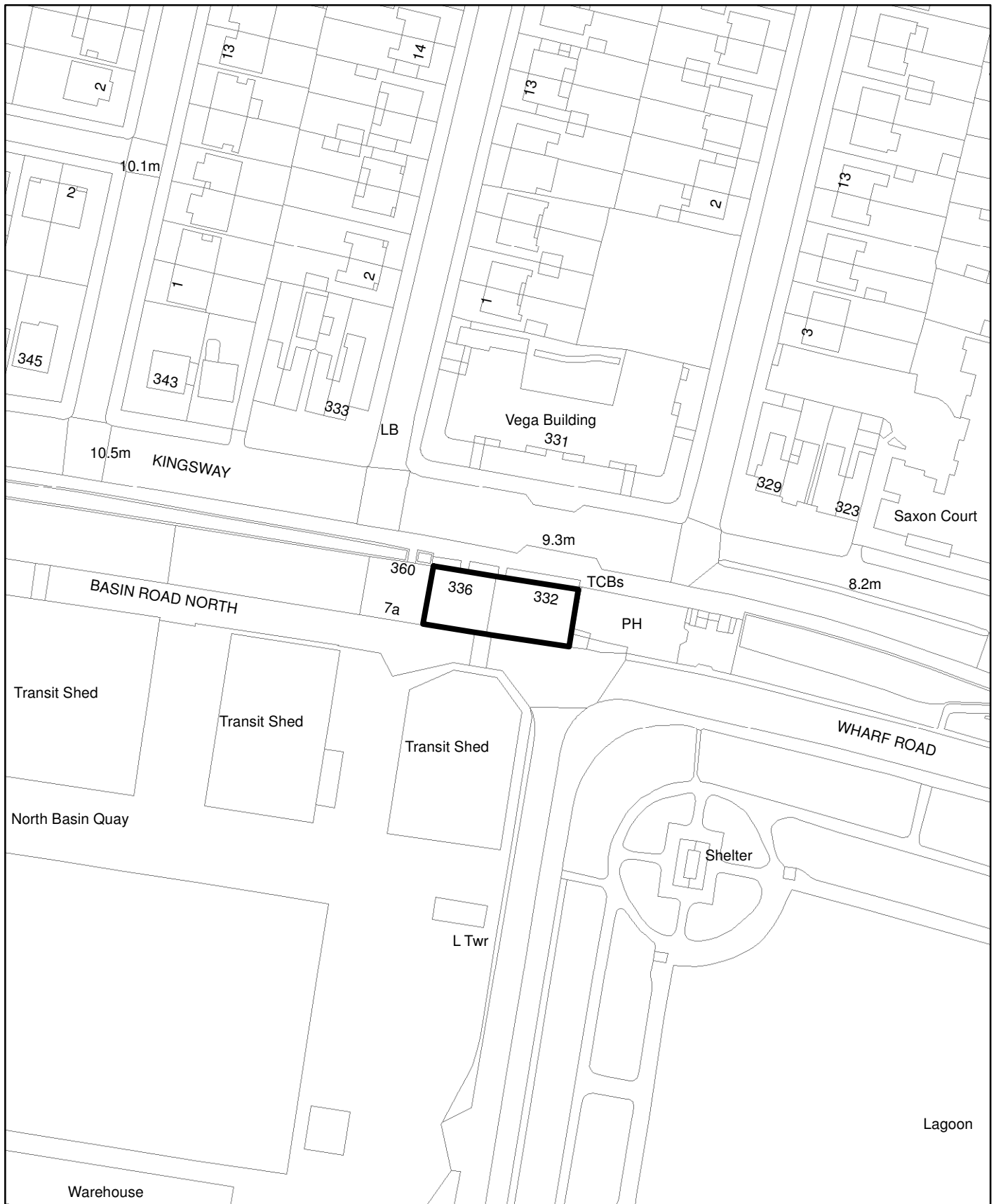
# **ITEM K**

**332 Kingsway, Hove**

**BH2015/04408**  
**Full planning**

**03 AUGUST 2016**





**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2015/04408</b>	<b><u>Ward:</u></b>	<b>WISH</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>332 Kingsway Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of additional two full floors and one half floor to create 9no residential units (C3) over existing office building and alterations to existing fenestration. (Part retrospective).</b>		
<b><u>Officer:</u></b>	Sonia Gillam Tel 292265	<b><u>Valid Date:</u></b>	10/12/2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	04 February 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	DowsettMayhew Planning Partnership, 63A Ship Street Brighton BN1 4ET		
<b><u>Applicant:</u></b>	Weatherstone Properties Ltd, Mr C Weatherstone C/O DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 4ET		

**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 Deed of Variation to the Section 106 Agreement dated 8th August 2012 and the Conditions and Informatives set out in section 11.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to an office building occupied by an Architects company (Use Class B1). The existing building is arranged as two floors of office space over a floor of garage parking, due to ground level differences between Kingsway and Basin Road North, the building has a single storey frontage onto Kingsway with two further floors fronting Basin Road North. A public house abuts the site to the east and a small business unit abuts the site to the west. To the south of the site, there are an array of warehouse buildings and timber storage yards relating to the port.

**3 RELEVANT HISTORY**

**BH2015/02929** Application for approval of details reserved by conditions 6 and 7 of application BH2011/03300. Approved 05/10/2015.

**BH2015/01701** Non Material Amendment to BH2011/03300 to allow changes to internal layout to units and inclusion of a passenger lift. Approved 16/06/2015.

**BH2011/03300** - Application to extend time limit for implementation of previous approval BH2008/02338 for amendments to previously approved application BH2006/03628 (Construction of 2 full floors and 1 half floor of nine new apartments over existing office building and change of use from A2 to B1 at ground floor) to include: Fenestration-pattern of glazing bars; plan profile of central window bay to north elevation and increase in floor area to top floor flats. Approved 8<sup>th</sup> November 2012.

**BH2011/02821** - Application for Approval of Details Reserved by Conditions 2, 3, 5, 6, 7, 8, 9, 10 and 11 of application BH2008/02338. Split decision, conditions 3, 7, 8, 10 & 11 approved. Conditions 2, 5, 6 & 9 refused.

**BH2008/02338** - Amendments to previously approved applications BH2006/03628 to include: Fenestration-pattern of glazing bars; plan profile of central window bay to north elevation and increase in floor area to top floor flats. Approved 7<sup>th</sup> November 2008.

**BH2006/03628** - Construction of 2 full floors and 1 half floor of nine new apartments over existing office building and change of use from A2 to B1 at ground floor. Approved February 2007.

*Britannia House 336 Kingsway*

**BH2016/00784** Prior approval for change of use from office (B1) to residential (C3) to create 1no studio flat, 3no one bedroom flats and 2no two bedroom flats. Prior Approval is required and is approved 05/04/2016.

**BH2015/02473** Prior approval for change of use from offices (B1) to residential (C3) to form 6no one bedroom flats. Prior Approval is required and is approved 03/09/2015.

**BH2014/01689** Prior approval for change of use from offices (B1) to residential (C3) to form 6no 1 bed flats. Prior Approval is required and is approved 16/07/2014.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of an additional two full floors and one half floor to create 9 no. residential units (C3) over the existing office building and alterations to existing fenestration. The application differs slightly from the previous approved scheme in design terms.

#### **5 PUBLICITY & CONSULTATIONS**

##### **5.1 External**

##### **Neighbours:**

**Six (6)** letters of representation have been received from **Flats 4, 5, 8, 11, 30 Vega Building, and 313 Kingsway** objecting to the application for the following reasons:

- Height and scale
- Poor design which would not relate well to character of area

- Soulless design with no nod to surrounding 1920s and 1930s architecture
- Increase in top floor massing not appropriate
- Loss of view
- Loss of light
- Overlooking and loss of privacy
- Parking issues

5.2 **Shoreham Port Authority:** No objection.

**Internal:**

5.3 **Environmental Health:** Object as no acoustic report submitted.

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

5.5 **Planning Policy:** No objection subject to 20% affordable housing as an equivalent financial contribution being secured.

5.6 **Sustainable Transport:** Support subject to conditions regarding cycle parking, travel plans and S106 contribution to be allocated to pedestrian routes.

## 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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6.5 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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA8	Shoreham Harbour
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban Design
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Shoreham Harbour Joint Action Area Plan (JAAP) Consultation Draft February 2014

Supplementary Planning Guidance:

SPGBH4	Parking Standards
	Guidance on Developer Contributions

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The merits of the scheme have been substantially discussed as part of the preceding applications. The principle of development, impact on the amenities of adjacent occupiers, standard of accommodation, transport and sustainability issues were found to be acceptable as part of the previous planning applications.
- 8.2 The quantum, siting and scale of the development have not been significantly altered and the assessment of this application will therefore mainly relate to those aspects of the current scheme that differ from the previous application. The main considerations in the determination of this application therefore relate to the design changes and any material changes to the site, or change in local and national policy.
- 8.3 **Planning Policy**



The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.4 The proposal complies with City Plan policy DA8 and the Shoreham Harbour JAAP in terms of providing an appropriately designed mixed use residential development in this location.

8.5 *Affordable Housing*

The applicant has provided sufficient information to demonstrate that works commenced prior to the expiry of previous permission ref. BH2011/03300. Therefore this permission remains extant. In this context it is considered that this current application is effectively a part-retrospective application for a revised scheme, and the LPA will not seek a contribution towards affordable housing.

8.6 **Design and appearance**

The approved scheme was influenced by 1920s architecture and art deco design to fit in with properties in the vicinity. The current proposal is a more modern approach with clean lines. The quantum, siting and scale of the development have not been significantly altered and the change in style is not considered to warrant refusal of the application.

8.7 The design changes also include an enlarged penthouse apartment. Ostensibly this would give the upper form of the development more bulk. However the penthouse structure would sit behind a parapet wall and its visibility from the street would remain limited.

8.8 A site visit has revealed that there have been no significant material changes to the site since the grant of the previous consent.

8.9 **Standard of accommodation**

The proposal includes nine units of accommodation comprising a mix of 2 one bedroom units, 6 two bedroom units and 1 three bedroom units. All of the units would benefit from private amenity space in the form of balconies facing south, with the penthouse having the benefit of a roof terrace. There is no change from the previous application in terms of number and mix of units and the provision of outdoor space.

8.10 As the above was previously considered acceptable and as there is an extant permission in place there is no reason to revisit these issues.

8.11 Policy HO13 requires all new residential dwellings to be built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. This can be secured by condition.

**8.12 Impact on Amenity**

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.

8.13 The previous scheme was assessed in terms of its impact on the amenity of adjacent properties. There are residential properties located to the north of the site, on the opposite side of Kingsway. With regard to the increased size of the penthouse apartment, it is considered that, given the distances separating the site and the residential properties, the scheme is not considered to have a detrimental impact on amenity.

8.14 The proposed alterations to the scheme proposed are deemed appropriate in terms of their impact on adjacent properties. The alterations to design and fenestration do not significantly affect the scheme's impact on adjacent properties.

**8.15 Sustainable Transport**

A financial contribution for highway improvements has been received by the Council in respect of the previous application. Therefore a deed of variation to the original section 106 agreement is proposed to secure the funds in respect of this application. The funds are to be allocated to pedestrian route improvements (to include dropped kerbs and tactile paving) on routes between the site and local amenities including Wish Park and the Seafront.

**8.16 Sustainability**

Details were approved under BH2011/02821 to ensure that the development achieves a Code for Sustainable Homes rating of "Level 3" rating. It is recommended that a further condition is applied so that prior to occupation, a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum, is submitted and approved to the LPA.

**8.17 Environmental Health**

It is noted that the Council's Environmental Health Officer has raised concerns regarding potential noise issues for occupants of the new units. The concerns were not raised in relation to the previous applications. Given this and that the previous permission remains extant and this current application is a part-retrospective application for a revised scheme, it is considered that it would not be reasonable to request for an acoustic report at this stage of the development.

**9 CONCLUSION**

9.1 The proposal would make an effective and efficient use of the site by providing the City with additional dwellings without significantly compromising the quality of the local environment. No significant harm to neighbouring amenity would

result and the scheme is acceptable with regard to traffic and sustainability issues.

## 10 EQUALITIES

10.1 The proposed development is required to meet Lifetime Homes' standards.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### S106 Heads of Terms

A Deed of Variation is proposed to the original Section 106 Agreement in terms of the highways contribution of £6,750 received in respect of application BH2011/03300.

### Regulatory Conditions:

1. The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
2. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to the North elevation of the development hereby approved.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
3. Prior to the first occupation of the development hereby approved the refuse and recycling storage facilities approved under application BH2015/02929 have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No further works 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 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 externallyDevelopment shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

6. The development shall be implemented in accordance with the Site Waste Management Plan approved under application BH2011/02821. The measures shall be implemented in strict accordance with the approved details.

**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy CP8 of the Brighton & Hove City Plan Part One.

7. Prior to the first occupation of the development hereby approved the cycle parking facilities approved by the Local Planning Authority under application BH2015/02929 have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

8. The development shall be implemented in accordance with the remediation scheme approved under application BH2011/02821. The measures shall be implemented in strict accordance with the approved details. Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

**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.

9. Prior to the first occupation of the development hereby approved the details approved under application BH2011/02821 in respect of a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration have been implemented. The specified works shall be carried out in accordance with the approved details and thereafter be retained to the satisfaction of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

PLANNING COMMITTEE LIST- 03 August 2016

10. Prior to the first occupation of the development hereby approved, a Residential Travel Information Pack shall have been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Information Packs shall thereafter be fully implemented and provided to all first residents in accordance with the approved details.

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	TA877/01	A	07/12/2015
Existing sub basement	TA877/02	A	07/12/2015
Existing basement	TA877/03		07/12/2015
Existing ground floor plan	TA877/04		07/12/2015
Existing north elevation	TA877/05		07/12/2015
Existing south elevation	TA877/06		07/12/2015
Existing east elevation	TA877/07	A	07/12/2015
Existing section	TA877/08		07/12/2015
Proposed sub basement	TA877/10	E	03/02/2016
Proposed basement	TA877/11	D	03/02/2016
Proposed second floor plan	TA877/14	F	03/02/2016
Proposed third floor plan	TA877/15	J	16/03/2016
Proposed roof plan	TA877/16	F	16/03/2016
Proposed south elevation	TA877/18	M	16/03/2016
Proposed west elevation	TA877/20	G	16/03/2016
Proposed street scene	TA877/21	E	16/03/2016
Proposed street scene	TA877/22	G	16/03/2016
Comparative street scene	TA877/25	C	16/03/2016
Comparative street scene	TA877/26	C	16/03/2016
Proposed north elevation	TA877/27		21/04/2016
Proposed ground floor plan	TA877/28		21/04/2016
Proposed first floor plan	TA877/29		21/04/2016
Proposed east elevation	TA877/30		21/04/2016
Site Waste Management Plan			21/09/2011
Measurement of Existing Noise Levels & Assessment of New Plant Machinery Noise Report			19/10/2016
Code for Sustainable Homes Report			21/09/2011
Condition 11 Supporting Statement, Contaminated Land letter from Mr G Hawkins			14/10/2011

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a

## PLANNING COMMITTEE LIST- 03 August 2016

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 proposal would make an effective and efficient use of the site by providing the City with additional dwellings without significantly compromising the quality of the local environment. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to traffic and sustainability issues.
3. The Residential Travel Information Pack required by Condition 12 could include but not be limited to the following measures:
  - The provision of up to date public transport information within the building and to users of the building:
  - years membership to Enterprise Car Club
  - Details of walking and cycling routes in the vicinity
  - Details of public transport services and routes (rail and bus)
  - Taster tickets towards bus and rail travel
  - Money off towards the cost of the purchase of a bike or cycle equipment.

# **ITEM L**

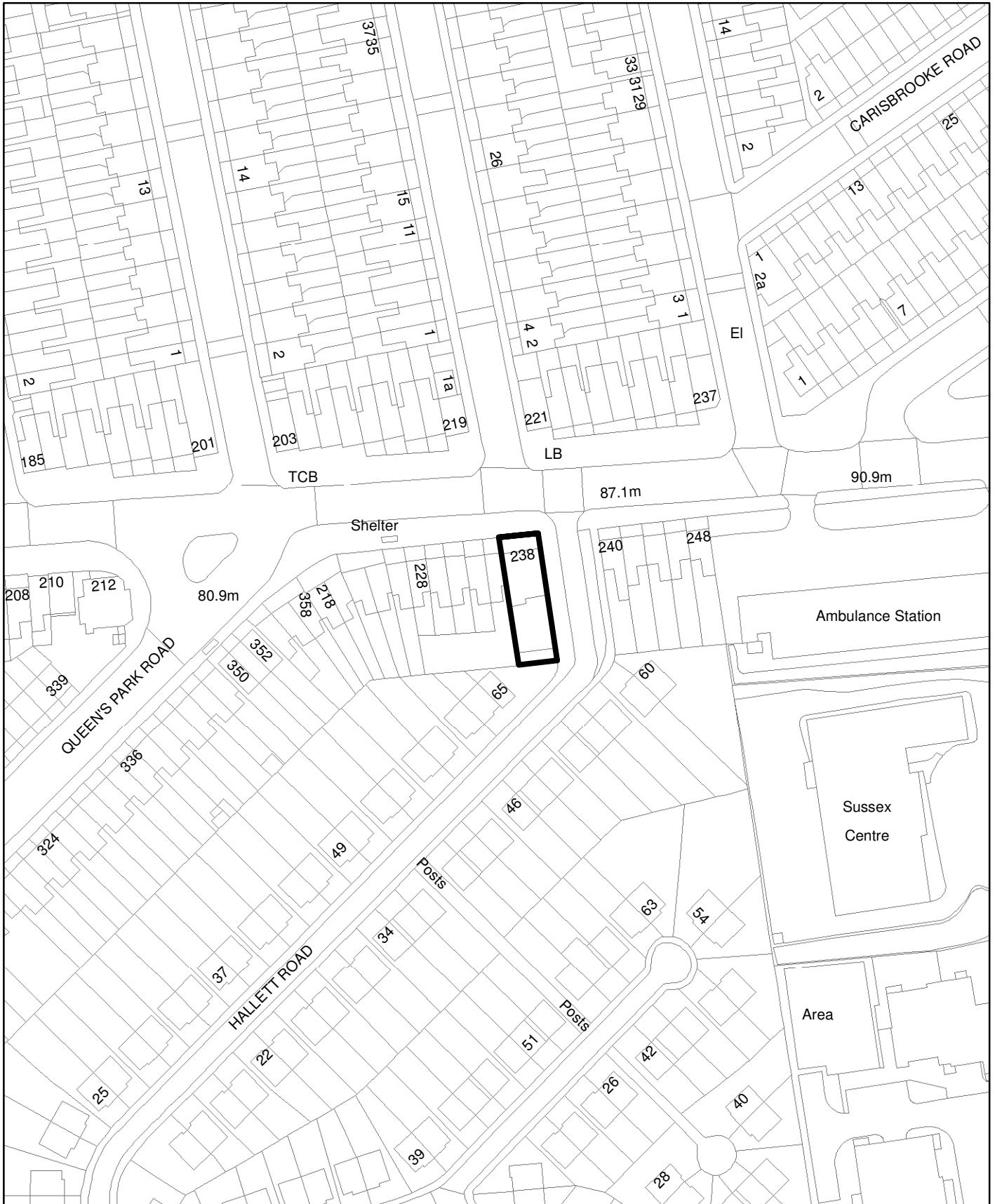
**238 Elm Grove, Brighton**

**BH2016/01000**  
**Full planning**

**03 AUGUST 2016**







**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2016/01000</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>238 Elm Grove Brighton</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing house to form 2 No. one bedroom and 2 No two bedroom flats (C3) with associated alterations including erection of a part one part two storey rear extension and installation of rooflights.</b>		
<b><u>Officer:</u></b>	Stewart Glassar Tel 292153	<b><u>Valid Date:</u></b>	18/04/2016
<b><u>Con Area:</u></b>	N/A	<b><u>EoT:</u></b>	5 August 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	DowsettMayhew Planning Partnership, 63a Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	Brighton Builds LLP, c/o Dowsett Mayhew Planning Partnership 63a Ship Street Brighton BN1 1AE		

## 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(s) set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the southern side of Elm Grove at its junction with Hallett Road. The property itself is a two-storey Victorian end terrace with a part single/part two storey rear addition. There is a detached garage at the southern end of the site with access onto Hallett Road. The properties on Elm Grove and to the north are traditional Victorian terraces and the properties to the south in Hallett Road are more modern mid twentieth century Council housing.

## 3 RELEVANT HISTORY

**BH2016/0999** - Demolition of existing outbuildings and erection a two storey two bedroom detached dwelling (C3) accessed from Hallett Road. Refused 07/06/2016.

**BH2014/03825** - Erection of part two, part three storey rear extension and associated alterations to facilitate conversion of single dwelling house to 5 no self - contained flats. Refused 30/03/2015. Appeal dismissed 7/09/2015.

**BH2014/02175** - Erection of part two, part three storey rear extension and associated alterations to facilitate conversion of single dwelling house to 5 no self - contained flats. Withdrawn 29/08/2014.

#### **4 THE APPLICATION**

- 4.1 The application is for the conversion of the existing house to form four flats. It was originally proposed to provide 1No. one-bedroom and 3No. two-bedroom flats together with the erection of a single storey rear extension and a part single/part two storey rear extension. The application has been modified and the length of the proposed rear extension reduced at first floor level and the accommodation changed to 2No. one-bedroom flats and 2No. two-bedroom flats. Neighbours were re-consulted on the amended scheme.
- 4.2 The scheme includes associated works, including the partial demolition of the existing rear extensions and the insertion of rooflights to the main roof of the property.
- 4.3 The upper floor of the part single/part two storey extension would be some 6m in length (it was initially proposed to be 8m in length) and 7.1m in height, which would be approximately 1m below the ridge of the roof of the main building. The single storey element of this extension would be some 8m in length and 3.2m in height. The single storey extension would have a flat roof.
- 4.4 The single storey rear extension adjacent to the shared boundary with 236 Elm Grove would be some 7m in length and have a flat roof.

#### **5 PUBLICITY & CONSULTATIONS**

**External:**

**Neighbours: Two (2)** letters have been received from the occupier of **240 Elm Grove** objecting to the application for the following reasons:

- The development will have negative impact on parking in the area
- The development will have a negative impact on the appearance of the building
- overlooking/loss of privacy will result.

**Internal:**

**Environmental Health:** Approve subject to conditions.

**Highway Authority:** Approve subject to conditions.

#### **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 City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density

#### Brighton and Hove Local Plan (retained policies March 2016):

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO9 Residential conversions and the retention of smaller dwellings

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the acceptability of the proposal in respect of policy, the design and appearance of the proposal, its impact upon the amenity of neighbours and future occupants, transportation and housing supply.

**8.2 Principle of Development:**

Policy HO9 of the City Local Plan seeks to ensure that the conversion of residential properties does not result in the loss of smaller dwellings/units of family accommodation.

8.3 Accordingly, only dwellings with an original floor area of 115m<sup>2</sup> or more (or with 3 or more bedrooms) are considered suitable for conversion. Furthermore, at least one unit of accommodation within any redevelopment should be suitable for family accommodation and thus have a minimum of two bedrooms.

8.4 The existing dwelling is in excess of 115m<sup>2</sup> and the proposed scheme provides 2No. two-bedroom flats, of which one is on the ground floor and has access to some outside amenity space. The amount of amenity space is considered in more detail later in this report but the principle of the building's conversion is considered acceptable.

**8.5 Design and Appearance:**

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:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) 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
- d) uses materials sympathetic to the parent building.

8.6 The previous scheme which was dismissed at appeal proposed a two storey rear extension across almost the full width of the property and a recessed first floor balcony within the rear portion of the roof. The extension resulted in the east flank wall of the building being some 12.8 metres in length and the ridge of the extension was some 0.2m below the ridge of the main roof.

8.7 In comparison the extension as now proposed would be a metre below the ridge of the existing main roof and would result in the east flank wall of the property being some 12.4 metres in length.

8.8 The appeal Inspector concluded that the extension would result in a building being bulkier than the neighbouring dwellings and in particular it was noted that the roof of the extension, whose design incorporated a central flat roof/crown arrangement, was unusual and would be apparent from Hallett Road. (It is noted that that scheme included a fifth flat within the roof space of this extension which has been omitted from the current proposal). The Inspector concluded that the height and length of the extension would be a dominant structure extending along the back edge of the pavement and that the roof added bulk which would be a prominent and incongruous element. Accordingly

the Inspector felt that the proposal would conflict with Policy QD14 of the Local Plan.

- 8.9 By omitting the fifth flat the current application has not needed to utilise a crown roof design and accordingly, the ridge height of the extension is now some approximately 0.8 lower than that of the previous scheme. This has helped to reduce the bulk of the building. However, the length of the eastern flank wall is very similar to the previous scheme. The Inspector considered at paragraph 7 of the decision that "...as a result of its height and length the proposed extension would compete with the scale of the host building and would be a dominant structure extending along the back edge of the pavement."
- 8.10 It is apparent from the appeal decision that both the height and length of the previously proposed extension were of concern in relation to the impact on the host building and that the roof design was an additional aggravating feature. The height of the currently proposed extension is now more in keeping with what would usually be considered appropriate for an extension given that it is stepped down from the main ridge of the house and utilises a more conventional pitched/hipped roof design. Changing the design and reducing the height of the roof in the current submission helps overcome part of the Inspector's concerns but this is only of benefit if the length is similarly reduced so that the extension as a whole is subservient to the main building.
- 8.11 Unfortunately, the proposed length of the extension has not been noticeably reduced from that of the appeal scheme. The eastern flank wall of the building will be two storeys in height for most of its length, adjacent to the back edge of the pavement. As a result, the extension will nearly double the overall length of the original house and dominate this part of Hallett Road and any views towards it. Accordingly, the resulting building will not be in keeping with the proportions of the existing building and thus would be out of keeping with the surrounding area.
- 8.12 Notwithstanding the previous appeal decision, it is considered that the proposed extension is unacceptable in its own right and will result in a flank wall which will result in an excessively long building out of keeping with the character of the area and an extension which will dominate the host building. It therefore fails to meet the requirements of policy QD14. The Inspector's comments and decision on the previous scheme merely reinforce these conclusions.
- 8.13 **Impact on Neighbours:**  
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.
- 8.14 The single storey element of the currently proposed extension would be alongside the shared boundary with No. 236. It is considered that there would be no significant impact on light or outlook to this neighbour's rear facing windows or their conservatory which is also along this shared boundary. The

two-storey element of the proposal would be set away from the shared boundary which, coupled with its orientation, is considered sufficient to ensure the extension would not appear overbearing or cause harmful overshadowing to this neighbour.

- 8.15 The previous scheme was considered to increase in the incidence of overlooking to the rear, but it was not considered that this would result in detrimental overlooking or loss of privacy due to the relationship with neighbouring properties and/or the distance from them. Although the current scheme omits the recessed roof balcony it retains the patio doors/Juliette balcony arrangement on the rear elevation at first floor level. These windows are a similar distance to the rear neighbour at 63 Hallett Road as the previous scheme and thus the incidence of overlooking of this neighbour's side patio is unlikely to be increased over that of the previous scheme.
- 8.16 As with the previous scheme the windows on the eastern flank wall would face towards Hallett Road and No.240 Elm Grove opposite. This was not a matter of concern previously at either the application or appeal stage.
- 8.17 It was previously considered that the increased activity at the site from five flats would not be likely to cause significant harm to neighbouring amenity and that there was no reason to believe the formation of additional housing units in this area would lead to harmful noise or disturbance for occupants of nearby properties. Given that the current scheme proposes one less unit it is considered that the impact has to be considered acceptable.
- 8.18 The proposal is therefore considered to be in accordance with Policies QD14 and QD27 of the Brighton and Hove Local Plan.
- 8.19 **Standard of accommodation:**  
The existing building, excluding the proposed extension, is a single dwellinghouse and exceeds the size thresholds stated in Local Plan policy HO9 for conversion into smaller units of accommodation.
- 8.20 The previous scheme was refused on the standard of accommodation proposed. There was concern that the proposal would provide cramped accommodation, particularly in the bedrooms which were considered to offer limited scope for furniture/storage etc. and in some units sloping ceilings were considered likely to hinder the use of the kitchen units. The appeal Inspector addressed this issue and found that the bedrooms did provide sufficient room for furniture and belongings. In the case of the bedroom within the roof space, the sloping ceilings were not considered to be overly problematic and whilst the sloping ceilings in the kitchen areas were likely to limit flexibility in terms of layout the Inspector concluded that they would not prevent the normal range of appliances from being accommodated.
- 8.21 The current application proposes four flats, in which all but one bedroom (Unit 2, Bedroom 2) would appear to meet the minimum Nationally Described Space Standards. Whilst the overall floorspace in some of the flats appears to fall slightly below the internal floor areas recommended in the technical standards,



in view of the previous scheme and observations of the Inspector it is not considered that the individual units would be sufficiently deficient in size to warrant a reason for refusal.

8.22 Policy HO5 requires the provision of private useable amenity space in new residential development. The previous proposal provided two of the five units with garden areas and it was concluded that given the location and constraints of the site this level of provision was acceptable. The current scheme similarly allocates an area immediately to the rear of the two ground floor flats as private amenity space for these two flats. The amount of space allocated is less than the previous scheme although the remainder of the site could nominally be used as communal space whereas previously it was shown as car/cycle/bin storage. (This area was subject to planning application BH2016/0999 for a new detached dwelling which was recently refused). Cycle storage and the bin store are now shown within the front garden of the building.

8.23 The scheme provides units which do not all meet the nationally described space standards, provides very small patio gardens for two of the flats and requires a bedroom window to face directly on to the pavement at ground floor level. Individually these factors may be insufficient to warrant a reason for refusal on the standard of accommodation but collectively they are maybe indicative that the amount of development being sought for the site is more than the site can comfortably accommodate.

**8.24 Housing Supply:**

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.25 The appeal Inspector noted that the previous proposal would make a contribution towards housing in the City and would be a small boost to the local economy but not sufficient to outweigh the harm caused to the character and appearance of the area.

8.26 It is considered that the proposed development would make a slightly smaller contribution to the City's housing supply than the previous scheme but the harm caused to the character and appearance of the area would be similar to the previous scheme. In these circumstances the creation of the additional units would not outweigh the harm caused.

**8.27 Transportation:**

The Highway Authority has concluded that there would be additional demand for on-street parking in an area of the city where there is high parking stress and that a scheme of travel plan measures should be secured, including a two year car club membership per household. No such request was made with regard to

the previous application (BH2014/03825) but that proposal included two on-site parking spaces which have been omitted from this scheme and therefore additional mitigation is required. Although no Travel Plan has been submitted with the application, the applicants have indicated that they would be willing to enter into an agreement to provide a 2 year car club membership were the application to be approved. However, the application is recommended for refusal for other reasons and therefore there is no formal agreement or mechanism in place to secure the car club membership. Therefore, in order to preserve the Council's position the application as currently submitted must technically be considered as contrary to the Council's sustainable transport strategy and thus Policy CP9 of the Brighton & Hove City Plan and Policy TR4 of the Brighton & Hove Local Plan.

- 8.28 The application indicates that six cycle parking spaces will be provided to the front of the property. This is in accordance with the minimum standard required by SPG4; however, the Highway Authority recommends that further details of the design would be required in order to comply with policy TR14 of the Brighton & Hove Local Plan.

## **9 CONCLUSION**

- 9.1 Whilst there is no objection in principle to the conversion of the property into flats, nor is there an objection in principle to the extension of the property, it is the scale of the works proposed which is of concern. The most obvious indication of this is the physical size of the proposed two-storey extension and its visual impact upon the existing house and wider area. An extension that was more proportionate with the existing house would also have the advantage of being able to increase the standard of accommodation/amenity space provision for the individual flats. The conclusion to refuse this application is supported by the previous appeal decision and the observations of the Inspector, who noted that a similarly lengthy extension was not acceptable in terms of its visual impact.
- 9.2 In view of the above, the provision of four flats, whilst a useful contribution to the City's housing supply is not considered sufficient to outweigh the harm which is likely to be caused by the application to the character and appearance of the area.

## **10 EQUALITIES**

- 10.1 None identified.

## **11 REASON FOR REFUSAL / INFORMATIVES**

### Reasons for Refusal:

1. The proposed extension would, by virtue of its length, bulk and overall scale of development relative to the size of the plot represents a form of overdevelopment that would:

PLANNING COMMITTEE LIST- 03 August 2016

- a) appear as an unduly dominant and discordant addition which would cause harm to the established character of the street scene and surrounding area;
- b) fail to emphasise and enhance the positive qualities of the neighbourhood and represents a poorly designed development, out of keeping with its surroundings, to the detriment of the character of the area and the visual appearance of the street scene;
- c) fail to contribute positively to its sense of place.

This harm is considered to outweigh the benefit provided by the additional residential units and the proposal would therefore be contrary to Policies CP12 and CP14 of the Brighton and Hove City Plan, Policy QD14 of the Brighton and Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

2. The absence of a Travel Plan to mitigate for the on-street parking impacts which are likely to result from the proposed development is considered contrary to the Council's sustainable transport strategy and thus Policy CP9 of the Brighton & Hove City Plan and Policy TR4 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 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Floor Plans	TA927/11	-	18/03/16
Proposed Floor Plan	TA927/13	-	18/03/16
Proposed Floor plans	TA927/42	A	13/06/16
Proposed Elevations	TA927/44	A	13/06/16
Proposed Elevation	TA927/45	B	15/06/16
Proposed Section & Side Elevation	TA927/46	A	13/06/16
Proposed and Previous Application Overlays	TA927/57	A	13/06/16



## **PLANS LIST 03 August 2016**

### **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: BH2016/01490**

**3 Ashley Close Brighton**

Fell 2no Fir and 1no Sycamore (Trees have minimal public visibility and their location is not sustainable in the long term)

Applicant: Mr Steve Woolven

Approved on 01 Jun 2016

##### **PRESTON PARK**

**Application No: BH2016/01413**

**43 Preston Park Avenue Brighton**

1no Lime T1 - Reduce by 2-3m

Applicant: Mr John Goodison

Approved on 09 Jun 2016

**Application No: BH2016/01717**

**2 Port Hall Road, Brighton**

Fell 1no Lime

Applicant: Mr P Hall

Refused on 01 Jun 2016

**Application No: BH2016/01939**

**67 Fairways, Dyke Road, Brighton**

1no Chestnut T1 - Reduce height by 2m and radius by 2m, reshape.

1no Elm T2 - Reduce height by 2m and radius by 1m, reshape. 1no

Elm T3 - Reduce height by 1m and radius by 1m, reshape. 1no Elm T4

- Reduce height by 1m and radius by 2m, reshape. 1no Beech T5 -

Reduce selected branches by 1m to improve balance. 1no Sycamore T6

- Reduce lateral growth by 1-2m. 1no Lime T7 - Reduce height by

1.5m and radius by 1.5m, reshape.

Applicant: Mr G O'Flanagan

Approved on 08 Jun 2016

### **ST. PETER'S & NORTH LAINE**

**Application No: BH2016/01033**

**3 Buckingham Road Brighton**

Fell 1no Multi-stemmed Sycamore (Tree is not sustainable in the long term)

Applicant: Ms Fran Meeton

Approved on 09 Jun 2016

**Application No: BH2016/01617**

**First Floor Flat 25 Buckingham Place Brighton**

Fell 1no Sycamore (No public visibility)

Applicant: Gemma Clarkson

Approved on 10 Jun 2016

**WITHDEAN**

**Application No: BH2016/01927**

**Dorothy Stringer School, Loder Road, Brighton**

Fell 1no Ash (Tree is dead and dying)

Applicant: Dr G W Danahar

Approved on 16 Jun 2016

**Application No: BH2016/02029**

**39 Tongdean Lane Brighton**

1no Beech T3 - lift crown over road to maximum clearance of 5m, Reduce crown on North side by 3-4m. 1no Beech T4 Remove 3 x up-right stems in upper crown, reduce

lower crown by approx 4m to reduce mechanical leverage on limbs

Applicant: Mrs Emma Fulkes

Approved on 08 Jun 2016

**Application No: BH2016/02141**

**Regency Court, Withdean Rise, London Road, Brighton**

1no Sycamore - cut back branches growing towards building. 1no Yew - Remove lowest branch. 1no Sycamore - Remove epicormic growth.

Applicant: Ms Lesley Baker

Approved on 24 Jun 2016

**Application No: BH2016/02143**

**Regency Court, Withdean Rise, London Road, Brighton**

Fell 1no Sycamore and 1no Sycamore sapling

Applicant: Ms Lesley Baker

Approved on 23 Jun 2016

**ROTTINGDEAN COASTAL**

**Application No: BH2016/01442**

**16 Wanderdown Way Brighton**

Fell 1no Sycamore (Tree now has significant decay and is not sustainable in the long term.)

Applicant: Mr David West

Approved on 08 Jun 2016

## **WOODINGDEAN**

**Application No: BH2016/01344**

### **25 Sycamore Close Brighton**

Fell 2no Sycamore Trees -T1 & T2. (Both trees now have little amenity value and not sustainable in the long term.)

Applicant: Mr Bawden

Approved on 09 Jun 2016

**Application No: BH2016/02061**

### **51 Crescent Drive North, Woodingdean, Brighton**

Fell 1no Sycamore T1. Fell 1no Birch T11. Fell 1no Birch T18. Fell 1no Holm Oak T19. Fell 1no group Birch G1.

Applicant: Mr Adam King

Approved on 23 Jun 2016

**Application No: BH2016/02062**

### **51 Crescent Drive North, Woodingdean, Brighton**

1no Sycamore T2 - Repollard to previous points. 1no Birch T3 - Repollard to previous points. 1no Birch T4 - Repollard to previous points. 2no Sycamore T5 & T6 - Repollard to previous points. 4no Holm Oak T7 - T10 - Lift low branches as one canopy to clear 5-6m. 2no Holm Oak T12 & T13 - Lift low branches. 3no Holm Oak T14 - T17 - Lift low branches.

Applicant: Mr Adam King

Approved on 23 Jun 2016

## **BRUNSWICK AND ADELAIDE**

**Application No: BH2016/01754**

### **90 Lansdowne Place Hove**

Fell a large holly tree in the rear garden of the property. (Tree has no public visibility thus does not qualify for a TPO)

Applicant: Mr Mike Dodd

Approved on 23 Jun 2016

## **CENTRAL HOVE**

**Application No: BH2016/01163**

214 Church Road, Hove

Fell 1no Sycamore

Applicant: Mr R Jackson

Refused on 23 Jun 2016

**Application No: BH2016/01465**

### **Flat 2 60 Tisbury Road Hove**

Fell 1no Sycamore T1

Applicant: Mr Ken Buckfield

Approved on 10 Jun 2016

**Application No: BH2016/01963**

**Flat 2 60 Tisbury Road Hove**

1no Elm T2- Repollard to old pollard points. Finished height of 4m. 1no Bay T3 - Reduce to 2.5m.

Applicant: Mr Ken Buckfield

Approved on 10 Jun 2016

**Application No: BH2016/02038**

**Flat 1, St Catherine's Terrace, Hove**

1no Chestnut T1 - Reduce overhang by 2m. 2no Holm Oak T2 - Remove overhang back to boundary line. 1no Purple Plum T3 - Remove overhang back to boundary line. 1no Eucalyptus T4 - Reduce to 3m in height.

Applicant: George O'Flanagan

Approved on 16 Jun 2016

**GOLDSMID**

**Application No: BH2016/01503**

**First and Second Floor Maisonette, 53 Denmark Villas Hove**

2no Semi mature sycamore - Reduce by 2-3m

Applicant: Mrs Wai Fan Clarke

Approved on 09 Jun 2016

**SOUTH PORTSLADE**

**Application No: BH2016/01696**

**Kings School, Mile Oak Road, Portslade**

1no Tree of Heaven T1 - Crown raise to 5m, remove 2m from height and width. 1no Cherry T2 - Crown raise to 2.5m, remove 1m from height and 2m width. 1no Pear T4 - Crown raise to 2.5m, remove 1m from height and width. 1no Cherry T5 - Crown raise to 3m, remove 2m from height and 3m width. 1no Cherry T6 - Crown raise to 2.5m, remove 1m from height and width. 1no Ash T8 - Crown raise to 3m, remove 1.5m from height and width. 1no Beech T17 - Crown raise to 3m, remove 2m from height and width. 1no Sycamore T18 - Crown raise to 5m, remove 2m from height and 3m width. 1no Maple T23 - Crown raise to 4m, remove 3m from height and 2m width.

Applicant: Mr Miah

Approved on 08 Jun 2016

**Application No: BH2016/01702**

**Kings School, Mile Oak Road, Portslade**

Fell 2no Holm Oak T13 & T15, 1no Cherry T9 and 1no Sycamore T24 (The trees to be felled are either dead or structurally compromised)

Applicant: Mr Miah

Approved on 08 Jun 2016

**Application No: BH2016/02037**



**204 Old Shoreham Road, Portslade**

Fell 1no Weeping Ash. (Although the tree has some public visibility from Old Shoreham Road this is fairly modest. The tree canopy has clearly outgrown the available space and is now encroaching over neighbouring properties. Due to the type of species pruning options are very limited as any significant reduction would reduce any amenity value that the tree has. Replacements should be Gleditsia Tricanthos not Silver Birch)

Applicant: Mr Turner

Approved on 08 Jun 2016



**APPEAL DECISIONS**

	<b>Page</b>
<b>A – 80 CRESCENT DRIVE SOUTH, BRIGHTON – WOODINGDEAN</b>	<b>251</b>
Application BH2015/04014 – Appeal against non-determination in order to demolish existing houses and erect seven dwelling houses <b>APPEAL DISMISSED</b> (delegated decision)	
<b>B – LAND R/O 114, 116 AND 118 CARDEN AVENUE, BRIGHTON – PATCHAM</b>	<b>257</b>
Application BH2015/03111 – Appeal against refusal to grant planning permission for erection of two houses to the rear of the existing building <b>APPEAL DISMISSED</b> (delegated decision)	
<b>C – 326 DYKE ROAD, BRIGHTON - WITHDEAN</b>	<b>261</b>
Application BH2015/03878 – Appeal against refusal to grant planning permission for a conversion of garage to garden studio/ children’s games room and gym including single storey extension <b>APPEAL DISMISSED</b> (delegated decision)	
<b>D – 19 WITHDEAN ROAD, BRIGHTON – WITHDEAN</b>	<b>263</b>
Application BH2015/01308 – Appeal against refusal to grant planning permission for demolition of existing house and construction of new 6 bed detached house <b>APPEAL DISMISSED</b> (delegated decision)	
<b>E – GLADSTONE COURT, HARTINGTON ROAD, BRIGHTON – HANOVER &amp; ELM GROVE</b>	<b>267</b>
Application BH2015/02709 – Appeal against refusal to grant planning permission for two storey side extension to provide five self-contained flats <b>APPEAL DISMISSED</b> (delegated decision)	
<b>F – LAND AT 45 NEWMARKET ROAD, BRIGHTON – HANOVER &amp; ELM GROVE</b>	<b>269</b>
Application BH2015/02562 – Appeal against enforcement notice for change of use of property without planning permission from dwelling house to a house in multiple occupation (HMO) <b>APPEAL DISMISSED</b> (enforcement upheld and planning permission is refused on the application deemed to have been made under section 177 (5) of the 1990 Act as amended)(delegated decision)	

**G – 141 ELM GROVE, BRIGHTON – HANOVER & ELM GROVE 273**

Application BH2015/02962 – Appeal against refusal to grant planning permission for conversion of single dwelling house (C3) into two flats  
**APPEAL DISMISSED** (delegated decision)

**H – 171 ELM GROVE, BRIGHTON – HANOVER & ELM GROVE 277**

Application BH2015/01877 – Appeal against refusal to grant planning permission for the change of use of existing house from C4 House in Multiple Occupation to sui generis HMO. **APPEAL ALLOWED** (delegated decision)

**I – LAND AT 69 EWEHURST ROAD, BRIGHTON – MOULSECOOMB & BEVENDEAN 281**

Application BH2015/02442 – Appeal against enforcement notice enforcement notice for change of use of property without planning permission from dwelling house to a house in multiple occupation (HMO) **APPEAL ALLOWED IN PART** (enforcement notice is upheld as varied in the terms set out in the formal decision)(delegated decision)

**J – 74 EAST STREET, BRIGHTON – REGENCY 285**

Application BH2015/03348 – Appeal against refusal to grant planning permission for the erection of metal railings to south of public house  
**APPEAL DISMISSED** (delegated decision)

**K – GROUND FLOOR RETAIL UNIT, CLARENCE HOUSE, 30-31 NORTH STREET, BRIGHTON –REGENCY 289**

Application BH2014/03122 – Appeal against contravention of listed building control in relation to installation of two bright plastic fixed awnings and the installation of hooks and battens to the North Street elevation of the building at ground floor level **APPEAL DISMISSED** (listed building enforcement notice upheld)(delegated decision)

**L – 1 GOLDSTONE STREET, HOVE – BRUNSWICK & ADELAIDE 293**

Application BH2015/01788 – Appeal against refusal to grant planning permission for erection of two storey two bedroom house including part demolition of single storey part **APPEAL DISMISSED** (delegated decision)

**M – 3 ASH CLOSE, HOVE – HOVE PARK** **299**

Application BH2015/03495 – Appeal against refusal to grant planning permission for remodelling of existing dwelling including one storey extension to side and two storey extension to rear, roof alterations including removal of chimney, new entrance porch, enlargement of garage, revised fenestration and associated works **APPEAL ALLOWED** (delegated decision)

**N – 23 THIRD AVENUE SOUTH, HOVE – CENTRAL HOVE** **303**

Application BH2015/04075 – Appeal against refusal to grant planning permission for conversion of garage to studio **APPEAL DISMISSED** (delegated decision)

**O – 5 WESTBOURNE GROVE,HOVE - WESTBOURNE** **307**

Application BH2015/03480 – Appeal against refusal to grant prior approval for change of use from storage (Class B8) to residential (Class C3) to form one studio flat at ground floor level **APPEAL DISMISSED** (delegated decision)

**P – 5A WESTBOURNE GROVE,HOVE - WESTBOURNE** **309**

Application BH2015/03481 – Appeal against refusal to grant prior approval for change of use from storage (Class B8) to residential (Class C3) to form one studio flat at ground floor level **APPEAL DISMISSED** (delegated decision)

**Q – 6 WESTBOURNE GROVE,HOVE, WESTBOURNE** **311**

Application BH2015/03482 – Appeal against refusal to grant prior approval for change of use from storage (Class B8) to residential (Class C3) to form one studio flat at ground floor level **APPEAL DISMISSED** (delegated decision)

**R – 6A WESTBOURNE GROVE,HOVE, WESTBOURNE** **313**

Application BH2015/03483 – Appeal against refusal to grant prior approval for change of use from storage (Class B8) to residential (Class C3) to form one studio flat at ground floor level **APPEAL DISMISSED** (delegated decision)

**S – 17 PEMBROKE AVENUE, HOVE – WESTBOURNE**

**315**

Application BH2015/02855 – Appeal against refusal to grant planning permission for erection of a single storey rear extension with associated landscaping and works to boundary wall **APPEAL ALLOWED** (delegated decision)

**T – 5 PORTLAND AVENUE, HOVE – WISH**

**319**

Application BH2015/04158 – Appeal against refusal to grant planning permission for rear single storey extension and loft conversion with side dormer and roof lights **APPEAL DISMISSED ON PART & ALLOWED IN PART**(delegated decision)



## Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 June 2016

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### **Appeal Ref: APP/Q1445/W/16/3142260** **80 Crescent Drive South, Brighton, BN2 6RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mrs Susan Rose and family against Brighton & Hove City Council.
  - The application Ref BH2015/04014 is dated 5 November 2015.
  - The development proposed is the demolition of existing houses and erection of 7 dwelling houses (C3).
- 

### **Decision**

1. The appeal is dismissed and planning permission refused for the demolition of existing houses and erection of 7 dwelling houses (C3).

### **Application for Costs**

2. An application for costs has been made by the Appellants against Brighton & Hove City Council. This application is the subject of a separate decision.

### **Procedural Matters**

3. I use the description of development from the appeal form which is more concise than the application form.
4. Since the time of the initial Officer's Report on the proposal the Council has adopted the Brighton & Hove City Plan Part One (CP). Consequently a number of the Brighton & Hove Local Plan (LP) policies cited on the case paperwork have been superseded. The Appellant has been made aware of this and given an opportunity to comment. The relevant replacement policies are for the most part of a similar tenor to those which no longer remain extant. In the text below I only refer to policies currently adopted by the Council.

### **Main Issues**

5. The main issues are the effect of the proposal on:
  - the character and appearance of the locality; and
  - living conditions for neighbours.

### **Reasons**

6. The appeal site is a 'backland' area with two bungalows in situ, one with dormers, and extensive garden space. The site is served by a low key narrow driveway between two road frontage dwellings with two floors and side
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windows facing this entrance. The ground slopes gently away from the entrance and has relatively substantial vegetation to most boundaries. The locality is mainly one of detached bungalows and 2 storey homes, albeit with occasional increased intensity at corners, and this well established area of residential character offers a pleasing and fairly spacious appearance and good levels of amenity. The proposal is as described above and would provide for 3 detached and 4 semi-detached chalet style homes.

#### *Character and appearance*

7. The locality is a relatively loosely developed, generally lower density, one. The proposal clearly seeks to make more efficient use of land than its surroundings. This might not be an unreasonable proposition in principle if the result continued to provide scope for some sense of spaciousness; incorporated suitable amounts soft landscape; and protected visual amenity and local character. Unfortunately the appeal scheme would fail on these fronts. The scheme is too ambitious and would represent overdevelopment. Buildings with two floors would lie uncharacteristically close to boundaries and intrude upon the aesthetics of neighbouring gardens and wider views; the degree of built site coverage and hard surfacing on display would be excessive relative to prevailing rates in the locality; and the scheme would generally look uncomfortably cramped and alien in character to its surrounds.
8. CP Policies CP12 and CP14 call for, amongst other matters, development to be well designed to protect local distinctiveness and respect the character of a neighbourhood with a positive contribution to its sense of place and a layout of a suitable density. I conclude that the appeal scheme would run contrary to these policies.

#### *Living conditions for neighbours*

9. There is a property (No 72) set at right angles very close to part of the appeal site. The row of 4 semi-detached properties with very modest garden lengths proposed would be overly dominant to this property and its garden. Neighbouring occupiers would feel unduly hemmed-in. Furthermore privacy would be lost by reason of the proposed upper floor windows on these units as well as the nearest detached home which would be set parallel to the side boundary. I am also concerned about the runs of buildings, even the detached homes as they would have little space between them, being uncomfortably dominant from neighbouring properties in Broad Green Mews and Broad Green and affording overlooking into these nearest gardens. I do not have sufficient evidence before me on the detailed intentions for, or robustness of, vegetation along boundaries. Planned buildings and their upper floor windows are uncharacteristically close to boundaries and the scheme would prejudice amenity levels presently enjoyed.
10. Furthermore, the effective addition of 5 more homes on this site, and the lack of 'absorption' space for associated activity and movement, would add appreciably to the potential for noise and disturbance which would be unneighbourly. It might well be reasonable for some additional use to be made of the entrance way which runs alongside the side windows and rear gardens of Nos 78 and 82 Crescent Drive South but to my mind this scheme would go too far. In the absence of mitigation proposals or other evidence I would determine that the use of the driveway as proposed would cause undue noise and disturbance to those living alongside.



11. In a similar way to my conclusion that in character and appearance terms the scheme would be over-intensive the same cause would produce the unneighbourly symptoms I have outlined. I therefore conclude that the proposed works would unacceptably conflict with the aim to protect living conditions which is embodied within LP Saved Policy QD27.

*Other matters*

12. I note the Council's most recent position on the question of affordable housing provision in the form of a request for a contribution of some £182,750. Whilst expressing concerns over potential delays the Appellants have seemingly not ruled out a degree of contribution. On another angle, the submitted plans did have 2 dwellings labelled as 'Affordable Houses' albeit on-site provision did not appear to find favour with the Council for reasons including management. In other circumstances I would have explored the issue further and perhaps gone back to the main parties. The matter of affordable housing would appear to me to have the potential for resolution. However given my findings above on the main issues the question of a contribution or otherwise to affordable housing would not be an over-riding matter in this case to outweigh the harm I have identified. I would make a similar response to the very much smaller developer contribution request by the Council to improvement of local pedestrian routes. This is, again, something which I need not explore in the present circumstances.
13. I understand and sympathise with the Appellants' wish to make more efficient use of this presently under-developed site. I note the frustration with determination delays at the Council end and the lack of direct engagement during the processing period. It is agreed that centrally positioned trees do not create difficulties and I can see that some thought has been given to hard and soft landscape. The chalet style approach has sought to reflect context whilst in a contemporary form and, setting aside environmental matters, access along with turning and parking could be physically accommodated to applicable standards. Energy efficiency and lifetime homes initiatives are noted as are accessibility credentials. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
14. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

*Overall conclusion*

15. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality and on living conditions for neighbours. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR





## Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 June 2016

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### **Costs application in relation to Appeal Ref: APP/Q1445/W/16/3142260 80 Crescent Drive South, Brighton, BN2 6RB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Susan Rose and family for an award of costs against Brighton & Hove City Council.
  - The appeal was made against a failure to give notice within the prescribed period of a decision on an application for planning permission Ref BH2015/04014 which sought planning permission for the demolition of existing houses and erection of 7 dwelling houses (C3).
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Planning Practice Guidance (guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
  3. The Appellants consider that there was unreasonable behaviour by the Council by reason of delay from the time the planning application was lodged. This resulted in the Appellants having to appeal against the non determination of the planning application. The case is made that the delay caused losses and expenses which could have been avoided. The second concern is that the Appellants consider that they were over-charged for the planning application fee. The argument is made that because the site presently has two residences in situ the planning fee should have given 'credit' for this and related to 5 new planned homes and not the whole 7. It is cited that an adjoining Council calculated a planning fee on this basis.
  4. In response to the Appellants' claim the Council acknowledges that it did not determine the application within the 8 week statutory deadline. The deadline date was the 11<sup>th</sup> January 2016. The Appellants appealed on the 12<sup>th</sup> of January. The Council therefore states that the Appellants had to wait an additional day before they submitted their appeal and the argument is made that this additional day did not directly cause unnecessary or wasted expense to be incurred in the appeal process. On the question of the planning fee the Council sets out how its calculation was reached and explains that in its view the calculation is not a net one unless existing buildings are to be retained. It
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- argues by way of example that if one demolishes 2 dwellings and wished to erect 2 new dwellings the application would not be a 'free' one.
5. The general principle embodied within the guidance is that the parties involved should normally meet their own expenses. I have carefully considered the matter of a full, and indeed, a partial award of costs.
  6. The Council acknowledges that it did not determine the application within the appropriate timescale. I understand that the Appellants wrote to the Council on 30<sup>th</sup> January 2016 and did not receive a reply in relation to a new target date, the allocation of a case officer, or an explanation concerning the delay. This was regrettable. However the time between this letter and the appeal being lodged was a short one and I do wonder whether a further attempt at dialogue might have been fruitful clear of the Christmas and New Year holiday break. The inference from the Council is that the scheme was going to be refused planning permission, and subsequent papers would certainly back that up, and I have some sympathy with the case that an appeal the day after 8 weeks would have similar costs and very little extra delay relative to an appeal against a decision within this statutory period. Whilst not condoning the apparent inaction of the Council and its delay which is most unfortunate this would not seem to be a case where better communication with the applicants would have enabled the appeal to be avoided altogether. Furthermore there has been no failure by the Council to produce timely, relevant and robust evidence to substantiate its stance against the development during the appeal process.
  7. On the second matter, and in brief, I would deem that the planning fee was correctly calculated by the Council. The full 7 units would be applicable for the charge. There are other instances where 'credit' is given for existing properties – often for example related to financial contributions towards necessary infrastructure or facilities – but the planning application fee process, applied nationally, does not work in this way.
  8. Given all of the foregoing I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the planning guidance, has not been demonstrated.

*D Cramond*

INSPECTOR

## Appeal Decision

Site visit made on 24 May 2016

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 June 2016

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**Appeal Ref: APP/Q1445/W/16/3144539**

**Land rear of 114, 116 and 118 Carden Avenue, Brighton, Brighton & Hove BN1 8NE**

- 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 Pepita Investments Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/031111, dated 24 August 2015, was refused by notice dated 4 January 2016.
  - The development proposed is the erection of 2no semi-detached houses to rear of existing building.
- 

### Decision

1. The appeal is dismissed and planning permission is refused.

### Preliminary Matters

2. The site address and description of development provided on the application have been replaced by fuller versions in subsequent documents. I consider these to be usefully more comprehensive and have thus employed them here.
3. Policies QD1, QD2, QD3 and QD27 from the Brighton and Hove Local Plan referred to by the Council in its reasons for refusal have been superseded by policies CP8, CP12 and CP14 (CP12 replacing policies QD1 and QD2 and CP8, CP12 and CP14 replacing policy QD3) of the Brighton and Hove City Plan Part One which was adopted since the appeal was submitted. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

### Main Issues

4. The main issues raised in respect of the appeal are the effect of the proposal on: -
  - (a) The character and appearance of the area; and,
  - (b) The living conditions of adjoining occupiers.

### Reasons

*The character and appearance of the area*

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5. The proposed dwellings would occupy almost the full width of the plot creating the appearance of the building being confined within the space. Whilst, the development in the surrounding area is varied, comprising buildings of differing heights and styles, the proposed contemporary design of the dwellings, having a box like appearance with extensive flat roof and limited openings in the elevations, would contrast in appearance to the existing development in the locality. The footprint of the proposed dwellings, alongside their overall size, would create a development of substantially larger structure to that of the garages in the vicinity of the site. The proposed development would be unrelated to the character of development in the area and would not, in my opinion, be an appropriate form of development in this location. Whilst the development would not be readily visible from the street scene it would, nonetheless, be visible to adjoining occupiers.
6. My attention has been drawn to an appeal decision (appeal ref: APP/Q1445/A/14/2221272) in which a dwelling has been allowed to the rear of 112 Carden Avenue, a site adjacent to this appeal site. The appeal before me relates to a different plot and a proposal of differing scale and kind. This appeal therefore can and should be considered in its own right.
7. For these reasons, I conclude that the proposed dwellings as a result of their overall plot coverage, size and design, would be out of keeping with the surrounding development and would be harmful to the character and appearance of the area. The Council has referred to a number of policies of the Brighton and Hove Local Plan 2005 which are now superseded. I regard policy CP14 of the Brighton and Hove City Plan Part One March 2016 as the most relevant. The proposed development conflicts with policy CP14 which seeks new development to be of a high standard of design that would help to maintain or create a coherent townscape, amongst other matters.

*The living conditions of adjoining occupiers*

8. The proposal seeks the erection of two semi-detached dwellings at an elevated siting to neighbouring properties at 122 to 128 Carden Avenue. Although the proposed dwellings would have a reduced ground level, the proposed development would be of a larger size to that of the existing garage at the site and would be positioned close to the site boundaries and nearer to these adjacent dwellings. The proposed development would be clearly visible to the outlook from these properties and would appear prominent from both the dwellings and their related outdoor amenity areas. The overall size and close relationship of the proposed dwellings to these adjacent properties would create, in my opinion, an unneighbourly form of development.
9. In addition, the first floor bedroom window of the property proposed closest to 122 to 128 Carden Avenue would allow for oblique observation to take place of the adjoining dwellings and their outdoor amenity areas. Whilst I consider the respective observation between dwellings would be acceptable due to their separation, the elevated position of the bedroom would enable direct overlooking of the outdoor amenity areas of these adjacent properties affording the occupiers little privacy.
10. For these reasons, I conclude that the proposed development would be harmful to the living conditions of adjoining occupiers. The Council has referred to a number of policies, but I regard Policy QD27 of the Brighton and Hove Local Plan 2005 as the most relevant. The proposal would be contrary to the aims of

this policy which seeks to protect against the loss of amenity to existing and/or adjacent occupiers, amongst other matters.

**Other Matters**

11. I acknowledge the present shortfall in future housing provision for the area. The proposal would provide two additional homes within the urban area utilising a brownfield site in a sustainable location. Whilst the proposal would contribute two dwellings to the City's overall housing supply, this benefit would not outweigh the harm identified above.

**Conclusions**

12. For the reasons given above I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR





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## Appeal Decision

Site visit made on 17 May 2016

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 June 2016**

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**Appeal Ref: APP/Q1445/W/16/3144906**  
**326 Dyke Road, Brighton.**

- 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 Ms Z Kordek against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03878, dated 10 October 2015, was refused by notice dated 28 January 2016.
  - The development proposed is the conversion of garage to garden studio/children's games room and gym including single storey extension.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Policies QD1 and QD2 from the Brighton and Hove Local Plan (the Local Plan) referred to by the Council in its decision notice have been superseded by Policy CP12 of the Brighton and Hove City Plan Part One (the City Plan) which was adopted since the appeal was submitted. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

### Main Issue

3. The main issue in this case is the effect upon the character and appearance of the area.

### Reasons

4. The character of the area is one of large properties set within sizeable plots, which benefit from open frontages. Although there are a small number of garages and other structures that project forward of the front building line of properties within the vicinity, in the main, these are low-key. The existing garage is sited in front of the property and behind a substantial front boundary wall. The land levels fall away toward the road. As a result the garage sits at a lower level to the dwelling; however the pyramid roof of the existing garage is clearly visible from the public highway.
5. Whilst the extension would be designed to be sympathetic to the materials and design of the existing garage and maintain a continuous ridge height, the extension would significantly increase the amount and size of built development to the frontage of 326 Dyke Road. The resulting development

would be a substantial detached building sited in front of, and in close proximity to, the main dwelling.

6. The proposed development, as a result of its overall size and siting, would have an uncomfortable visual relationship with the host dwelling. In addition, the extended building would be prominent when viewed from the surrounding area and the front drive of the adjoining dwelling that shares its access with the appeal site. To my mind, the proposal would be out of keeping with the character and appearance of the existing pattern of development in the area. Although I acknowledge the garage is already in place, this in its own right does not justify an extension to it.
7. The plans indicate the development would comprise 4 rooms; a garden studio, gym, bathroom and an unspecified room which would access onto a small courtyard. Whilst I understand the Council's concern in respect of the configuration of the internal layout and the residential appearance of the resulting development being akin to a small dwelling, I must nonetheless consider the scheme that is before me. I am satisfied the plans indicate that the building would be used for purposes of an ancillary nature. Nonetheless, my conclusion in respect of this matter does not alter the above considerations.
8. The appellant refers me to planning permission granted at No 323 Dyke Road, on the opposite side of the road, and I noted a double garage there connected to the main house. The garage is positioned to the south side of the frontage and an openness to the frontage remains. For this reason the relationship of the garage to the main house is less prominent.

### **Conclusion**

9. For these reasons I conclude that the proposed development would relate poorly to the host dwelling and would be a prominent addition that would be out of keeping with the existing pattern of development in the locality and, as such, would be harmful to the character and appearance of the area. The proposal would be contrary to Policy CP12 of the City Plan, Policy QD14 of the Local Plan and the guidance set out in in the adopted Supplementary Planning Document 12. These seek extensions and alterations to be, amongst other matters, well designed and sited and to take account of existing space around buildings and the character of the area.
10. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR

## Appeal Decision

Site visit made on 22 March 2016

**by Richard S Jones BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 April 2016**

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**Appeal Ref: APP/Q1445/W/15/3139186**  
**19 Withdean Road, Brighton, Sussex BN1 5BL**

- 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 Kevin Fitzpatrick against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01308, dated 2 April 15, was refused by notice dated 11 September 2015.
  - The development proposed is the demolition of existing house and construction of new 6 bed detached house.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - the effect on the living conditions of neighbouring residents with particular reference to outlook; and
  - the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Living conditions*

3. The appeal dwelling would extend significantly beyond the rear building line of No 17 Withdean Road, which, for the majority of its width is single storey, including that part of the dwelling closest to the appeal site. I appreciate that efforts have been made to set the appeal dwelling further away from the common boundary between these two properties and that the design is in part intended to avoid overlooking. However, the rearward projection of the appeal dwelling would present 2 storeys of largely unrelieved blank wall that is higher than the ridgeline of No 17. Consequently, the outlook from the rear windows and amenity space of No 17 would be dominated by a mass of built form in a way that I consider would be overbearing and oppressive.
  4. The third storey would be less obvious, due to its set back, however, this would add further to the overall mass of the building and resulting impacts. I do not consider that the existing boundary treatment at this point would acceptably mitigate this harm.
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5. The more central position of the side of No 21 Withdean Road, relative to the side of the appeal dwelling, is such that the forward and rear projections would be much less significant. Moreover, given the comparable overall scale of both dwellings and greater separation, I do not find that the proposal would result in comparable effects on the occupiers of No 21.
6. Whilst the existing bungalow is set back behind the building line of the two flanking dwellings, given its relatively modest height and the established natural boundary screening at this point, it has little impact on those dwellings. Therefore, because of the significant increase in scale of the appeal dwelling, I do not agree that moving its footprint forward within the plot would result in the house being much less visible from the flanking properties.
7. I acknowledge that the proposal would not have unacceptable effects in terms of overlooking and loss of privacy, however the lack of such harm cannot weigh in favour of the proposal and should properly be considered as neutral in the planning balance. It follows therefore that this cannot mitigate the harm I have explained above.
8. I therefore conclude on this main issue that the proposal would cause significant harm to the living conditions of the occupants of No 17, contrary to Policy QD27 of the Brighton & Hove Local Plan 2005 (LP), which states that planning permission will not be granted where it would cause material nuisance and loss of amenity to adjacent residents.

#### *Character and appearance*

9. I agree with the Council's characterisation of this part of Withdean Road, which is that of 'a very low density residential area of large detached houses in their own grounds surrounded by extensive mature trees bordering woodland, with an almost rural feel.' The appeal site is characteristic in this respect and presently accommodates a bungalow set back from and above the road frontage.
10. The immediate built context for the site comprises a part two storey and part single storey dwelling to the south and a large two storey dwelling situated to the north, located at Nos 17 and 21 respectively. Both dwellings are traditional in style and therefore contrast strongly with the highly contemporary design of the appeal proposal. However, given the variety to the dwellings in the area, including other highly contemporary dwellings to the north along Withdean Road, I agree that there is no reason in principle to resist a modern approach to the design and materials used at the appeal site.
11. In terms of the design as proposed, I accept the massing of the dwelling along with its strong horizontal emphasis would combine to create a sense of bulk which would appear greater than that of its neighbouring properties and that the two storey element of the appeal dwelling would be appreciably higher than the eaves height of No 21. However, in overall terms the maximum heights of both dwellings would be the same. Moreover, although the top of the second floor level would clearly be much higher than the eaves of the single storey part of No 17, it would not be unduly higher than its ridgeline. The set back of the third storey would also assist the visual transition in scale from No 21 and the appeal site to No 17.

12. Because of the screening provided by the trees and vegetation along the Withdean Road frontage and in front of the appeal site and flanking dwellings, it is only possible to achieve glimpsed views of each along the street scene and it is not possible to view the dwellings as a combined street elevation as shown on the supporting plans. Consequently, the dwelling would not appear unduly dominant or discordant in relation to the two neighbouring properties and the wider street.
13. In terms of width, the new dwelling would be slightly narrower than the existing dwelling and similar to that of the neighbouring properties and there is sufficient separation off both boundaries to ensure that the dwelling would not appear unduly cramped. In character and appearance terms there would also be a benefit to bringing the dwelling forward within the plot.
14. For these reasons I am satisfied that the dwelling could be accommodated at the appeal site without material harm to the character and appearance of the area. Accordingly I find no conflict with LP Policies QD1 and QD2, which state, amongst other matters, that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment and should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account local characteristics.

#### **Other matters**

15. The appellant has stated that it is common ground that the Council is unable to demonstrate a five year supply of housing land and has referred to Paragraph 49 of the NPPF. This states that housing applications should be considered in the context of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. However, in this case LP policies QD1, QD2 and QD27 relate to design and the protection of amenity. They are not therefore relevant to the supply of housing. Moreover, as stated by the appellant, the principle of the proposed development is acceptable as it is a replacement dwelling within the development boundary. Also, replacing one family sized home with another, albeit larger one, the appeal proposal does not increase the supply of housing as anticipated by paragraph 47 from the Framework.
16. Nevertheless, in consideration of the 3 dimensions of sustainable development, as set out in paragraph 7 of the Framework, I acknowledge that the proposal would make a short term contribution to the economic role through the construction of the dwellings. I have also not found undue harm to the environmental role and note that the building would be built to a high level of energy efficiency. However, I have found significant harm to the living conditions of the occupants of No 17 such that the proposal would not meet the social dimension of sustainable development. Thus the appeal scheme is not sustainable development when considered against the policies in the Framework taken as a whole.
17. As explained by paragraph 211 of the Framework, policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Rather, paragraph 215 explains that due weight should be given to relevant policies according to their degree of consistency with the Framework. In this regard, I do not find inconsistency with LP Policies

QD1, QD2 and QD27 and have therefore given them full weight. It is the conflict with Policy QD27 that leads me to conclude that the appeal should be dismissed.

**Conclusion**

18. For these reasons, and taking all other matters into consideration, the appeal does not succeed.

*Richard S Jones*

Inspector

## Appeal Decision

Site visit made on 24 May 2016

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 June 2016

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**Appeal Ref: APP/Q1445/W/16/3144767**

**Gladstone Court, Hartington Road, Brighton, Brighton & Hove BN2 3NA**

- 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 Lincoln Holland JV Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02709, dated 23 July 2015, was refused by notice dated 13 January 2016.
  - The development proposed is a two storey side extension to provide five self-contained flats.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I am aware that the Brighton and Hove City Plan Part One has been adopted since the appeal was submitted. The policy referred to in the Council's decision notice has been saved. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

### Main Issues

3. The main issue in this case is the effect upon the living conditions of the future occupiers, particularly in respect of outlook and living standards.

### Reasons

4. The proposal seeks five 1 bedroom units laid out over 2 levels sited at an elevated position over existing parking bays. The proposed units would be set off the side boundary by around the same width as the vehicular access which leads to the parking bays. Although I note the bedrooms would have secondary high level outlook to a roof void area, the living rooms and bedrooms would be single aspect with openings facing towards the rear gardens of 1 to 9 Shanklin Road and 31 Hartington Road.
  5. The rear gardens of the adjacent dwellings are sited at an elevated level to that of the access and parking courtyard of Gladstone Court. A retaining wall with fence to the top dominates the side boundary of Gladstone Court. I observed on site that some of the rear boundaries of dwellings fronting Shanklin Road are planted with trees and shrubs which overhang the parking courtyard.
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- Planting along the base of the retaining wall has spread over much of the wall and fences.
6. Fully glazed double doors would provide outlook from the living rooms directly on to the retaining wall and fences which would be in close proximity to the living rooms. The boundary, including the vegetation in the neighbouring occupier's gardens, would dominate the outlook from the living rooms and would, in my opinion, result in the occupier experiencing the feeling of being hemmed in as a result of the limited separation between the tall boundary and this living space.
  7. In addition to the above, the fully glazed double doors would provide outlook for the bedrooms, however this outlook would be on to a tall obscure glazed screen. Whilst I acknowledge the screen is an intended design feature to prevent overlooking of the gardens of the adjoining properties, it, by design, limits outlook from the bedrooms other than toward the sky. Although the bedrooms would not be prevented from having natural light taking also into account the secondary high level windows, the bedrooms would nonetheless be almost completely enclosed and have no outlook toward the surrounding environment. As a result, the proposed development would create a claustrophobic living space for future occupiers.
  8. To conclude, I do not consider the future occupiers would be afforded reasonable outlook from the proposed units and, as a result, the standard of living accommodation achieved would be poor. Whilst the appellant may consider the acceptability of the standard of living accommodation to be a matter of future occupiers to decide, this does not justify or make it acceptable to design and create poor living environments.
  9. I acknowledge the present shortfall in future housing provision for the area. The proposal would provide five additional homes within the urban area in a sustainable location. Whilst the proposal would contribute five dwellings to the City's overall housing supply, this benefit would not outweigh the harm identified above.
  10. For these reasons, I conclude that the proposed development would not achieve a satisfactory level of outlook and living standards and would be harmful to the living conditions of future occupiers. The proposed development conflicts with policy QD27 of the Brighton and Hove Local Plan 2005 which seeks to protect against the loss of amenity to occupiers, amongst other matters.

### **Conclusions**

11. For the reasons given above, and having regard to comments made by local residents and all other matters raised, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR



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## Appeal Decision

Site visit made on 11 May 2016

**by Diane Fleming BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 05 July 2016**

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**Appeal Ref: APP/Q1445/C/16/3145546**

**Land at 45 Newmarket Road, Brighton BN2 3QG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Ahmed Mohammed Abbas against an enforcement notice issued by Brighton & Hove City Council.
  - The notice was issued on 15 February 2016.
  - The breach of planning control as alleged in the notice is without planning permission, change of use of the property from a dwelling house (C3) to use as a house in multiple occupation (HMO).
  - The requirements of the notice are 1. Cease the use of the property as a house in multiple occupation ('HMO').
  - The period for compliance with the requirements is three months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Procedural Matter

2. The first reason for issuing the enforcement notice is that it appears the breach of planning control has occurred within the last four years. In this respect the Council are mistaken. Only a material change of use to a single dwelling house is immune from action after four years (section 171 of the Act) and a HMO is not a single dwelling house. The appellant has not submitted a ground (d) appeal and states that the use has only taken place since August 2015. I therefore consider that there is no injustice caused to the appellant by this mistake.

### The ground (a) appeal and the deemed planning application

#### Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the street and the surrounding area; and ii) the living conditions of local residents, having regard to noise and disturbance.
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## Reasons

### *Character and appearance*

4. The appeal site is a two storey, mid terrace, Victorian property with basement accommodation and an extended loft area. It is currently used as a six bedroom HMO laid out with two bedrooms per floor and a shared kitchen/diner in the basement. Both sides of Newmarket Road contain similar, attractive, terraced housing but at the junction with the main road, which leads into the centre of Brighton, there is a recent development of purpose-built, student flats. Whilst the character of Newmarket Road is residential, the nature of the residential use varies.
5. Newmarket Road is situated in one of the city's wards covered by an Article 4 Direction that came into effect on 5 April 2013. The Council made the Direction to remove the permitted change from a use falling in Class C3 (dwelling houses) to Class C4 (HMOs) given by the Town and Country Planning (General Permitted Development) Order 1995.<sup>1</sup> As a result, planning permission is now required for this development. The Direction was made in response to complaints and representations from the public about concentrations of HMOs and the changes that brought to local populations, housing markets and residential environments. In part, the expansion of HMOs has been driven by the purpose-built student accommodation not keeping up with the growth in the higher education sector.
6. The Council has also developed Policy CP21 of the Brighton and Hove City Plan Part One (BHCP), which at the time the notice was issued was in draft form but has since been adopted on 24 March 2016. This policy has specifically been written to set out the Council's approach to proposals for new student accommodation and HMOs. As the policy has recently been adopted, it is likely that it is based on up to date evidence and the appellant's initial questioning of the policy has now changed to full acceptance of it.
7. The policy states, in part, that the Council will seek to develop mixed, balanced and inclusive communities and will actively manage the location of new HMOs. Proposals for new HMOs will not be permitted where more than 10% of residences within a radius of 50m of the application site are already in use as HMOs or other types of HMO in a sui generis use.
8. The approach taken by the Council is because previous experience has shown that concentrations of HMOs can lead to increased noise, disturbance, refuse, litter and fly tipping. Concentrations can also lead to higher crime rates, loss of family and community facilities and changes to the retail offer in an area. In addition, there is often a proliferation of 'To let' boards and poorer upkeep of garden areas.
9. Both the Council and appellant have carried out the mapping exercise set out in the policy and have found different numbers of HMOs. The Council conducted its exercise before the service of the notice and found that 28.57% of the properties within the 50m radius were in HMO use. The appellant carried out his assessment after the service of the notice and found that the concentration of HMOs was 36.48%. Either way I consider the concentration of HMOs is well past the 10% threshold identified in the Policy.

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<sup>1</sup> Now replaced by the 2015 Order

10. In addition, I find the location of the appeal site interrupts a continuous run of single family dwellings located towards the eastern end of the street. Here the disposition of HMOs on both sides of the road means that, if the appeal were allowed, of the 53 dwellings within the 50m radius identified by the appellant, only two would then not be next to a HMO. I consider the appellant's use of the property has reinforced the change to the character of the eastern end of the street so that it is no longer predominantly occupied as single family residences.
11. At my site visit I saw that the concentration of HMOs within the 50m radius has manifested itself in a cluster of 'To Let' boards. In addition, I also saw a discarded mattress and beer bottles at the end of Newmarket Road adjacent to two commercial refuse bins, which appeared to have been placed there by the Council. In the adjacent road I saw a front door painted in pop art style and just off the main road a retail shed advertised as 'Shabitat' selling second hand furniture. Whilst it is not known whether these are directly attributable to a concentration of HMO uses, it is my view that they are suggestive of the changes and harm that is caused to the character and appearance of the area where there is a poor mix and balance of HMO uses to single family dwellings.
12. I find there is no disagreement between the appellant and the Council on the standard of accommodation that is provided in the HMO or that HMOs are needed to meet a growing demand for additional facilities. Furthermore the appeal site is well located for public transport including cycle routes and the appearance of the building is currently attractive following its recent refurbishment.
13. However, I conclude that the siting of HMOs in Newmarket Road is not well balanced with existing single family dwellings. The addition of the appeal site to the mixture reinforces the current imbalance which in turn detracts from the character and appearance of the street. The development therefore does not accord with Policy CP21.

*Living conditions*

14. The appellant submits that the Council have not identified any genuine harm caused by the development and the existing concentration of HMOs. I find though that the Council have referred to this in their Statement of Case. In particular, there were complaints about noise, rubbish and lack of parking. The appellant describes these complaints as anecdotal. However, four of the residents who occupy the continuous run of single family dwellings I identified previously have responded to the appeal consultation, together with a local councillor, and have listed various objections to the use. They illustrate some of the changes that use of this HMO has brought to the area such as noise and disturbance from late night parties, slamming of doors and smoking in the garden late at night.
15. Policy QD27 of the Council's Local Plan<sup>2</sup> seeks to ensure that new development does not cause material nuisance and loss of amenity to local residents. Whilst this policy was adopted some time ago, I find its intention is consistent with the National Planning Policy Framework (the Framework). One of the Core Principles of the Framework is to ensure a good standard of amenity for all

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<sup>2</sup> Brighton and Hove Local Plan Adopted 2005, saved 2007 and subsequently saved again in 2016 following the adoption of the BHCP

existing and future occupiers of land and buildings; consequently I give the policy substantial weight.

16. For the reasons given, I conclude that the development has resulted in material harm to the living conditions of local residents, having regard to noise and disturbance. As a result the development does not accord with Policy QD27. It also falls short of the requirements of the Framework.

17. Overall I therefore conclude that the appeal on ground (a) fails.

### **The ground (g) appeal**

18. The ground (g) appeal is that the time given to comply with the requirements of the notice is too short and the appellant requests that the three month time period be increased to six months or 1 September 2016, whichever is the later. At the time the appeal was submitted the three month compliance period appeared to be too short and the appellant was concerned that complying with the notice would disrupt the students' examinations. However most higher education institutions have now finished their summer terms and I therefore consider the three month period is sufficient time to comply with the notice. The appeal on ground (g) therefore fails.

### **Conclusion**

19. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

*D Fleming*

INSPECTOR

## Appeal Decision

Site visit made on 17 May 2016

**by H Porter BA(Hons) PG Dip IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 June 2016**

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**Appeal Ref: APP/Q1445/W/16/3146128**

**141 Elm Grove, Brighton BN2 3ES**

- 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 Ludwik Chrzaszcz against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02962, dated 4 August 2015, was refused by notice dated 19 January 2016.
  - The development proposed is conversion of single dwelling into 2 flats.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since it issued its decision Brighton & Hove City Council (the Council) has adopted the City Plan Part One, 24 March 2016 (the City Plan). Nonetheless, Policies QD27 of the Brighton & Hove Local Plan 2005 (the Local Plan), as cited in the Council's Reason for Refusal has been retained. In these circumstances, I am satisfied that the adoption of the City Plan does not materially affect this appeal.
3. The development has commenced, however, the work has not been fully implemented and the property is not yet occupied. Upon my visit to the site, I noted various minor elements of the development as executed that do not tally with the plans. As the overall layout is essentially in accordance with the plans, I have therefore determined the appeal on the basis of the plans submitted.

### Main Issue

4. The main issue in this case is whether future occupiers of the development would be provided with acceptable living conditions, with particular regard to space and the standard of accommodation.

### Reasons

5. The appeal premises comprises a mid-terrace property, arranged over four floors, fronting Elm Grove, a busy mainly residential thoroughfare with easy access to central Brighton. The two bedroom maisonette on the lower ground floor benefits from its own access via a front basement lightwell, and a private rear garden. Despite these beneficial spaces and the provision of two, bathrooms, the overall living accommodation is still very small. The front
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dining room has been subdivided to allow for the lower ground floor bathroom, cutting across the chimney breast. Coupled with the front bay window, the hearth and the door, there remains very little useful space to allow for furniture as well as circulation. The sitting room, despite being larger in comparison, and having access to the garden, likewise leaves little room to accommodate furniture and space to circulate. The kitchen on this level would provide just enough space for appliances and work top area; however there would be very limited space for storage owing to the narrowness of the room and angle of the under stairs that cuts through it. The bedrooms on the ground floor have both been subdivided to accommodate a bathroom and store/dressing room. As in the lower ground floor, this subdivision, which cuts across the chimney breasts in both rooms, has severely limited the amount of space to accommodate furniture and allow movement.

6. When I visited the site, there were three of us within the unit and no furniture, kitchen units or appliances. Even so, the lower ground floor living accommodation felt very cramped and circulation was still constrained. Whilst broadly the ground floor maisonette meets the requirements of Policy HO9, given the layout and that a two bedroom unit could reasonably be occupied by three of four people, the space available would not provide an adequate standard of accommodation for future occupiers.
7. The upper storey unit, accommodated on the first and second floors at the appeal premises, has just one bedroom. The living accommodation provided on the first floor, whilst relatively small, is adequate for one to two persons. However, the angle of the roof slope in the loft space considerably limits the head height and overall usable space. Whilst there would be just enough room for a double bed, the circulation space around it would be severely limited through the angle of the eaves and reduction in the effective width of the room as a consequence. Given the limited space in this bedroom area, the overall accommodation within the upper unit at the appeal premises would also be unacceptably cramped.
8. The subdivision of the rooms, short stretches of wall, combined with the low overall floor area leave awkward and cramped spaces. Whilst there are elements within each dwelling that bolster the standard of accommodation, including storage and garden access, these provisions do not mitigate the fact that the accommodation overall is cramped and leaves very little floor area for circulation and the provision of furniture. Despite the ground floor maisonette meeting the requirements of Policy HO9, which relate to the conversion of dwellings, the accommodation provided would still not be sufficient to meet the day to day needs of occupants. The development overall is therefore contrary to Policy QD27 of the Local Plan, which seeks to secure a good standard of amenity for all existing and future occupants of buildings, and consequently conflicts with the Development Plan as a whole; as well as paragraphs 7, 9 and 17 of the National Planning Policy Framework, 2012.

### **Other Matters**

9. The appellant has raised some doubt over whether a five year supply can currently be demonstrated. The City Plan is recently adopted and there is no evidence before me to suggest a 5 year supply of housing land cannot currently be demonstrated. Nevertheless, if as asserted by the appellant, the building originally had a separate basement unit then there would be no net increase in

dwellings provided. The conversion of a single dwelling to two units as proposed would result in a net increase of just one dwelling. Even if therefore, a 5 year housing land supply could not be demonstrated, the contribution made to supply would be very small and any benefit in these terms would be significantly and demonstrably outweighed by the harms identified above.

**Conclusion**

10. For the reasons given above, and taking all other matters into consideration, I have found that the proposal would be harmful to the living conditions of future occupants at the appeal premises. I conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR





## Appeal Decision

Site visit made on 17 May 2016

by **H Porter BA(Hons) PG Dip IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2016

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**Appeal Ref: APP/Q1445/W/16/3142291**

**171 Elm Grove, Brighton, Brighton & Hove BN2 3ES**

- 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 Oliver Dorman against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01877, dated 26 May 2015, was refused by notice dated 23 October 2015.
  - The development proposed is change of use of existing house from C4 House in Multiple Occupation to sui generis HMO.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of existing house from C4 House in Multiple Occupation to sui generis HMO at 171 Elm Grove, Brighton, Brighton & Hove BN2 3ES in accordance with the terms of the application Ref BH2015/01877, dated 26 May 2015, and the plans numbered 1110 01 (Layouts at 30.10.15); 1110 02 (Layouts at March 14); 1110 03 (Layouts at June 15).

### Procedural Matters

2. Since issuing its decision Brighton & Hove City Council (the Council) has adopted the City Plan Part One, 24 March 2016 (the City Plan). Nonetheless, Policies QD27 of the Brighton & Hove Local Plan 2005 (the Local Plan), as cited in the Council's Reason for Refusal has been retained. Policy CP21 of the City Plan, which deals with student accommodation and Houses in Multiple Occupation, is also relevant and is now of some weight. However, the Policy was fully considered by both parties in their submissions. In these circumstances, I have based my decision on the current adopted policies.
3. The development has commenced and the appeal premises is in use as an 8 bedroom house in multiple occupation (HMO). Upon visiting the site it was evident that there is some discrepancy between the drawings and the development as it currently exists. Notwithstanding the floor numbering on drawing 03 (Layouts at June 15), it is evident that the drawings show Lower ground, ground, first and second floor plans. I also note that Bedroom 1 at ground floor level has been subdivided to include provision of a shower room, as indicated in drawing 02 but not in 03; and various differences in the provision of sinks within bedrooms. Nevertheless, the 8 bedroom layout shown on drawing 03 is essentially in place and I have determined the appeal on this basis.

## **Main Issue**

4. The main issue in this appeal is the effect of the development on the living conditions on current and future occupants, with regard to space and standard of accommodation; and on neighbouring residents, with regard to noise and disturbance.

## **Reasons**

5. The appeal premises is a mid-terrace property fronting Elm Grove, a busy, mainly residential, thoroughfare with easy access to central Brighton. The property has been subdivided internally to create 8 bedrooms over four floors, two of which are within a relatively recent attic conversion. Shower rooms on ground and first floors have been created through subdivision of the front and rear bedrooms respectively; an additional bedroom exists in what was a bathroom on the first floor. At lower ground floor level is a good size kitchen and separate WC and washing machine area. In addition, the front bedroom at this level has been reduced in size to accommodate a bench dining area off the kitchen.
6. Whilst the kitchen area and associated bench seating area is the only communal space within the house, it is of a good size, with ample surface and cupboard space and access onto the rear garden. At the time of my visit one side of the bench seating area was being used to store large suit cases, limiting the opportunity for occupants to sit outside of their bedrooms. However, I note it is unlikely that all occupants would eat together at the same time and there is an additional bench with two seats within the kitchen. The two shower rooms, both relatively small with no natural light, are modern and well fitted. The relatively limited bathroom facilities, however, are supplemented by small sinks within two of the bedrooms and the additional WC on the lower ground floor.
7. The bedrooms vary in size; at the time of my visit each contained a double bed, desk and clothes storage. There was, however, limited circulation space within the lower ground bedroom and the rear bedrooms on the first and top floors. Whilst some of the smaller bedrooms have limited circulation space, and fall below the Standards used by the Council for comparative purposes, they still have enough space for a good provision of furniture and storage. The bedroom within the front roof slope, despite a restricted head height, did provide sufficient usable space. This room was occupied upon my visit, and with the double bed positioned under the roof slope, there was a good amount of full-height space around the desk, sink and wardrobe. During my visit I noted clothes airers were placed within the kitchen area as well as on the top floor landing, the rear garden does provide space for the drying of clothes. Even with the airers, there was still enough space to circulate within the kitchen and through the building.
8. At the time of my visit there were 7 students present and I did not get the sense that the property was overcrowded or overtly cluttered. High ceilings and the front bay and landing windows contribute to a good amount of light and sense of generous proportions within the property; and the rear garden is also available to the occupants as a communal space. Additional incidental storage is provided in the kitchen area, which supplements the limited space within the smallest bedrooms. I am therefore satisfied that the size of what communal areas there are will provide enough overall space for occupants live without feeling cramped. Overall, I do not consider the development has resulted in a cramped and substandard form of accommodation and am

satisfied that there is not unacceptable harm to living conditions of the current and future occupiers in this regard. I therefore do not find the development conflicts with Policy QD27; which seeks to ensure a development does not result in a loss of amenity.

9. The development includes some space for bin storage, and I noted no discernible difference in terms of the proliferation of bins and recycling boxes on the street in comparison with its neighbours. The building has lawful use as a C4 HMO and could therefore be occupied by up to 6 people. An additional two people would not result in substantially more comings and goings from the property or therefore greater disturbance, particularly given the relatively busy nature of the street. I therefore do not consider the development causes any specific harm to neighbouring residents in relation to noise and disturbance and does not conflict with Policy QD27, which seeks to ensure neighbouring amenity is safeguarded.

### **Other matters**

10. I appreciate that Policy CP21 of the City Plan seeks to restrict HMOs where more than 10% of dwellings within 50m of the site area already in that use. I also note the concerns of some local residents with regard to the mix of dwelling types in the area. However, as noted in the Officer's report, the appeal premises is already in lawful use as a C4 HMO, and no change to the concentration of non-C3 dwellings in the area as a result of the appeal proposal would therefore occur. The development therefore does not conflict with Policy CP21 in this regard.
11. I appreciate that in September 2014 the Council's Private Sector Housing Team issued a Licence to increase the maximum number of people at the property up to 8. However, as previous Inspectors have already concluded, the granting of licences is a separate regulatory matter<sup>1</sup>; as such, the licence only carries limited weight in the context of planning considerations relevant to this appeal. Whilst I have afforded limited weight to the granting of the Licence, I have still found that the living accommodation to be satisfactory at the appeal premises.

### *Conditions*

12. The Council have not put forward any conditions for the development. I note representation from the Highway Authority relating to details on the design of secure cycle parking; however, secure cycle storage has already been provided over the basement lightwell, therefore this condition is unnecessary.

### **Conclusion**

For the reasons given above I conclude that the appeal should be allowed.

*H Porter*

INSPECTOR

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<sup>1</sup> APP/Q1445/W/15/3006221 and APP/Q1445/W/15/3139159



## Appeal Decision

Site visit made on 3 June 2016

**by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 June 2016**

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**Appeal Ref : APP/Q1445/C/15/3139949**

**Land at 69 Ewhurst Road, Brighton, BN2 4AL.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Glynn John Parsons against an enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 3 November 2015.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the property from a dwellinghouse (C3) to use as a House in Multiple Occupation.
- The requirement of the notice is to cease the use of the property as a House in Multiple Occupation.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: the appeal succeeds in part and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.**

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### **Ground (a) appeal and deemed application**

#### **Main issues**

1. The main issues in the determination of this appeal are the effect of the development on (1) the Council's aim to ensure a suitable range of housing types and maintain mixed and balanced communities and (2) the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance.

#### **Housing mix**

2. The appeal site is a mid-terrace two storey property located in a residential area. It is well served by public transport and close to local facilities. The surrounding area is a mix of family dwellinghouses and houses in multiple occupation (HMOs). It contains six bedrooms and shared kitchen and bathroom facilities. It is close to local universities and accommodation in the surrounding area caters for students.
  3. The Council has adopted an Article Four Direction (the Direction). Its aim is to prevent the unrestricted change of use under permitted development rights of dwellinghouses to HMOs falling under class C4 of the Use Classes Order. The appeal site falls within the area covered by the Direction.
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4. The development plan comprises the Brighton & Hove Local Plan. Policy HO14 notes the demand for HMO accommodation but provides that to be acceptable it must be to an acceptable standard. Policy QD27 seeks to protect residential amenities of nearby occupants where a change of use to an HMO is proposed.
5. The Local Plan is in the process of being replaced by the Brighton City Plan. The Brighton City Plan does not currently form part of the statutory development plan. It is understood that the emerging plan has been the subject of an examination in public but not yet adopted.
6. The Council seeks to rely on emerging policy CP21 part (ii) (Houses in Multiple Occupation) which provides that a change of use to Class C4 will not be permitted where more than 10% of dwellings within a radius of 50 metres of the site are already in use as C4, mixed C3/C4 or other types of HMO or sui generis use. The aim of the policy is to ensure that a suitable range of housing types remains available and to maintain mixed and balanced communities. The Council indicates that no objections have been raised to CP21 (ii).
7. The National Planning Policy Framework (the Framework) provides that the weight to be attached to an emerging plan is dependent on its stage of preparation, the extent to which there are unresolved objections in relation to relevant policies and the degree of consistency of relevant policies in the emerging plan to the policies in the Framework. Taking into account that the emerging plan is at an advanced stage of preparation, that no objections relate to that part of the policy relied on by the Council in this appeal and its aim of delivering a mix of housing types to suit local demand is consistent with the Framework I consider that in this case it should be afforded significant weight. My attention is drawn by the parties to other appeal decisions which address the weight to be attached the emerging plan. I have determined this appeal on its particular facts and the examples before me do not alter my overall conclusions on the case before me.
8. There is no dispute between the parties that the 10% threshold in the emerging policy is exceeded. The Appellant's survey evidence concludes that excluding the appeal site 24% of the properties in the immediate locality are in HMO use. The Council cite 26%. Further, the existence of the Direction recognises concerns over over-concentration of HMOs in parts of the city, including the appeal site and its surrounding area.
9. I am concerned that to allow the conversion would undermine the Council's objective of maintaining a balanced supply of family dwellings and HMOs contrary to the emerging plan and have a cumulative effect increasing the imbalance in the mix of available housing types.

### **Living conditions**

10. The development plan mirrors the Framework in seeking to protect the amenities of neighbours from undue disturbance. Local Plan saved policy QD27 provides that planning permission for any change of use will not be granted when 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.
11. The level of activity from a group of six unconnected people is likely to result in more frequent comings and goings and different patterns of behaviour than a

typical family. Local residents have objected and describe noise and disturbance at the appeal site that disrupts their daily activities. I have no reason to doubt the level of disturbance described by neighbours which disrupts their day to day activities.

12. The Appellant suggests that the correct regime to address any noise or disturbance is through noise abatement legislation. But the impact of noise and disturbance on neighbours is expressly covered in the development plan and in any event is a material planning consideration in the determination of this appeal. The application of alternative legislation does not change that position.
13. I conclude that the development causes undue harm to the living conditions of nearby properties with particular regard to noise and disturbance and is contrary to the development plan, including Policy QD27 of the Local Plan, and the Framework.

### **Other matters**

14. Objectors raise various issues including parking, refuse and recycling. But I do not find these to be main issues in this appeal.

### **Conclusion**

15. I have taken into account that the property appears well maintained, its sustainable location, layout and standard of accommodation, the potential positive impact of students on the local economy and the demand for shared housing in this locality. But the balance rests in favour of preventing the identified harm to the Council's aims for balanced housing types and protecting the living conditions of neighbours.
16. I have considered whether conditions could overcome the identified harm. I have taken into account the Planning Practice Guidance. I have considered the conditions suggested by the Council concerning refuse, recycling and cycling provision but these would not overcome the harm to the living conditions of nearby residents by virtue of noise and disturbance. I conclude that no conditions could overcome the identified harm.
17. For the reasons given above, I conclude that the appeal on ground (a) should not succeed and planning permission should not be granted. I shall uphold the enforcement notice.

### **Ground (g) appeal**

18. This ground of appeal is that the period for compliance with the notice falls short of what is reasonable.
19. The compliance period in the notice is three months. The Appellant says that the property is let and occupied on an assured short hold tenancy. He argues that three months does not allow reasonable time to make arrangements for current tenants to be re-housed part way through the academic year. He requests that the period be varied to six months or 1 September 2016 whichever is the later. The Council says that the Appellant has been aware of the Council's concerns for some time and that three months is reasonable.
20. Having regard to their need for term time accommodation for a limited period I do not consider that my decision would be an infringement of the human rights of the student occupiers. But nevertheless I recognise that tenancy

arrangements might need to be terminated and that this decision will be issued near to the end of the academic year.

21. On balance I conclude that six months is a reasonable period for compliance and vary the notice accordingly. The appeal under ground (g) succeeds to that extent.

**Formal Decision**

22. The appeal is allowed on ground (g) and it is directed that the enforcement notice be varied by the substitution of six months as the period for compliance. Subject to this variation the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*S. Prail*

**Inspector**



## Appeal Decision

Site visit made on 17 May 2016

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 June 2016

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### Appeal Ref: **APP/Q1445/W/16/3142844** **74 East Street, Brighton BN1 1HQ**

- 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 Peter Bennett of The Laine Pub Company against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03348, dated 15 September 2015, was refused by notice dated 21 December 2015.
  - The development is the erection of metal railings to south of public house.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Brighton and Hove City Plan Part One (the City Plan) has been adopted since the appeal was submitted. However, the policies referred to in the Council's decision notice have been saved. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.
3. The railings have been installed; therefore I was able to view them in place at the time of my site visit.

### Main Issue

4. The main issue is whether the railings would preserve or enhance the character or appearance of the Brighton Lanes and Old Town Conservation Area.

### Reasons

5. The host property, a pub known as The Fishbowl, is a corner property set at the junction of East Street and Pool Valley, and lying within the Brighton Lanes and Old Town Conservation Area (the CA). The CA has a range of residential and commercial uses, but a consistent architectural quality from the dominant civic buildings through the main roads and pedestrian walkways to the seafront area, where impressive period apartment blocks and hotels still dominate.
  6. It was evident at my visit that the appeal property had undergone external refurbishment. The frontages remain brick at ground level, but the first and second floor green painted render has been repainted black. Similarly, the railings, the subject of this appeal, were grey, these have also been painted black.
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7. The railings run the full length of the side of the property and enclose an area of pedestrian highway along Pool Valley. Tables and chairs are placed within the enclosure and the railings both physically and visually project on to the highway of Pool Valley.
8. The properties fronting both East Street and Pool Valley have a strong building line. There is a general absence of enclosures to the frontages of premises along these streets, and indeed the wider area of the old town. I also noted on site that many of the retailers along Pool Valley place tables and chairs outside their premises on the highway during trading. These seating areas are informal and temporary.
9. Although railings are a feature present within the CA, these in general form part of larger buildings, such as, the Town Hall and hotels. In the main, the existing railings are set on plinths and are connected by a top rail with finials on top. In many cases the railings serve to enclose sunken basement areas or form part of the integral features of the building. There are also railings along the sea front, but these are of a very particular design and purpose.
10. I observed on site that the railings subject to this appeal are fitted to a bottom rail and comprises panels of railings set between regularly spaced posts that are fixed to the ground. Both the railings and posts are of a light weight modern design when compared to the examples noted above.
11. It was clear to me that the railings are of a permanent nature and would not be moveable without necessitating operational works. Although the applicant has suggested a willingness to accept a condition detailing how the railings can be removed, they are clearly intended to be a permanent installation and such a condition would serve little purpose.
12. The railings, as a result of their appearance to the side of the host property and their projection on to the public highway do not respect the street scape and strong building line along Pool Valley. The railings therefore, detract from the frontage appearance of the host property and the local street scene and do not reflect the existing character and appearance of this part of the CA.
13. For the reasons given above, I conclude that the railings neither preserve or enhance the CA.
14. Given the size and scale of the proposal within the conservation area as a whole, I consider there would be less than substantial harm to the character and appearance of the Brighton Lanes and Old Town Conservation Area. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefit of the proposal. Although the railing enclosure may facilitate an increase in the number of patrons to the public house, the benefit to the public, in my view, would be minimal, and insufficient to outweigh the harm identified. I conclude therefore that the railings would fail to accord with national policy.
15. I appreciate that the Highway Authority are reported to have invited their installation and that they had no objections to them. However, I have considered the wider effects of the railing over and above highway or licensing matters. The benefits that the railings may bring about in respect of the operational management of the premises, including the safety or security of

patrons or the demarcation of a smoking or licensed area do not, in my opinion, outweigh the harm identified above.

16. For these reasons I conclude that the railings are out of keeping with the area and introduce an alien feature to this part of the CA. The proposed development is harmful to the character and appearance of the property, the wider street scene and the CA. The proposal conflicts with Policies QD14 and HE6 of the Brighton and Hove Local Plan July 2015 and Policy CP15 of the City Plan. It further conflicts with the design guidance within the adopted Supplementary Planning Documents 09<sup>1</sup> and 12<sup>2</sup>. These policies and guidance seek, amongst other matters, a consistently high standard of design and detailing reflecting the scale and character or appearance of the areas, including the layout of the streets, development patterns, building lines and building forms within conservation areas.

### **Conclusions**

17. For the reasons given above I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR

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<sup>1</sup> Architectural Features

<sup>2</sup> Design Guide for Extensions and Alterations



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## Appeal Decision

Site visit made on 13 June 2016

**by Sukie Tamplin DipTP Pg Dip Arch Cons IHBC MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 June 2016**

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**Appeal Ref: APP/Q1445/F/15/3139447**

**Ground Floor Retail Unit, Clarence House, 30-31 North Street, Brighton BN1 1EB**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Bashir Karimi against a listed building enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 22 October 2015.
- The contravention of listed building control alleged in the notice is the installation of two bright plastic fixed awnings and the installation of hooks and battens to the North Street elevation of the building at ground floor level.
- The requirements of the notice are:
  1. Completely remove the 2no awnings attached to the front elevation of the building at ground floor level.
  2. Remove all exterior fixings, hooks and battening from the front elevation and make good to match the existing listed building.
- The period for compliance with the requirements is One (1) month after the notice takes effect.
- The appeal is made on the grounds set out in section 39(1) (c) & (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

**Summary of Decision: The appeal is dismissed and the listed building enforcement notice is upheld.**

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### Background and significance

1. The premises are located in North Street, a prominent commercial street in Brighton Town Centre within the Old Town Conservation Area (the CA). Clarence House is a solid stucco fronted former inn constructed in about 1785. The main entrance is located centrally and this is reached by external steps leading up to a porch flanked on either side by pillars. To the west of the entrance is an archway leading to the former yard of the inn and balancing this feature to the east is a ground-floor shop unit. The alleged works are confined to this element of the building.
  2. The building was listed Grade II in 1971 and its significance is as the last example of the large inns that used to line North Street. The building has a classic simplicity typical of late 18<sup>th</sup> century hotels, with discreet ornamentation and symmetry.
  3. The two canopies subject of the notice have been erected within the shop front and comprise rigid plastic canopies attached to a light metal frame. That frame in turn appears to be screwed directly into the top of the fascia, while below and to either side the frame is attached to what appears to be square profile
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metal tubing which is screwed to the front of the building. To the east or left hand side of the canopy is a wooden batten and various hooks. These latter features appear unrelated to the canopies but are subject of the allegation.

### **Appeal on Ground (c)**

4. This ground of appeal is that the works enforced against do not constitute a breach of listed building consent because the alterations do not affect its character as a building of special architectural and historic interest. Under this ground, the merits of the alleged works are not relevant, thus the question before me is whether the works undertaken materially affect, either negatively or positively, the special architectural or historic interest of the listed building.
5. In this case the appellant appears to be relying on a single sentence that says "The awnings are not attached to the building itself only the window frames". He also says that the awnings do not affect the character of the building but gives no reasons. As I have noted in my preliminary observations the 2 canopies are physically attached to the front elevation of the building at several points. Similarly the battens and hooks are screwed into the principal elevation. As a matter of fact the windows themselves are part and parcel of the listed building. Hence in either case, the works have occurred and the question is whether or not these works materially affect the character of the building.
6. In this context the building as a whole should be considered. As I have noted Clarence House is a solid, discreetly ornamented building which presents a robust and prominent face to the street scene. The canopies, by reason of their flimsy appearance, colouring and materials, together with their prominent location and their protrusion into the street are highly visible to the 'man in the street' and thus affect its architectural composition and balance. The hooks and battens are also visible and intrusive, albeit to a lesser extent, because they are on the front elevation.
7. In these circumstances I conclude that the works are a breach of control because they materially affect the special architectural and historic interest of the listed building. Consequently the appeal on ground (c) does not succeed.

### **Appeal on Ground (e)**

8. I have already concluded that the installation has a material effect on the appearance of the listed building; under this ground it is necessary to consider whether that effect preserves the building, its setting or any features of special architectural or historic interest which it possesses. There is a similar requirement to consider the effect on the character and/or appearance of the CA.
9. The appellant simply repeats the comments made in respect of Ground (c) and in these circumstances there is no cogent evidence before me to support this ground. Nevertheless I shall consider the merits of the works and because the Council have submitted evidence in support of their case, neither side would be disadvantaged by my doing so.
10. I saw that the canopies and other works are alien features attached to the front of the listed building and because of the imposing architectural form of Clarence House and its symmetry such clutter and flimsy structures are particularly incongruous in this high quality setting. In these circumstances I

find that the works have harmed the historic character and significance of the listed building. I also find that the poor quality and inappropriate canopies harm the character and appearance of the CA and this effect is exacerbated by the prominent location and intrusion into the street picture caused by the works. I saw that Clarence House and the subject shop front form a focal point for views along Bond Street, a street busy with shoppers at the time of my visit.

11. I find that the works result in harm but this is less than substantial harm as defined in the National Planning Policy Framework<sup>1</sup> (the Framework). In these circumstances such harm may be outweighed by demonstrable public benefits. However the appellant has not provided evidence of any public benefit, nor is there any suggestion that the canopies have an impact on the viable use of the building. In these circumstances the harm, by reason of clutter and incongruous additions, is not outweighed by any demonstrable public benefits.
12. The Framework also says that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance. Both the listed building and the CA are designated heritage assets. Whilst the harm that arises is less than substantial, the addition of poor quality clutter is harmful to the special architectural and historic interest of Clarence House, its setting and to the character and appearance of Old Town Conservation Area and this undermines their significance.
13. The *Brighton and Hove Local Plan* (BHLP) says that the city is renowned for its Regency stucco architecture. BHLP Policies HE1 and HE6 seek, amongst other matters, to ensure that development respects local context and character. In this case that character comes from the Regency character of Clarence House and its locally important contribution to the evolution of the City, by reason of the survival of an inn constructed in a defining period during the development of the fashionable resort. It therefore has historical importance to the character of the CA. BHLP Policies HE1 and HE6 policies predate but are consistent with the Framework and thus should be given full weight. They are material considerations that also weigh against the grant of listed building consent.
14. I therefore conclude that the effect of the works does not preserve the host building or its features of special architectural or historic interest and is contrary to national and local policy aimed at the protection of listed buildings. I also conclude that the works fail to preserve the character and appearance of the CA. In these circumstances the appeal on ground (e) fails.

### **Decision**

15. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is not granted for the works carried out in contravention of Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

*Sukie Tamplin*

INSPECTOR

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<sup>1</sup> National Planning Policy Framework: Paragraph 134





## Appeal Decision

Site visit made on 24 May 2016

by **Alex Hutson MATP CMLI MArborA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2016

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**Appeal Ref: APP/Q1445/W/16/3143739**

**1 Goldstone Street, Hove, East Sussex BN3 3RJ**

- 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 S A Alajmi against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01788, dated 13 May 2015, was refused by notice dated 26 October 2015.
  - The development proposed is "Erection of two storey 2 bedroom house including part demolition of single storey part."
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The Council adopted the Brighton and Hove City Plan Part 1 (City Plan) in March 2016, subsequent to the date of their decision notice. Saved Policies EM6, QD1, QD2 and QD3, of the Brighton and Hove Local Plan 2005 (Local Plan) have been superseded by policies within the City Plan. I have determined the appeal on this basis and I have afforded significant weight to the relevant recently adopted policies of the City Plan. I am satisfied that the Appellant is aware of the change in policy context and has had the opportunity to make any comments in respect of this change. I have therefore determined the appeal on this basis.

### Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area; the effect of the proposal on the living conditions of the occupiers of the basement flat at 37 Goldstone Road and the occupiers of 35 Goldstone Road with particular regard to outlook and daylight and sunlight; and whether adequate living accommodation would be provided for any future occupiers of the proposal with particular regard to internal space provision.

### Reasons

#### *Character and appearance*

4. The appeal site lies on the eastern side of Goldstone Street, within a wider residential area. I observed that the buildings which previously occupied the
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appeal site have recently been demolished. The absence of any built form within the appeal site provides a gap between the properties of 37 Goldstone Road and 3 Goldstone Street, which allows views across rear gardens and provides a spatial quality within the streetscape. A gap at first floor level between these buildings would also have been provided when the appeal site comprised a single storey building, which would also have provided a spatial quality within the streetscape. Gaps between buildings, including that provided by a single storey building opposite the appeal site, are a recurring and characteristic feature along Goldstone Street. The gap between buildings provided by the appeal site therefore positively contributes to the character and appearance of the streetscape and area.

5. The proposal would introduce a part two, part single storey dwelling onto the appeal site. Whilst I acknowledge that the painted rendered elevations, sash windows and pitched roof of the proposal would be typical of other dwellings along Goldstone Street, the two storey element of the proposal would occupy a considerable width of the plot and would maintain only a modest gap at first floor level between itself and 37 Goldstone Road. This would considerably reduce the spatial qualities of the streetscape and would appear out of keeping with the general pattern of development along Goldstone Street.
6. In addition, the small size of the proposed windows and their haphazard positioning, notwithstanding there would be some level of alignment at ground and first floor level, would bear little relationship with the larger windows, including bay windows, and general appearance of 3 Goldstone Street. Given the proposed dwelling would immediately adjoin 3 Goldstone Street, it would be reasonable to expect it to reflect the characteristic qualities of this property to a greater extent.
7. I therefore consider that the proposal would appear as a cramped and discordant form of development that would result in harm to the character and appearance of the streetscape and area. This is notwithstanding the appeal site is not located within a conservation area.
8. The proposal would therefore be contrary to Policy CP12- Urban Design, of the City Plan, that requires, amongst other things, development to raise the standard of architecture and design in the city and to respect the diverse character and urban grain of the city's neighbourhoods. The proposal would also be contrary to the broad aims and objectives of the National Planning Policy Framework (the Framework) that seeks planning to secure high quality design and to take account of the different roles and character of different areas.

*Living conditions in respect of the occupiers of the basement flat at 37 Goldstone Road and the occupiers of 35 Goldstone Road*

9. The proposal would introduce a garden wall on the southern boundary of the appeal site, approximately 3.4m higher than the level of the rear garden space of the basement flat at 37 Goldstone Road. The two storey rear elevation of the proposal would extend along a considerable length of the western boundary of the rear garden of 35 Goldstone Road.
10. I observed that the rear garden area of the basement flat at 37 Goldstone Road is modest in size. Despite its modest size and the lower level of this garden to that of the appeal site, the steps leading from this garden to the appeal site

provide an element of spaciousness. The introduction of the 3.4m high boundary wall would result in a considerable sense of enclosure to this garden and would be, in my judgement, overbearing for the occupiers of this property. This would result in a considerable reduction in their enjoyment of their rear garden space.

11. Furthermore, the two storey element of the proposal, given that it would be of a substantial height and would extend along a considerable length of the garden of 35 Goldstone Road, would result in a substantial sense of enclosure to this garden and would be, in my judgement, overbearing for the occupiers of 35 Goldstone Road. This would result in a considerable reduction in their enjoyment of their rear garden.
12. I therefore consider that the proposal would result in significant harm to the outlook of the occupiers of the basement flat at 37 Goldstone Road and the occupiers of 35 Goldstone Road, notably in respect of their rear garden areas.
13. However, I am satisfied, given the northern and eastern orientation of windows to habitable rooms and the northern orientation of the garden of the basement flat at 37 Goldstone Road, that there would be no significant additional overshadowing of habitable rooms or of the rear garden area of this property as a result of the proposed garden wall. I am also satisfied that the proposed two storey element of the proposal would not result in any additional overshadowing of habitable rooms or of the rear garden of 35 Goldstone Road. This is due to the siting of this element of the proposal to the north-west of windows to habitable rooms and to the west of the garden of this property, and the movement of the sun from east to west. My views on this are supported by the Daylight, Sunlight and Overshadowing Report 2015 submitted in support of the appeal.
14. I therefore do not consider that the proposal would result in any significant loss of sunlight or daylight for the occupiers of the basement flat at 37 Goldstone Road or the occupiers of 35 Goldstone Road. Nevertheless, this does not outweigh the harm I have found in respect of outlook in respect of the occupiers of these properties.
15. The proposal would therefore be contrary to saved Policy QD27- Protection of Amenity, of the Local Plan, that requires, amongst other things, to resist development where it would cause loss of amenity to existing and future adjacent occupiers and residents. This policy is consistent with the broad aims and objectives of the Framework, that seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

*Whether adequate living accommodation would be provided for any future occupiers*

16. The proposal would provide a two bedroom dwelling for up to three occupiers. The overall internal floorspace would be 59.25sqm, according to the Appellant's evidence. Whilst the Council does not have any standards in respect of residential floorspace provision, I consider the overall floorspace would be excessively modest for three occupiers. This would be particularly noticeable within the proposed kitchen/living area and the proposed bedroom on the ground floor. The excessively modest sizes of these rooms would result in cramped living conditions for any future occupiers. The requirement for

storage and furniture would likely reduce the circulation space within these rooms which would exacerbate this harm.

17. I acknowledge that the proposed dwelling would be provided with adequate daylight and sunlight. However this would not outweigh the substandard internal floorspace that would be provided. In addition, I do not consider that any constraints within the appeal site or the modest benefit that one additional dwelling would make to housing supply in the city, would either justify or outweigh the inadequate level of internal space provision of the proposal and resulting cramped living conditions for any future occupiers.
18. The proposal would therefore be contrary to saved Policy QD27- Protection of Amenity, of the Local Plan, that requires, amongst other things, to resist development where it would cause loss of amenity to future users and residents. This policy is consistent with the broad aims and objectives of the Framework, that seek to secure a good standard of amenity for all future occupiers of land and buildings.

*Other matters*

19. The Council raises a concern that the loss of the existing lawful use of the land has not been fully justified. However, it is not clear, based on the evidence before me, what the existing or previous lawful use of the land is. I cannot therefore be certain which use class the land falls under. Nevertheless, given my findings above in respect of the harm that would arise to the character and appearance of the area and neighbour living conditions and the inadequate living conditions that would be provided for any future occupiers, this is not a matter that I need to come to a view on. My decision does not, therefore, affect any subsequent application under s191 or s192 of the Town and Country Planning Act 1990 (as amended).
20. I acknowledge a number of third party concerns, including in respect of highway safety, privacy, noise and disturbance and daylight and sunlight. However, the Council has not objected to the proposal on neighbour living conditions grounds beyond the effects the proposal would have on the occupiers of 35 Goldstone Road and the basement flat at 37 Goldstone Road. Based on the evidence before me and my own observations, I see no reason to conclude otherwise. In respect of highway safety, this matter did not form one of the Council's reasons for refusal, and based on the evidence before me, I have no substantive reasons to conclude that this matter weighs against the proposal.
21. The recently adopted City Plan sets out an agreed housing provision target of 13,200 new homes for the city. The Council sets out that the Inspector that examined the City Plan was in support of the Council's approach to assessing their five year housing land supply on the basis of this agreed target. I can therefore be reasonably confident that the Council can demonstrate a five year supply of housing land. However, even if a five year supply of housing land cannot be demonstrated, the limited contribution that one additional dwelling would make to housing supply in the city, albeit a benefit that would weigh in favour of the proposal, would be modest, and would not outweigh the harm I have identified in respect of the above main issues.

**Conclusion**

22. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

*Alex Hutson*

INSPECTOR



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## Appeal Decision

Site visit made on 7 June 2016

**by C Jack BSc(Hons) MA MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 5 July 2016**

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### **Appeal Ref: APP/Q1445/D/16/3144923 3 Ash Close, Hove BN3 6QS**

- 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 Simon Elyas against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03495, dated 29 September 2015, was refused by notice dated 24 December 2015.
  - The development proposed is remodelling of existing dwelling including one storey extension to side and two storey extension to rear, roof alterations including removal of chimney, new entrance porch, enlargement of garage, revised fenestration and associated works.
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### **Decision**

1. The appeal is allowed and planning permission is granted for remodelling of existing dwelling including one storey extension to side and two storey extension to rear, roof alterations including removal of chimney, new entrance porch, enlargement of garage, revised fenestration and associated works at 3 Ash Close, Hove BN3 6QS in accordance with the terms of the application, Ref BH2015/03495, dated 29 September 2015, subject to the conditions set out in the Schedule to this decision.

### **Application for costs**

2. An application for costs was made by Mr Simon Elyas against Brighton & Hove City Council. This application is the subject of a separate Decision.

### **Main Issue**

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy, outlook and light.

### **Reasons**

4. The appeal property (No 3) is situated in an established residential area. It is a detached chalet bungalow with dormer windows to the front and rear. The rear garden is roughly triangular and the house is set at a notably higher level than 11a and 12 Woodlands. The main issue principally relates to the rear two storey element of the proposed development.

5. 12 Woodlands (No 12), which is also known as The Old Stables, lies close to the boundary with the appeal site. I accept that the development would be visible from No 12, including from the modest patio garden area to the side of the house. However, the first floor part of the proposed rear extension would not extend across the full width of No 3 and as a result there would be adequate separation to ensure that it would not be significantly overbearing or enclosing with regard to the outlook from No 12.
6. The proposed first floor window closest to No 12 would be obscure glazed, which could be secured by condition if I were to allow the appeal, limiting any adverse effect on privacy, which would anyway not be significant. The first floor rear dormer at No 12 would face the side of the proposed two storey extension, and so would not be directly overlooked from it. The reasonable degree of separation between the properties, and their relative orientation, also mean that any loss of daylight experienced by occupants of No 12 would not be significant.
7. 11a Woodlands (No 11a) lies beyond the rear boundary of the appeal site, reasonably well separated from the position of the proposed development, and shares only a short section of boundary. The separation and relative orientation mean that any effect on daylight would not be significant. The side elevation of No 11a faces the appeal site. It is single storey at the point of the shared boundary and largely set below the boundary fence. The primary windows in the rear elevation of No 11a are essentially perpendicular to the rear of No 3 and do not face the appeal site. Therefore, there would not be direct overlooking through those windows from the proposed development and any effect on privacy and outlook experienced at No 11a would not be significant.
8. No 4 Ash Close (No 4) has an existing two storey extension, the position and nature of which would essentially buffer that property from any effects of the appeal development. The first floor window in the proposed side elevation, facing No 4, would be obscure glazed, at some distance away from, and oblique to, the two facing windows in the side of No 4, which are not primary windows. Any adverse effect on privacy, outlook and sunlight or daylight experienced at No 4 would not be significant.
9. Representations have been made to the effect that the rights of the owners of No 12 Woodlands, Mr and Mrs J Hoole, under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998, would be violated if the appeal were allowed. I do not consider this argument to be well-founded because I have found that the proposed development would not cause unacceptable harm to the living conditions of occupiers of No 12 Woodlands. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol or Article 8.
10. Taking the above matters into consideration, I conclude that there would be no significant harm to the living conditions of the occupiers of neighbouring properties. Therefore the proposed development does not conflict with Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005. These policies seek to ensure, among other things, that development would not result in a significant adverse impact on the living conditions of neighbouring occupiers, including in terms of privacy, outlook and light. It would also be



generally consistent with the Brighton and Hove City Council 'Design Guide for Extensions and Alterations' Supplementary Planning Document, adopted 2013, which seeks to provide detailed design guidance for extensions and alterations to residential buildings.

### **Other Matters**

11. There is a substantial tree in the garden of No 12, adjacent to the boundary with the appeal site. I saw during my site visit that this tree has been heavily lopped on one side such that its canopy does not currently overhang the rear garden of No 3. The tree, which is not protected, is visible from the street and provides some limited value to the street scene. There is no substantive evidence before me that the proposed development would materially harm the tree, or that its presence would be likely to adversely affect the living conditions of occupiers of the proposed development in the future.
12. Representations have also been made relating to the stability of land during and after construction, including in relation to the integrity of existing structures and in relation to the aforementioned tree. I have no significant evidence before me that the development would result in damage to the appeal site or other property and structures.
13. I consider that the proposed development, which would maintain adequate separation from nearby properties, would not amount to 'backland' development or 'town cramming'.

### **Conditions**

14. In addition to the standard three year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans, as this provides certainty. I have also imposed a condition relating to external materials as this is necessary to ensure the satisfactory appearance of the development. A condition relating to the use of obscure glazing to the en-suite bathrooms is necessary for privacy.

### **Conclusion**

15. For the reasons given above, and having regard to all matters raised including in regard to Human Rights, I conclude that the appeal should be allowed.

*C Jack*

INSPECTOR

### **SCHEDULE OF 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: Y0129-A01 D; Y0129-A02 D; Y0129-A03 B; Y0129-A04 B; Y0129-A05 B; Y0129-A06 B; Y0129-A07; Y0129-A08; Y0129-A09 D; Y0129-D01 C; Y0129-D02 D; Y0129-D03 D; Y0129-D04 C; Y0129-D05 D; and Y0129-D06 C.
- 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
- 4) The extension hereby permitted shall not be occupied until the windows to the en-suite bathrooms shown on drawing Y0129-D02 have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

## Appeal Decision

Site visit made on 21 June 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 July 2016**

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**Appeal Ref: APP/Q1445/W/16/3146426**  
**23 Third Avenue, Hove BN3 2PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Jonathan Stern against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/04075, dated 11 November 2015, was refused by notice dated 5 February 2016.
  - The development proposed is conversion of garage to studio.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. I was able to see inside the garage and storage rooms to the rear during my visit, along with rooms facing the site within the neighbouring ground floor flat.
3. I understand that this is a resubmission following refusal of a similar development by the Council. I have been provided with limited details of that case and have considered the appeal scheme on its own merits.
4. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within this plan supersede a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies with the appeal questionnaire. Policies HE6 and QD27 of the LP referred to in the reasons for refusal have not been superseded and remain part of the adopted development plan. I have based my decision on the current adopted policies.

### Main Issues

5. The main issues in this appeal are:
    - the effect of the proposed dwelling on the character and appearance of the existing building and surrounding area with particular regard to the Avenues Conservation Area;
    - the effect of the proposed dwelling on the living conditions of neighbouring occupiers in the flats at 23 Third Avenue with particular regard to noise and privacy; and
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- whether prospective occupiers would enjoy satisfactory living conditions.

## **Reasons**

### *Character and appearance*

6. The Avenues Conservation Area mainly comprises large terraced and semi-detached properties on wide avenues stretching to the seafront. Development surrounding the appeal site on Third Avenue comprises a number of detached properties with two storey garage wings to the side, including the appeal property, that provide a rhythm to development in this part of the street.
7. The proposed development would result in the conversion and extension of the garage, including demolition of the outbuilding to the rear, to create a studio flat. The front elevation would comprise the replacement of the garage door with a front door and timber panel with windows above. Other than the door, this would not be opening, such that there would not be visibility into the building from the front of the property. The appearance of the front elevation and rear extension would reflect the existing building and the character and appearance of the surrounding Conservation Area.
8. The Council raise concern that, given the lack of an outside amenity area, the residential use of the garage is likely to spill out to the front such that it would introduce domestic activity and paraphernalia onto the driveway and that would harm the character and appearance of the existing building and surrounding area. I note that the lease of the flat may not permit such use, but this is uncertain and beyond planning control. Although a condition could be imposed requiring the space be kept available for parking, the drive is much larger than the amount of space required for parking in relation to this small dwelling. I consider that, given the lack of other outside amenity space and the limited space within the proposed flat, such use is likely to occur and the storage of domestic paraphernalia and the use of this prominent space to the front of the building would harm the character and appearance of the existing building and surrounding area, including the Conservation Area.
9. In my judgement, the harm to the conservation area and listed building is less than substantial. In accordance with paragraph 134 of the Framework, the only public benefit is the contribution of a single dwelling to the supply of housing. Consequently, the public benefits are not sufficient to outweigh the harm that I have found.
10. For the above reasons, I conclude that the proposed conversion of the garage to a studio flat would harm the character and appearance of the existing building and surrounding area, and would not preserve or enhance the character and appearance of the Avenues Conservation Area. As such, the proposal is contrary to Policy HE6 of the LP that seeks to preserve or enhance the character and appearance of the Conservation Area.

### *Living conditions of neighbouring occupiers*

11. The flat in the ground floor of the main building has two windows in the elevation overlooking the driveway that serve a front living room and the kitchen. That to the front living room is obscure glazed, but that to the kitchen includes clear glazing and is closest to the front elevation of the garage.

12. Consequently, the use of the area in front of the proposed studio flat as an outdoor amenity area and for access into the proposed flat would allow residents and visitors to see into the kitchen window of the ground floor flat, affecting the privacy within that room. Whilst the door to the proposed flat is to the opposite side of the building from the window, overlooking by residents and visitors coming and going would still harm the privacy of the existing ground floor flat.
13. The use of this area as outside amenity space and as access to a separate residential dwelling would also result in greater noise and disturbance than the existing use of the garage and driveway. Whilst such noise and disturbance is not unusual in a residential area, this outside space in such close proximity to the neighbouring flat would result in more noise and disturbance to neighbouring occupiers than can be considered reasonable directly outside those windows.
14. The use of the driveway for parking would not have any additional effect on neighbouring occupiers than the existing situation. Noise and disturbance from within the flat would be controlled through the Building Regulations such that this would not harm the living conditions of neighbouring occupiers. The window to the kitchen is proposed to be small and in close proximity to a rear window of the ground floor flat. Given its size and that it would be opaque, the nature of the windows ensures that it would not cause overlooking or other harm to occupiers of that neighbouring flat.
15. Therefore, I conclude that the proposed studio flat would cause harmful additional noise, disturbance and loss of privacy to neighbouring occupiers of the ground floor flat at 23 Third Avenue, adversely affecting their living conditions. As such, the development would be contrary to Policy QD27 of the LP that seeks to ensure development would not cause material nuisance and loss of amenity to occupiers of neighbouring properties.

*Living conditions of prospective occupiers*

16. The proposed flat would comprise a studio room to the front with kitchen and shower room to the rear. The kitchen and shower room would be lit with rooflights and a single window into the kitchen that would be obscure glazed. These would allow sufficient sunlight and daylight into those parts of the flat.
17. The studio room would have windows to the front, facing onto the driveway. This would be dominated by a fence directly to one side and the two storey main part of the building to the other along with parking to the front, providing an oppressive outlook to the front of the proposed flat. The main house, including floor above the garage, would severely restrict the amount of sunlight to the front of the flat and studio room. Whilst daylight would light the room, this lack of sunlight would contribute to the oppressive nature of the main part of the proposed living accommodation.
18. I understand that other flats in the area may provide living conditions with less daylight and sunlight than those proposed in this case. However, I have been provided with limited information on these cases and do not know the circumstances in which they may have been approved.
19. For these reasons, I conclude that the proposed development would not provide satisfactory living conditions for prospective occupiers of the proposed

studio flat by reason of poor outlook and lack of sunlight. As such, the development would be contrary to Policy QD27 of the LP that seeks to ensure adequate living conditions for occupiers of development.

*Other matters*

20. I understand that similar garages have been converted to living accommodation, but these were incorporated into larger units and, as such, they had a different effect on the character and appearance of the Conservation Area and on occupiers of neighbouring properties. I note that the appellant wants to provide a flat for their daughter, but while I have sympathy with the circumstances described, they are not sufficient to outweigh the harm and policy conflict identified.
21. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development, defined as development in accordance with the Framework as a whole. Sustainable development has three dimensions that must be considered together, being economic, social and environmental. In this case, there would be limited economic benefits during the conversion of the garage into a dwelling and residents would support local and accessible services once it is occupied. The provision of a single dwelling would have a positive social impact in contributing in a small way to the need for homes and mix of housing in the area, making use of previously developed land and would increase the amount of new homes bonus received by the Council. However, these minor positive economic and social benefits would not outweigh the environmental harm arising from the effect on the character and appearance of the area including the Avenues Conservation Area and on living conditions of prospective and neighbouring occupiers of the proposed development.

**Conclusion**

22. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Andrew Steen*

INSPECTOR

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# Appeal Decision

Site visit made on 28 June 2016

**by Claire Victory BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 July 2016**

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**Appeal Ref: APP/Q1445/W/16/3144593**  
**5 Westbourne Grove, Hove, Sussex BN3 5PJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class P of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr S Hardwick (Brighton and Hove Properties Limited) against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03480, dated 28 September 2015, was refused by notice dated 25 November 2015.
  - The development proposed is prior approval for change of use from storage (Class B8) to residential (Class C3) to form 1 no. studio flat at ground floor level.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Council's sole reason for refusal is that insufficient evidence has been submitted to demonstrate that the appeal property has been in storage (class B8 use) on 19 March 2014 or for a four year period prior to the application submission.
3. In addition, in order for the conditions in Class P.2 to be met, consideration of the impacts of the development on the matters set out in Class P.2(b) (i) to (vi) is necessary.

## Main Issues

4. The main issues are:
  - Whether the proposal is permitted development having regard to Class P of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015); and
  - If the proposal is permitted development under the provisions of GPDO 2015, whether the proposal is acceptable with regard to its impacts on air quality, transport and highways, contamination, flooding, noise, and provision for storage and distribution services in the area.

## Reasons

5. The appeal property comprises the ground floor of a two storey terrace block located to the rear of a shopping parade on Portland Road. Vehicular access to Westbourne Grove is provided via Westbourne Gardens.
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6. Class P states that development is not permitted by Class P if the building was not used solely for a storage or distribution centre use on 19 March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use, as set out in Class P.1(a). Development is not permitted under Class P.1(b) if the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins.
7. P.2(a) requires a developer to submit a statement with the application setting out the evidence relied upon to demonstrate that the development is permitted by Class P as set out in P.1(a) and P.1(b).
8. The Council has confirmed that no formal planning permission or Lawful Development Certificate (LDC) exists for any of the units for Class B use. The appellant has submitted extracts from planning officer reports from 2002 and 2014, and a planning application in 2014 in support of the application and appeal. The premises are described in an officer report from 2002<sup>1</sup> as a garage/store.
9. The planning application form for the 2014<sup>2</sup> application states that the existing use for all of the units (Nos 5, 5a, 6, and 6a) was within Use Class B8. The Council's report repeats the applicant's own description of the premises subject of that application as "storage and craft in one unit and builders store in another". However, the Council did not corroborate this description and from the information supplied it is unclear which property is being referred to.
10. I acknowledge that the Council officer's report from 2014 describes the terrace as a whole as being in commercial use, and that plans from the 2014 application have been provided and are annotated with what is described on the application as the existing use as a store. However, this is not sufficiently precise to establish whether No 5 was in use solely for storage or distribution on 19 March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use, as required by Class P.
11. I therefore conclude that the proposal does not meet the requirements for being permitted development under the GPDO 2015. As such it is not necessary for me to consider the impact of the proposals with regard to the conditions set out in Class P.2. My conclusion on this matter would not preclude any application that the appellant may wish to make under s191 and s192 of the 1990 Act (as amended).
12. For the reasons set out above, the appeal should be dismissed.

*Claire Victory*

INSPECTOR

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<sup>1</sup> Ref BH2002/00726/FP

<sup>2</sup> Ref BH2014/02925



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# Appeal Decision

Site visit made on 28 June 2016

**by Claire Victory BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 July 2016**

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**Appeal Ref: APP/Q1445/W/16/3144594**

**5a Westbourne Grove, Hove, Sussex BN3 5PJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class P of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr S Hardwick (Brighton and Hove Properties Limited) against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03481, dated 28 September 2015, was refused by notice dated 25 November 2015.
  - The development proposed is prior approval for change of use from storage (Class B8) to residential (Class C3) to form 1 no. studio flat at first floor level.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Council's sole reason for refusal is that insufficient evidence has been submitted to demonstrate that the appeal property has been in storage (class B8 use) on 19 March 2014 or for a four year period prior to the application submission. Notwithstanding this, in order to establish if the conditions in Class P.2 are met, consideration of the impacts of the development on the matters set out in Class P.2(b) (i) to (vi) is also necessary.

## Main Issues

3. The main issues are therefore:
  - Whether the proposal is permitted development having regard to Class P of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015); and
  - If the proposal is permitted development under the provisions of GPDO 2015, whether the proposal is acceptable with regard to its impacts on air quality, transport and highways, contamination, flooding, noise, and provision for storage and distribution services in the area.

## Reasons

4. The appeal property comprises the first floor of a two storey terrace block located to the rear of a shopping parade on Portland Road. Vehicular access to Westbourne Grove is provided via Westbourne Gardens. No 5a is accessed by a separate access at ground floor level leading to the first floor.
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5. P.2(a) requires a developer to submit a statement with the application setting out the evidence relied upon to demonstrate that the development is permitted by Class P as set out in P.1(a) and P.1(b).
6. The Council has confirmed that no formal planning permission or Lawful Development Certificate (LDC) exists for the unit for Class B use. An officer report from 2002<sup>1</sup> for a planning application for Nos 5 and 6 Westbourne Grove states "At No 5 is a garage/store at ground floor with a separate street entrance leading to a studio at first floor."
7. In 2014 a subsequent application was submitted for Nos 5 and 6 Westbourne Grove.<sup>2</sup> The form indicates that the existing floor space for Nos 5 and 6 was in use as B8 storage and distribution. Whilst an incomplete copy of this application form has been submitted, the extract from the planning officer's report on the application states: "the applicant has described on the application form submitted that the current uses as including storage and craft use in one unit, and a builder's store in the other. Both are described as being in current use." However the plan for the application<sup>3</sup> shows No 5a (first floor) as a workshop. This is repeated in the appeal statement. I note that the Council officer's report from 2014 describes the terrace as a whole (Westbourne Grove) as being in commercial use. Nevertheless, the information provided in these planning applications in respect of the use of No 5a specifically is inconclusive.
8. The appellant has also supplied a summary of the business rates valuation for the property from 2010 to 25 September 2015, which describes it as a store. The appeal statement also notes that the last use of the site was as a document store for Sparks and Sons estate agents, but no independent evidence has been provided to support this assertion.
9. Taking all of the above into account, there is conflicting evidence on whether No 5a was in use solely for a storage or distribution centre use on 19 March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use, as required by Class P. As there is insufficient information to enable the decision maker to determine whether the works fall within the permitted development rights, the appeal fails.
10. I therefore conclude that the proposal does not meet the requirements for being permitted development under P.1(a) and P.1(b) of the GPDO 2015. It follows that it is unnecessary for me to consider the impact of the proposals with regard to the conditions set out in Class P.2. My conclusion on this matter would not preclude any application that the appellant may wish to make under s191 and s192 of the 1990 Act (as amended).
11. For the reasons set out above, the appeal should be dismissed.

*Claire Victory*

INSPECTOR

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<sup>1</sup> Ref BH2002/00726/FP

<sup>2</sup> Ref BH2014/02925

<sup>3</sup> Plan dated 26.8.2014 and date stamped by the Council 19 September 2014

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## Appeal Decision

Site visit made on 28 June 2016

**by Claire Victory BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 July 2016**

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**Appeal Ref: APP/Q1445/W/16/3144595**  
**6 Westbourne Grove, Hove, Sussex BN3 5PJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class P of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr S Hardwick (Brighton and Hove Properties Limited) against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03482, dated 28 September 2015, was refused by notice dated 25 November 2015.
  - The development proposed is prior approval for change of use from storage (Class B8) to residential (Class C3) to form 1 no. studio flat at ground floor level.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council's sole reason for refusal is that insufficient evidence has been submitted to demonstrate that the appeal property has been in storage (class B8 use) on 19 March 2014 or for a four year period prior to the application submission. However, consideration of the impacts of the development on the matters set out in Class P.2(b) (i) to (vi) is also necessary in order to determine if the proposal constitutes permitted development.

### Main Issues

3. The main issues are therefore:
  - Whether the proposal is permitted development having regard to Class P of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015); and
  - If the proposal is permitted development under the provisions of GPDO 2015, whether it is acceptable with regard to its impacts on air quality, transport and highways, contamination, flooding, noise, and provision for storage and distribution services in the area.

### Reasons

4. The appeal property lies within a two storey terrace block at the rear of a shopping parade on Portland Road. Access is provided via Westbourne Gardens. No 6 is at ground floor level, with No 6a at first floor level above, and is accessed by a separate entrance.
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5. P.2(a) requires a developer to submit a statement with the application setting out the evidence relied upon to demonstrate that the development is permitted by Class P as set out in P.1(a) and P.1(b).
6. The Council has stated that no formal planning permission or Lawful Development certificate exists for No 6 for Class B use. The appellant has provided extracts from the Council's planning officer reports on applications in 2002 and 2014 to support the proposal. The address for the 2014 application is given as Nos 5 and 6 Westbourne Grove (two ground floor units), but it is clear from the report and the application drawings that the application also relates to Nos 5a and 6a, the two units at first floor level.
7. A report from 2002<sup>1</sup> states that No 6 was in use as a store, and drawings supporting the 2014 planning application<sup>2</sup>, also identify No 6 as a store. A further undated plan<sup>3</sup> has been provided showing No 6 as a store. The planning officer's report from 2014 repeats the applicant's own description that "the current uses include storage and craft use in one unit and a builders store in the other." However, this is not confirmed by the Council, and the description relates to Nos 5, 5a, 6 and 6a. It is unclear to which property this description refers. The appellant contends that the last use of the appeal property was as furniture storage by a local restaurant owner', but no evidence has been submitted to support this assertion.
8. However, a Valuation Office Agency (VOA) summary of business rates from 1 April 2010, and dated 25 September 2015 gives the description of No 6 as "workshop and premises" and a special category code of "096 - Factories, Workshops and Warehouses (including Bakeries and Dairies)". These descriptions are both broader than solely Class B8 storage and distribution, and neither would rule out activities outside a Class B8 use, such as manufacturing or food production. As such I cannot be certain that the premises was in sole use for storage or distribution on the relevant date or for at least four years before the date development under Class P is said to have begun.
9. Taking all of the above into account, I conclude that the proposal does not meet the requirements for being permitted development under the GPDO 2015. It is therefore unnecessary for me to consider the impact of the proposals in relation to the conditions set out in Class P.2. My conclusion on this matter would not preclude any application that the appellant may wish to make under s191 and s192 of the 1990 Act (as amended).
10. For the reasons set out above, the appeal is dismissed.

*Claire Victory*

INSPECTOR

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<sup>1</sup> Ref. BH2002/00726/FP

<sup>2</sup> Ref. BH2014/02925

<sup>3</sup> Drawing no. 457/04

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## Appeal Decision

Site visit made on 28 June 2016

**by Claire Victory BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 July 2016**

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**Appeal Ref: APP/Q1445/W/16/3144596**

**6a Westbourne Grove, Hove, Sussex BN3 5PJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class P of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr S Hardwick (Brighton and Hove Properties Limited) against the decision of Brighton & Hove City Council.
- The application Ref BH2015/03483, dated 28 September 2015, was refused by notice dated 25 November 2015.
- The development proposed is prior approval for change of use from storage (Class B8) to residential (Class C3) to form 1 no. studio flat at first floor level.

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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council's sole reason for refusal is that insufficient evidence has been submitted to demonstrate that the appeal property has been in storage (class B8 use) on 19 March 2014 or for a four year period prior to the application submission. In addition, in order for the conditions in Class P.2 to be met, consideration of the impacts of the development on the matters set out in Class P.2(b) (i) to (vi) is necessary.

### Main Issues

3. The main issues are therefore:
  - Whether the proposal is permitted development having regard to Class P of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015); and
  - If the proposal is permitted development under the provisions of GPDO 2015, whether the proposal is acceptable with regard to its impacts on air quality, transport and highways, contamination, flooding, noise, and provision for storage and distribution services in the area.

### Reasons

4. The appeal property forms part of a two storey terrace block located to the rear of a shopping parade on Portland Road. Access is provided via Westbourne Gardens. No 6a is at first floor level and is accessed by a separate entrance to the ground floor unit at No 6.

5. P.2(a) of the GPDO 2015 requires a developer to submit a statement with the application setting out the evidence relied upon to demonstrate that the development is permitted by Class P as set out in P.1(a) and P.1(b).
6. The Council has stated that no formal planning permission or Lawful Development certificate exists for No 6a for Class B8 use. The appellant has submitted extracts from officer reports relating to planning applications involving the property in support of the appeal. Whilst the site address for an application in 2014<sup>1</sup> is given as Nos 5 and 6, it can be seen from the officer report and the application drawings that the proposal also related to the upper floors of these two ground floor units.
7. The planning application form for the 2014 application states that the existing use for all of the units (Nos 5, 5a, 6, and 6a) was within Use Class B8. The Council's report repeats the applicant's own description of the premises subject of that application as "storage and craft in one unit and builders store in another". However, the Council did not corroborate this description, which is not sufficiently clear to identify the specific use of No 6a, as opposed to the other three units that also formed part of the planning application.
8. The planning officer report from 2014 refers to the Westbourne Grove terrace as a whole as being in commercial use, but this is a broad description which could encompass a range of general industrial uses as well as distribution and storage. Moreover, the officer reports for the previous planning applications in 2002<sup>2</sup> and 2014, and the drawings from the 2014 application<sup>3</sup> refer to the existing use of the first floor at No 6a as a workshop. This could encompass manufacturing or general industrial activities of a nature that could fall within either Class B1 or B2 use.
9. Further to the above, the business rates records indicate that No 6a had an office use from 2010 to at least 25 September 2015. The appellant advised the Council at the time of the application that the premises were in use as office (Class B1) in 2010, but that a change of use had occurred to storage. Whilst there is a permitted change from Class B1 to B8 under the Town and Country Planning (Use Classes) Order 1987 (as amended), there is no conclusive evidence before me to suggest that such a change has taken place.
10. Consequently it is not possible to say with any certainty that No 6a was used *solely* for a storage or distribution use as required by P.1.(a) and (b). I therefore conclude that the proposal does not meet the requirements for being permitted development under the GPDO 2015. It follows that it is unnecessary for me to consider the impact of the proposals with regard to the conditions set out in Class P.2. My conclusion on this matter would not preclude any application that the appellant may wish to make under s191 and s192 of the 1990 Act (as amended).
11. For the reasons set out above, the appeal should be dismissed.

*Claire Victory* INSPECTOR

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<sup>1</sup> Ref. BH2014/02925

<sup>2</sup> Ref. BH2002/00726/FP

<sup>3</sup> Drawing dated 26 August 2014

## Appeal Decision

Site visit made on 22 March 2016

**by Richard S Jones BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 April 2016**

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**Appeal Ref: APP/Q1445/D/15/3138820**  
**17 Pembroke Avenue, Hove BN3 5DA**

- 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 & Mrs B Harrison against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02855, dated 4 August 2015, was refused by notice dated 19 October 2015.
  - The development proposed is the erection of a single storey rear extension with associated landscaping and works to boundary wall.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension with associated landscaping and works to boundary wall at 17 Pembroke Avenue, Hove BN3 5DA, in accordance with the terms of the application, Ref BH2015/02855, dated 4 August 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: 313PA17/01 (as existing ground floor and roof plans, location and block plans); 313PA17/02 (as existing rear and side elevations); 313PA17/03 (proposed ground floor and roof plans) and 313PA17/04 (proposed block plan and elevations).
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.

### Preliminary matter

2. I have used the description of the proposal set out in the Council's decision notice. It adequately and simply describes the proposal instead of the more detailed description given in the application form. This amended description also reflects that provided by the appellant in the appeal form.

### Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbours at No 19 Pembroke Avenue with particular reference to outlook.
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## Reasons

4. The host property is an attractive two storey semi-detached dwelling with a two storey rear bay window incorporating doors at ground floor level. This feature is replicated in a symmetrical manner at the adjoining property at No 19, positioned either side of the common boundary.
5. As a bay window, part of the ground floor window of No 19 would be orientated, at an angle, towards the side wall of the extension. At present, the immediate built focus in terms of outlook is the existing brick and timber trellis boundary treatment. Although somewhat higher than this, the extension would not appear excessively large. In this respect, being materially less than half of the depth of the main house, the extension would accord with the Council's guidance for single storey rear extensions located adjacent to a shared boundary, as set out in Supplementary Planning Document 12<sup>1</sup>.
6. As a result of its relatively modest depth and height as well as its flat roof design, the outlook from the bay window at No 19 would not be dominated by the built form of the extension to an extent whereby its effects would be unduly overbearing or oppressive, and not to an extent which would warrant dismissing the appeal.
7. The effect would also be mitigated by the main glazed doors being orientated down the length of the garden and their existing projection from the main rear elevation, which would reduce the relative depth of the proposed extension. Moreover, the comfortable width and length of the garden at No 19 is such that the extension would occupy only a relatively short depth along the boundary and would not result in an undue sense of enclosure.
8. I therefore find that the extension would not result in effects to the living conditions of the occupants of No 19, with particular reference to outlook, which would result in conflict with Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005<sup>2</sup> (LP), and guidance within Supplementary Planning Document 12. These state, amongst other matters, that planning permission for extensions or alterations will only be granted if the proposed development would not result in significant loss of outlook or amenity to neighbouring properties.

## Other matters

9. The appeal site is located within the Pembroke and Princes Conservation Area. Having regard to the design, size and siting of the development, I agree with the Council that the proposal would preserve the character and appearance of the Conservation Area, the desirability of which is fully anticipated by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and LP Policy HE6.

## Conditions

10. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. In the interests of preserving the character

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<sup>1</sup> Supplementary Planning Document 12, Design Guide for Extensions and Alterations, adopted 20 June 2013.

<sup>2</sup> Brighton and Hove Local Plan Policies Retained on Adoption of the Brighton & Hove City Plan Part One (March 2016).



and appearance of the conservation area, I also consider a 'samples' condition to be necessary rather than in this instance rely on the standard 'matching' materials condition.

**Conclusion**

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Richard S Jones*

Inspector



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## Appeal Decision

Site visit made on 14 June 2016

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 June 2016

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**Appeal Ref: APP/Q1445/D/16/3146586**  
**5 Portland Avenue, Hove BN3 5NP**

- 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 Coastal Management Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/04158, dated 17 November 2015, was refused by notice dated 14 January 2016.
  - The development proposed is rear single storey extension and loft conversion with side dormer and roof lights.
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### Decision

1. I dismiss the appeal insofar as it relates to the side dormer. I allow the appeal insofar as it relates to the rear single storey extension and rear roof lights and planning permission is granted for rear single storey extension and roof lights at 5 Portland Avenue, Hove BN3 5NP in accordance with the terms of the application, Ref BH2015/04158, dated 17 November 2015, and the plans submitted with it so far as relevant to that part of the development hereby permitted.

### Main Issue

2. This is the effect of the development on the character and appearance of the existing building and the wider area.

### Reasons

3. Whilst the application included the rear extension and the rear roof-lights, the Council's Report and Decision Notice makes clear that the objection is to the side dormer only. The proposal was described as partly retrospective on the Notice of Refusal, but at the time of the site inspection it appeared that the works were now complete.
  4. The rear extension takes the rear building line to only slightly beyond that of an adjoining extension at the neighbouring house on that side, number 7, and would remain within a 45° line drawn from the nearest window. It squares-off an existing rear projection and appears well integrated and to not cause harm to the street scene, the existing building or the amenities of neighbours. There does not appear any reason to withhold permission for this aspect of the proposed development having regard to Policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 '*Design Guide for Extensions and Alterations*'. As the development is now complete and in use,
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there is no need for any of the three conditions suggested by the Council in the Questionnaire, and in particular, the standard condition naming the drawings in the interest if the proper planning of the area is not required as that is to allow flexibility in permissions exercisable prior to commencement.

5. Turning to the roof-lights, only the rear pair are included in the application as noted by the Council, and on visiting it was apparent that they are placed in a more pleasing arrangement than is apparent from the drawings, since there is an area of roof tiling between them. A view taken from the top floor through the roof-lights shows that there are no planning concerns on overlooking and the effect from ground level such as in Woodhouse Road, a side road to the north of the neighbouring number 7, is acceptable, being minor additions to the roof and placed in an acceptable relationship with the other architectural features. Here again the proposal accords with policy and guidance, and permission may be granted with no need for conditions.
6. That leaves the side dormer, which is the item objected to by the Council and to which Policy QD14 and Supplementary Planning Document are also pertinent. The policy 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 meets various requirements on design, siting and layout in relation to the property and surroundings. The supplementary planning document adds detail over the importance of considering semi-detached pairs of dwellings, as here, and gives an example which should not be taken as being the only arrangement that might be harmful, although it is noted that just such an example is in place on the opposite side of the road, of a imbalance with the original hip at one end and a full gable at the other.
7. The dormer is large and placed in a prominent position seen from Portland Avenue and on approaching from both side roads. Contrary to what is shown on the elevation drawings, the roof slope of the pitch over the dormer does not match that of the main front roof, although the correct arrangement is shown on the roof plan. The effect is of leaving an unattractive area of flashing and tiling, which appears unresolved and jarring on the front elevation in this prominent position. The structure is too close to the eaves and appears as a dominant feature of the roof slope and hence the semi-detached house, and detracts from the pair of dwellings and the street scene, as sought to be avoided by the supplementary planning document.
8. The appellant is of the view that the dormer is necessary to achieve a second floor and points to the need for housing accommodation in the area. It is apparent that in order to place the stairway over the existing flight, there would be a possibility of having to breach the roofline for headroom but it was not clear at the site inspection that this would necessarily lead to a dormer of such large and dominant proportions. That which is in place fails to accord with the Policy QD14 requirement to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area; and would not follow the guidance that dormer windows should be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof.

9. As requested a view was taken of a number of other properties in reasonably close proximity to the appeal site, and as set out in the appellant's appendices. The Council comment about the planning history in some cases, or lack of express consent, and it is the case that there is a wide variety of asymmetrical semi-detached pairs in the vicinity. However, while some are successfully integrated roof extensions, albeit that they undo the symmetry of the pair, the appeal dormer is poorly integrated and intrusive to the character and appearance of the area.
10. It is claimed that the proposal is permitted development, and the appellant says that an application was made to test that claim, and was refused on 22 February 2016 (Ref; BH2015/04128). This was said to be refused primarily due to the planning department not considering the property was a house. There is also reference to a Certificate of Lawful Use or Development having been approved on 22 May 2015 (Ref; BH2015/00761) for a proposed conversion of 2no flats into a single dwelling (C3). However, this is an appeal against refusal of permission under s78 of the 1990 Act, and is not able to consider these other matters; an application has been made, and has been refused, and the resulting Appeal has to be determined on the merits of the proposed development, with regard to the Development Plan and guidance.
11. No further information is provided on this matter, or any subsequent grants of permission for the acceptable works, in answer to the Questionnaire requirement to advise the case officer of any changes in circumstances occurring after the return of the questionnaire. Whilst the rear roof-lights and the single storey extension are acceptable in those respects, the side dormer is not. For the reasons given above it is concluded that the appeal should be allowed in part and dismissed in part.

*S J Papworth*

INSPECTOR

