

Planning Committee

Date: **10 March 2021**

Time: **2.00pm**

Venue **Virtual**

Members: **Councillors:**Littman (Chair), Osborne (Deputy Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Henry, Fishleigh, Janio, Shanks, C Theobald and Yates

Conservation Advisory Group Representative

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AGENDA

108 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.

109 MINUTES OF THE PREVIOUS MEETING

1 - 20

Minutes of the meeting held on 10 February 2021 (copy attached).

110 CHAIR'S COMMUNICATIONS

111 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 4 March 2021.

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

Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites in those instances where a site visit is requested.

113 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MAJOR APPLICATIONS

- | | | |
|---|--|------------------|
| A | BH2020/03516 - BHCC Household Waste Recycling Site, Modbury Way, Hove BN3 7DU - Removal or Variation of Condition | 21 - 36 |
| B | BH2020/01018 - Former Peter Pan's Playground Site, Madeira Drive, Brighton BN2 1EN - Removal or Variation of Condition | 37 - 70 |
| C | BH2020/02836 - Land South of Ovingdean Road, Brighton - Removal or Variation of Condition | 71 - 94 |
| D | BH2017/01108 - Site of Sackville Hotel, 189 Kingsway, Hove, BN3 4GU - Request to vary the terms of the Deed of Variation | 95 - 104 |
| E | BH2018/00868 - Kings House, Grand Avenue, Hove - Request to vary the Heads of Terms of Section 106 Agreement | 105 - 112 |

MINOR APPLICATIONS

- | | | |
|---|---|------------------|
| F | BH2019/02080 - St Andrews CE Primary School, Belfast Street, Hove BN3 3YT - Full Planning | 113 - 130 |
| G | BH2020/03770 - 20 Downland Road Brighton BN2 6DJ - Householder Planning Consent | 131 - 142 |
| H | BH2020/00673 - Garages, Dunster Close, Brighton - Full Planning | 143 - 164 |

I	BH2020/00674 - Land Adjoining 12 Dunster Close, Brighton BN1 7ED - Full Planning	165 - 190
J	BH2020/03667 - 48 Arundel Drive East, Saltdean, Brighton BN2 8SL - Householder Planning Consent	191 - 204
K	BH2020/02835 - Land To The Rear of 28-30 Longhill Road, Brighton BN2 7BE - Full Planning	205 - 228
L	BH2020/01824 - Patcham Nursing Home, Eastwick Close, Brighton BN1 8SF - Full Planning	229 - 240
M	BH2020/01609 - 25 Freehold Terrace, Brighton BN2 4AB - Full Planning	241 - 264
N	BH2020/03127 - 74 Dean Court Road, Rottingdean, Brighton BN2 7DJ - Householder Planning Consent	265 - 276
O	BH2020/00002 - Coombe Farm, Westfield Avenue North, Saltdean BN2 8HP - Amend Heads of Terms	277 - 286

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

Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites in those instances where a site visit is requested.

INFORMATION ITEMS

115	LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE (copy attached).	287 - 290
116	INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES (copy attached).	291 - 292
117	APPEAL DECISIONS (copy attached).	293 - 298

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

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

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 10 FEBRUARY 2021

VIRTUAL

MINUTES

Present: Councillors Littman (Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Ebel, Fishleigh, Henry, Janio, Shanks, C Theobald, and Yates.

Co-opted Members: Mr Roger Amerena (Conservation Advisory Group)

Officers in attendance: Nicola Hurley (Planning Manager), Jane Moseley (Planning Manager), Hilary Woodward (Senior Solicitor), Chris Swain (Planning Team Leader), Luke Austin (Principal Planning Officer), Samuel Rouse (Senior Technical Officer – Transport), Carl Griffiths (Principal Planner), Russell Brown (Senior Planning Officer), Charlotte Bush (Senior Planning Officer), Joanne Doyle (Senior Planning Officer), Michael Tucker (Planning Officer), Rebecca Smith (Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

97 PROCEDURAL BUSINESS

a) Declarations of substitutes

97.1 Councillor Ebel substituted for Councillor Osborne

b) Declarations of interests

97.2 Councillors Childs, Fishleigh, Yates declared they had received emails and communications regarding C & D however they remained of an open mind. Councillors Miller and Shanks declared they had received emails and correspondence regarding item C, however they remained of an open mind. Councillor Henry declared they would withdraw from item F as they had been included in discussions with the neighbours. Councillor Theobald declared they had received correspondence regarding item K, however they remained of an open mind. Councillor Littman declared they had been contacted regarding item E and others, however they remained of an open mind. Councillor Janio declared they had been lobbied on several items, however they remained of an open mind.

c) Exclusion of the press and public

97.3 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in

view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

98 MINUTES OF THE PREVIOUS MEETING

- 98.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 13 January 2021 as a correct record once the following alterations had been made:

Councillor Theobald commented on item A - BH2020/01742: The Meeting House, Park Close, Brighton: *“This will be even more visible and affect?Wild Park especially the view from Lewes Road. Parking is also terrible in this road with some cars even parked on the verges.”*

99 CHAIR'S COMMUNICATIONS

- 99.1 Planning Committee is a regulatory committee. It is a statutory requirement that members do not vote along Party lines. Currently, our committee is made up of 3 Green, 3 Labour, 2 Conservative, and 2 Independent councillors, and I am pleased to say that in my experience on this committee over many years, no-one, regardless of Party affiliations, breaks this statute.

The work of the planning committee is an extension of the role of the whole Local Planning Authority. Our job is to do our best to grant permission for those developments which enhance our city and refuse those which would damage it. Obviously, most, if not all, proposed developments have pros and cons; so, what we do is attempt to ascertain the planning balance. To determine whether a proposal do more harm than good, or not.

The trouble is that the legislative framework within which we have to operate often makes it hard for us to do this for the benefit of the city. Of late there have been an increasing number of changes coming out of Westminster, which are making our job more and more difficult. A few months ago, the Government decided it was going to bring in a system whereby a computer algorithm would determine the housing targets of Local Planning Authorities. This arbitrarily placed massive increases on authorities in the southeast. I'm pleased to say that the resultant consultation united Councils with Blue, Red, Green, and Yellow administrations in opposition. Sadly, the proceeding U-turn resulted in the Government introducing another arbitrary system, whereby all this extra housing burden would fall on the shoulders of the largest 20 urban authorities.

Unfortunately, slipping in under the wire at number 20 on that list, came Brighton & Hove. So, by the stroke of a pen, because we're number 20, as opposed to number 21, come June, we will have 35% extra tacked on to our already overly-ambitious housing target. This will potentially have a devastating impact on our

ability to determine the planning balance; as so much of that has to, by law, depend on our ability to meet our housing target.

In future then, when an application is approved either here, or, as in the vast majority of cases, by our fantastic team of dedicated planning officers, remember, were we to be looking at a policy which allowed for genuinely sustainable growth, we would be able to demand a much higher quality of development, with much greater social and environmental value embedded in it, than we are legally allowed to.

Nonetheless, I have absolutely confidence that my colleagues and I, irrespective of party loyalties, will continue to do whatever we can, under the law, to protect the city we all love, and encourage developments sympathetic to its unique character.

100 PUBLIC QUESTIONS

100.1 There were none.

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

101.1 Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites.

102 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

102.1 The Democratic Services Officer read out all the agenda Items. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion.

102.2 The following applications were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:

Item I: BH2020/03419: Pavilion Theatre, 29 New Road, Brighton

Item L: BH2020/03247: Norfolk Square Gardens, Norfolk Square, Brighton

A BH2020/01951 - Land to rear of Hilton Brighton Metropole, 106-121 Kings Road, Brighton

1. The Planning Manager introduced the report to the committee. The presentation covered the two applications for the site: Planning application and the Listed Building Consent applications. The applications were taken together for the purposes of questions and debate. However, the items were voted on separately.

Questions for the officers

2. Councillor Theobald was informed that the loss of exhibition space at the Metropole Hotel was acceptable as some 6,000sqm would still be available for conferences. The proposed hotel will also include conference rooms. Brighton and Hove tourism and venues were consulted and support the application. It was considered that there would be no loss of large conference facilities to the city. It was noted that the seven rooms to be lost were in a poor condition and had not been used in recent years. The loading bays and underground car park for the Metropole Hotel are to be retained. The entrance to the car park on St Margaret's Place is to be retained also.
3. Councillor Fishleigh was informed that the 2018 Brighton and Hove Visitor Accommodation Study Update in City Plan Part Two showed a shortage of accommodation of the standard proposed. It was noted that the development did not attract community infrastructure levy (CIL) as it fell outside of the charging schedule. The urban design officer comments have been addressed in the revised scheme with upper floors set back. The urban design and heritage officers agree that this scheme also picks up the rhythm of the listed frontage.
4. Councillor Ebel was informed that it was considered that the scheme included sufficient indoor cycle parking. It was noted that conditions would require detailed information on the design and massing of the corner tower as well as the biodiversity of the scheme and public realm design.
5. Councillor Shanks was informed that the artistic component of the scheme would be agreed with local groups and ward councillors and council colleagues and would need to be site specific and not form part of the seafront.
6. Councillor Miller was informed that the listed frontage would have a smooth painted finish, with the new building having a smooth painted render on St Margaret's Place and terracotta cladding on Canon Place. Materials will be submitted to the Chairs briefing for agreement. The mansard roof will be of a light zinc colour to give a natural integrated appearance.

Debate

7. Councillor Fishleigh welcomed the new investment into the city and expressed some concerns regarding design values. The councillor felt the design details should relate more to the surrounding city and be more in keeping with the location.
8. Councillor Miller considered to the design to be good, not too tall and a significant investment bringing overnight visitors to the city. The development is considered to cause some harm to St Margaret's Place, however, the walk along Canon Place will be greatly improved. Bringing the listed frontage back to good repair is supported, as is the application.
9. Councillor Henry liked the design as the current aspect is awful and the development will be a massive improvement. The money for public art should be considered to be spent on tourist signage for the immediate area to the development. The councillor supported the application.

10. Councillor Theobald did not consider the disabled parking at the nearby car park to be easy and expressed concerns about the future for conferencing. The councillor considered that the development would much improve Canon Place and existing listed facades. The councillor supported the application.
11. Councillor Ebel liked the design and considered the refurbishment of the listed frontage to be good. The development will create jobs and be a boost to local businesses. The councillor noted the development was in the core hotel zone, would be sustainable, may reduce to number of AirBnB properties in the city and that the disabled parking spaces in the nearby car park were bookable. The councillor supported the application.
12. Councillor Shanks considered the design to be good and supported the application.
13. Councillor Janio welcomed the investment and considered that the public art would be good for the city. The councillor expressed some concerns at the loss of smaller conference space.
14. Councillor Childs considered Canon Place to be an eyesore at the moment. The design was fine and the investment and jobs in the city was good. The councillor supported the application.
15. Councillor Littman considered the development to be a significant improvement on the existing building.
16. A vote was taken and the committee voted by 9 to 1 that planning permission be granted.
17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below in the report and the Conditions and Informatives also as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **5 May 2021** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9.7 of the report.

B BH2020/01952 - Land to rear of Hilton Brighton Metropole, 106-121 Kings Road, Brighton (LBC)

1. The Planning Manager introduced the report to the committee. The presentation covered the two applications for the site: Planning application and the Listed Building Consent applications. The applications were taken together for the purposes of questions and debate. However, the items were voted on separately.
2. A vote was taken and the committee voted by 9 to 1 that listed building consent be granted.

3. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives in the report.

C BH2020/02289 - 5-8 London Road, Brighton

1. The Planning Manager introduced the report with updates from the case officer.

Speaker

2. Adrian Hill spoke to the committee and commented that the air pollution levels at the development location were above legal levels in 2019. The site was the second most polluted site in Brighton with twice the normal pollution. The road is enclosed resulting in bad air dispersal. More vehicles will increase the issue with deliveries being made to the rear of the development. The speaker noted that it would take 11 years for the air quality to return to legal levels. The poor level of air will impact on the living accommodation of the occupants of the development.

Questions for speaker

3. Councillor Fishleigh was informed that the statistics were from the Brighton and Hove City Council annual review. The councillor was also informed that the speaker considered that the development would remove the current gap between buildings which would allow pollution to build. The councillor stated they were member of the Clean Air for Brighton group, as was the speaker. The councillor confirmed to the Chair that they remained of an open mind when considering the application.
4. Councillor Childs was informed that the speaker considered it would take 11 years for the air quality to be safe. The speaker also informed the councillor that they considered the infilling of the gap between buildings would increase air pollution, as would the increase in delivery vehicles, general traffic and buses.
5. Councillor Henry was informed that the speaker considered the new electric buses were actually hybrid and used engines along London Road, which increases pollution. It was noted that there were no cycle lanes on London Road. The speaker informed the councillor that they did not consider the future to be better.

Speaker

6. Grant Leggett spoke to the committee as agent for the applicant and noted that none of the slides on air pollution presented by Mr Hill had been seen by the applicant. The agent informed the committee that an independent air quality expert was on hand to answer any questions the councillors may have.
7. Judi Lynn spoke to the committee as a supporter of the application and that they lived 1 minute from the application site. Concerned residents want improvements as the current situation is not good. The speaker was impressed with the proposals which included large doors and windows that may deter anti-social behaviour. The speaker asked the committee to support the application.

Questions for speaker

8. Councillor Childs was informed that Judi Lynn was a member of a steering group who were in talks with the council. The group were taking a holistic approach to the regeneration of the London Road area which formed a corridor from Preston Park to the North Lane. It was noted that the area included anti-social behaviour in apparent drug dealing and graffiti. Businesses were joining in to help the group. It was noted that student housing is needed in the city and this was a sensitive application with the enclosed congregating areas being closed at 9 or 10pm.
9. Councillor Theobald was informed by the agent that it was usual for commercial and accommodation to be together in modern developments and the deliveries to the shops should not disturb the students. A management plan would also be implemented to address delivery timings. The councillor was informed that the council figures showed a need for student housing.
10. Councillor Miller was informed by Frances Marshall, the air quality expert supplied by the agent, that a detailed air quality report had been submitted as part of the application. The air quality assessment, which included traffic impact using tools agreed by DEFRA, has been completed and agreed with the council air quality officer. The report addressed concerns. It was noted that nitrogen dioxide levels are descending, however it is not thought air quality would be down to a good level by the completion of the build.

Questions to officers

11. The Planning Manager informed the committee that the application was considered under BHCC Local Plan policy SU9 – Pollution and Nuisance Control, and the scheme was on balance considered to accord with the policy as this policy allows developments where there are mitigation provided.
12. Councillor Shanks was informed by the air quality officer (Senior Technical Officer - Transport) that London Road does exceed air quality levels and improvements are ongoing. Gas combustion is a future concern as pollution increases with the number of visitors. The development includes mitigation measures for reducing emissions. The footway on London Road is the second highest polluted area in the city. The area will be continually monitored.
13. Councillor Miller was informed by the case officer that no physical pre- app meetings are taking place in lockdown, however virtual meetings can take place should the councillors wish.
14. Councillor Fishleigh was informed by the air quality officer that the air pollution was above average. The emissions could be reduced once buses, cars and other?vehicles made before 2015 are no longer running. Petrol and diesel cars are considered to be reducing whilst hybrid and electric are becoming more popular.
15. Councillor Janio was informed by the air quality officer that they had no objections to the development.

Debate

16. Councillor Miller considered the development an improvement with neighbour support. The scheme was not considered too high and the 156 units could lead to a reduction in houses of multiple occupancy (HMOs) The concierge is good for the building which is considered to be well designed, sustainable, with good transport links, and green infrastructure. The councillor supported the application.
17. Councillor Theobald considered the development to be well designed, improve the area with improvements to the current rear of the buildings, and had?sprinklers. The councillor supported the application.
18. Councillor Childs considered the building could be attractive again. The councillor expressed some concerns regarding air quality. The retention of the commercial units was good and the councillor on balance supported the application.
19. Councillor Fishleigh expressed some sympathy with the residents and concerns regarding the air quality. The councillor was against the application.
20. Councillor Shanks noted the area needs improving and considered the future was uncertain for retail and students. The councillor abstained from the application.
21. Councillor Littman noted the concerns raised by the other councillors regarding air quality but noted that the air quality officer supported the scheme. The area is considered to be improving and the back of the buildings needs help. The councillor supported the application.
22. A vote was taken and the committee voted by 8 to 1 that planning permission be granted with one abstention.
23. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives also as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before **5 May 2021** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of the report.

D Deed of Variation to BH2014/00331 - 50 Heath Hill Avenue, Brighton

1. The Planning manager introduced the report.

Questions for officers

2. Councillor Yates was informed by the Senior Solicitor that a refusal of the application may be able to be appealed as the s106 agreement was over 5 years old, but that was dependent on the nature of the application. The case officer confirmed that the application had been considered against current policies.

3. Councillor Shanks was informed by the case officer that under policy CP21 - Student Accommodation & Houses in Multiple Occupation, the students could be related to a university or other education establishment in the Brighton and Hove area. The planning team generally accept applications without prior agreement with education establishments and look to agree through a s106 agreement.
4. Councillor Littman was informed that there was no trigger point for the applicant to submit information regarding the education establishment the development is to be linked to.

Debate

5. Councillor Yates considered there were a number of issues with the process and noted that the local community had strong opinions. It was also noted that the land was not available for development, there was no agreement with either universities and therefore CP21 appeared to not be met. The councillor did not support the application as there was no need for student accommodation. The councillor did not support the application.
6. Councillor Shanks noted the development was near Brighton University and considered the loss of the general practice surgery to be a negative. The councillor did not support the application.
7. Councillor Childs did not support the application.
8. Councillor Littman noted the development had been approved before the current policies. The councillor did not support the application.
9. A vote was taken and out of the 9 Members present the committee voted by 7 to 2 not to accept the officer recommendation, with one abstention. (Councillor Theobald did not vote as they had lost digital connection during the item).
10. A motion to refuse the application was proposed by Councillor Yates, and seconded by Councillor Shanks, that the deed of variation is not granted as the applicant had not demonstrated that they had met part 6 of CP21.
11. A vote was taken and out of the 9 Members present the committee voted by 7 to 2 for the motion to refuse the deed of variation. (Councillor Theobald did not vote as they had lost digital connection during the item).
12. **RESOLVED:** The application was **REFUSED** as the applicant has not evidenced they can comply with part 6 of policy CP21.

E BH2020/01969 – 39A Preston Park Avenue

1. The Planning manager introduced the application. A virtual site visit took place the day before the committee meeting.

Questions for officers

2. Councillor Shanks was informed that the councillors should assess the application before the committee.

Debate

3. Councillor Shanks noted that residents have been pitted against each other regarding this application. The councillor considered that as the building already exists the development was acceptable. The councillor supported the application.
4. Councillor Henry supported the application.
5. Councillor Theobald supported the application.
6. Councillor Yates supported the application.
7. Councillor Littman expressed concerns relating to the impact on the neighbouring properties and the traffic issues in the courtyard. The councillor did not support the application.
8. A vote was taken and the application was approved by a vote of 9 to 1.
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

F BH2020/03091 - Adastral House, 7-8 Westbourne Villas, Hove

1. The Planning Manager introduced the application.

Speakers

2. Planning consultant Gareth Giles spoke to the committee as a representative of objectors and noted the poor management plan submitted as part of the application. The plan should layout better care for the homeless, with only six staff, no accommodation or break rooms have been allocated to staff. The neighbours object to the application as do Sussex Police. A better management plan needs to be secured. The site is outside the core hotel zone and should be refused.

Questions for speaker

3. Councillor Fishleigh was informed that Sussex Police had concerns relating to the operation of the current site.

Speaker

4. Ward Councillor Appich addressed the committee and stated they had been contacted by a number of residents with concerns and recommended refusal as there was a home of multiple occupancy (HMO) next door to the hotel and further homeless accommodation at 19-20 Westbourne Villas. The hotel showed no sign of investment

and was an unauthorised hostel. The management plan was not good. The loss of the hotel would be forever and Hove needs hotels. The councillor also noted that there were a number of vulnerable people in the street.

Questions for speaker

5. Councillor Miller was informed that the Police have been called numerous times and anti-social behaviour has taken place. The residents did not want to be 'nimbys' and it was noted that the management plan may or may not reflect accurately what was going on inside the building.

Speaker

6. Angelique Glata spoke to the committee as the applicant and informed the councillors that the current management plan was from 2018 and the hotel was run in partnership with the council. The population of the hotel was not transient, and the dwelling was a long term home for the residents with six being there since 2018. The hotel had 200hrs of supported service and 40hrs of management service with security staff on site at all times. The speaker had visited neighbours and built relationships with them. The hotel has a strict policy on anti-social behaviour.

Questions for speaker

7. Councillor Miller was informed that the hotel has a nightly licence with staff commissioned by the council. The residents give a contribution of £10 per week.
8. The Planning Manager noted the hotel was outside the core hotel zone and that whilst the policies in City Plan Part Two have some weight, applications should not be assessed solely against them, in this case emerging policy on HMOs.

Questions for officers

9. Councillor Miller was informed by the case officer that large HMOs were sui generis .
10. Councillor Theobald was informed by the case officer that homeless people will continue to be housed at the site and each room has a bathroom. There are also separate toilets on the ground floor.

Debate

11. Councillor Shanks considered the residents were not homeless as they have accommodation at the site and the accommodation already exists so why should that not continue.. The councillor supported the application.
12. Councillor Ebel was glad that some neighbours had a positive view of the hotel. The councillor supported the application.
13. Councillor Miller considered that the residents had a right to a home. The councillor understood the concerns over tenancies and the management plan, the impact on

neighbours and occupiers and on balance the harm was considered to outweigh any good. The councillor did not support the application.

14. A vote was taken and out of the 9 Members present, the committee agreed by 7 to 2 to grant planning permission. (Councillor Henry did not take part in the decision making process).
15. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

G BH2020/03236 - Block C, 101-120 Kingsmere, London Road, Brighton

1. The Planning Manager introduced the application.

Speakers

2. Objection speech from Ms Eden read by Democratic Services officer:

I wish to voice my objection to the removal of Condition 5 from this application. There are currently 120 flats on the Kingsmere Estate and space for residents' parking (including garages) is already inadequate. Some residents are having to find parking in adjacent streets which is becoming increasingly difficult and is likely to become more so with the introduction of the Surrenden CPZ which will include the Council owned land/road at the front of Kingsmere. The Council has given prior approval to the construction of another 54 flats on the estate. I consider this to be an overdevelopment of an already crowded site. The provision of any additional parking space for the occupants of these new flats would lead to the destruction and unacceptable loss of most of the beautiful green space which residents have enjoyed for over 40 years and which is an irreplaceable and much valued amenity especially in the lockdown restrictions of the past year. I understand that the Council has agreed to remove Condition 5 on all the other blocks at Kingsmere but nevertheless I urge the Planning Committee to reject this application for C Block and reconsider doing the same for the entire estate.

3. Laura Bourke addressed the committee as the applicant's agent and stated that the condition appeared to have been attached to the planning permission in error. It was noted that a controlled parking zone (CPZ) was not in place in the area. Other blocks of flats in the location have had the condition removed. The condition should be relevant to the scheme and reasonable. The condition is not necessary please remove.

Questions to officers

4. Councillor Ebel was informed by the case officer that the decision could not wait for the CPZ to be introduced in the area and we have a duty to determine applications in a timely manner
5. A vote was taken and the committee agreed by a vote of 9 with one abstention that the application be granted.

6. **RESOVLED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** .planning permission subject to the conditions and informatives set out in the report.

H BH2020/03029 - St Johns, 2 Vicarage Lane, Rottingdean

1. The Planning Manager introduced the application.

Speakers

2. Clare Lakehurst spoke to the committee as an objector and stated that the council prides itself on democracy, however the officer's recommendation to grant planning permission is against the parish council and local opinion. It is noted that St Johns is two cottages, not three, as number one is a separate dwelling and number 5 is grade II listed. Please reject the application.
3. Paul Joyce spoke to the committee as agent for the applicant and noted that they had worked closely with planning officers. The application achieves national space standards and the materials will be in keeping with the location. The development will not be visible from the public domain. The existing annex is approved and lawful. The new dwelling will be a modest addition to the housing supply and an efficient use of the land. The committee are requested to permit the application.

Questions for speaker

4. Councillor Theobald was informed that the development would be connected to number 3 and the space standards were acceptable.

Questions for officers

5. Councillor Fishleigh was informed that the no site visits had taken place to this site , and that it was noted that number 5 was listed, however, it was not considered to be affected by the proposals.

Debate

6. Councillor Fishleigh stated they were shocked that no site visits had taken place. The councillor understood the housing targets needed to be met and many developers were coming to Rottingdean. It seemed to the councillor that sheds were being built then turned into houses. The councillor considered the structure to be too small and stated they were against the application.
7. Councillor Theobald stated that they were not keen on this development in a conservation area with listed buildings nearby and noted the parish council objection. The councillor did not support the application.
8. Councillor Miller considered the proposed dwelling may not work as it was too small and they were also concerned at the impact on the conservation area.

9. Councillor Childs noted the objections but did not see any good material reasons to refuse and supported the application.
10. A vote was taken and on a vote of 7 to 2, with one abstention the Committee agreed to grant the application.
11. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

I BH2020/03419 - Pavilion Theatre, 29 New Road, Brighton

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** Listed Building Consent subject to the Informatives in the report.

J BH2020/02590 - 8 Eileen Avenue, Saltdean

1. The Planning manager introduced the application.

Speakers

2. Mr Moore spoke as an objector and noted that 18 neighbours have objected, and the report had conflicting information regarding the flats in the development. It appears that noise has not been taken into consideration and this is not the view of the neighbours. There will be a substantial increase in traffic as a result of the proposal, as well as more bins and other associated items. It was considered that a site visit should have taken place as the scale of the development will have an impact on the community. Anna Rowe spoke as an objector and noted that they considered two drawings to be incorrect as the proposed extension will be 1m higher than the neighbouring property. The outside private patio to number 1 will be too close to neighbours. It is noted that residents object to the application as there will be more bins on the road and this will be anti-social.

Questions for speakers

3. Councillor Fishleigh was informed by Anna Rowe that the drawings should show the proposal closer to the neighbouring properties. It was noted that the proposed French doors will be close to the neighbour, allowing noise to reach the neighbours bedroom and to open onto the street. The proposed bin storage area will be too close to the road and the balcony for unit 1 will be at the front of the property.
4. Councillor Miller was informed that the neighbour's living room is on the first floor and will be adversely affected by the frosted glass windows on the eastern elevation.

5. The agent informed the committee that boundary hedges would be planted as well as around the bin store and the side windows are to be obscure glazed.

Questions for officers

6. Councillor Miller was informed that the side elevation windows will be obscure glazed and there are other front balconies in Saltdean. It was noted that the site had not been used for some years and the principal of flats amongst houses has been established in Saltdean.
7. Councillor Fishleigh was informed that no site visits had taken place to this site. It was noted that with regard to the drawings being incorrect, the case officer confirmed that sufficient information had been received to determine the application.

Debate

8. Councillor Henry considered they understood the neighbour's views however the mix of flats and houses was usual for other areas. The councillor was pleased to see the regeneration of the site and considered the mix of dwellings to be good. The councillor supported the application.
9. Councillor Childs considered the plan to be fine and the proposal was not an overdevelopment, and this was not the worst the councillor had seen. The councillor supported the application.
10. Councillor Miller noted the site had been empty a long time, however they noted the overlooking issues from balconies and windows and noted that there were no other front balconies on Eileen Avenue. The councillor considered that flats were usually near shops. The councillor did not support the application.
11. Councillor Fishleigh noted no site visit had taken place and considered that not to be good. The councillor considered two drawings to be incorrect as the neighbour's house had not been drawn correctly and the proposals were an overdevelopment of the site.
12. Councillor Theobald expressed concerns that a site visit had not taken place and noted that 18 neighbours had objected. The councillor considered the proposed flats to be overbearing and inappropriate in the road and not right for the area. The neighbours will be impacted. A family home would be more appropriate. The councillor did not support the application.
13. Councillor Shanks considered that the neighbours were currently next to an empty site and the development was a good use of that site. The councillor supported the site.
14. Councillor Yates recognised the neighbour's concerns; however, the councillors should vote on the proposal before the committee. The councillor supported the application.

15. Councillor Janio did not support the application.
16. Councillor Littman stated that site visits were not taking place during the pandemic lockdown and this was a service decision to protect officers and residents. The councillor did not consider it appropriate that committee members should call for change.
17. The Planning Manager reiterated that the plans for the site were correct and officers felt they had sufficient information and recommended the application for approval.
18. A vote was taken and, on a vote of 6 to 4 the Committee agreed to grant the application.
19. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

K BH2020/02285 - 7 Woodland Drive, Hove

1. The Planning Manager introduced the application.

Speakers

2. Frances Valdes spoke to the committee on behalf of neighbouring objectors and noted that the plans had already been refused and lost at appeal on the matter of plot size being too small. The speaker considered there were omissions and errors in the case officers report. The plot size is still the same and it was noted that an application had been dismissed in April 2020 by the case officer. The report omits the tree officer's objection and the on-site tree will not be protected. The extension will be too close to the neighbouring property on this sloping site. The proposed ground floor will be below street level, with the proposed steps to the rear allowing views into the neighbouring balcony and bedroom. The street consists of bungalows and the development will look incongruous in the garden of an existing dwelling. 13 objections were sent in April 2020 and 7 objections were submitted for this application.

Questions for speaker

3. Councillor Childs was informed that the speaker considered the proposals to be out of keeping with the area by way of scale, size, character and the building line of bungalows will be broken.

Speaker

4. Ward Councillor Vanessa Brown addressed the committee and stated they were disappointed that the application had been recommended for approval as the plot size is too small. The new development takes up too much of the plot with not enough outside amenity space. The proposals will overlook neighbouring properties. The development will have a detrimental impact on the existing cedar tree and the tree officer concerns

are noted. The detrimental impact of the development outweighs the benefits of a new house.

Speaker

5. Ian Coomber spoke to the committee as the applicant's agent and noted the report was detailed and the position was not the same as before. The cedar tree will be protected. The pitched roof has been altered to reduce the impact of the proposals and the plot size has been increased following previous applications. It was noted that an arboricultural method statement will be required by condition. The design fits in the context of the site and the Hove Park area, and is in keeping with other dwellings. The area should deliver homes, and this is a well-designed home by a local developer and builder.
6. The Planning Manager recommended an additional condition for land levels.

Questions for officers

7. Councillor Ebel was informed that the neighbour's garage would prevent overlooking to neighbours from the proposal.

Debate

8. Councillor Theobald stated they had visited the site and noted the site was small and the Cedar tree would be very close to the proposed scheme. The councillor noted the previous applications had been refused by officers and lost at appeal. The development will affect neighbouring bungalows and the proposals would be out of keeping. The scheme would leave the donating house with a very small garden and the proposals with very little external space. The councillor did not support the application.
9. Councillor Childs visited the site and noted the scale of development was out of keeping with the area and was considered to be an overdevelopment of the site. The councillor did not support the application.
10. Councillor Miller considered the plot to be too small and the application to be the same as before.
11. Councillor Yates considered the site to be too tight, with constraints on space the development was too much for the site.
12. Councillor Littman considered that back garden development can be acceptable, however, this site was too small, too close to neighbours and the scheme would threaten the cedar tree.
13. A vote was taken and the committee voted against the officer recommendation to approve by 8 with 2 abstentions.
14. Councillor Fishleigh proposed a motion to refuse the application on the grounds that the both donating plot and the proposed site would be too small with little amenity space. The property would be out of keeping with the surrounding bungalows and the works

would be detrimental to the existing cedar tree. The motion was seconded by Councillor Miller. The councillors agreed that the final wording would be agreed by the Planning Manager in consultation with them.

15. A vote was taken and the committee voted to refuse the application unanimously.

16. **RESOLVED:** That the application be **REFUSED** for the reasons set out by Councillor Fishleigh with authority delegated to the Planning Manager to agree the final wording of the reasons for refusal in consultation with the Proposer and Seconder.

L BH2020/03247 - Norfolk Square Gardens, Norfolk Square, Brighton

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

M BH2020/03446 - 63 Newick Road, Brighton

1. The application was withdrawn by the applicant following the publication of the agenda.

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

103.1 In line with current Central Government guidance in relation to the Covid 19 pandemic, no formal site visits been arranged.

104 BRIGHTON MARINA OUTER HARBOUR DEVELOPMENT – APPEALED APPLICATION BH2019/00964REPORT

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

Questions for officers

2. Councillor Miller was informed by Carl Griffiths, the case officer, that the 26% of affordable housing was a blended total which enables works to be in Phase Two of the development. £6.5m is set aside for affordable housing and will be released by the revenue mechanism and this protects the council position. Jeffrey Solomon, the Council's consultant from the DVS, noted that social rent units form 1% of the affordable housing and the £6.5m replaces the blended total.
3. The Senior Solicitor informed the members that should Phase 3 of the development not come to fruition a percentage of the £6.5m should be paid as a commuted sum.

4. Councillor Fishleigh was informed by Carl Griffiths that the reasons for refusal have been addressed and overcome in the report. It was also noted that there was no s106 'pot' for local ward councillors.
5. The Planning Manager noted that the introduction of the community infrastructure Levy (CIL) had changed s106 requirements and that this was the basis for reason for refusal 2..
6. Councillor Childs was informed by Carl Griffiths that £6.5m was in the costings from the beginning and this was in addition to CIL.
7. The Senior Solicitor advised that officers considered there was no reason to doubt the district valuer service's (DVS) professional advice..
8. Councillor Miller was informed by Carl Griffiths that Phase Three of the development would have 12.5% affordable housing in addition to the £6.5m.
9. A vote was taken and the committee voted by 7 to 1 that the recommendation in the report is agreed, with two abstentions.

10. RESOLVED: That the Committee agrees that the following putative reasons for refusal shall not be pursued by the Council in relation to appealed application ref. BH2019/00964:

2) Insufficient information has been submitted to justify why a non-policy compliant level of affordable housing being provided as part of the proposal, contrary to Policy CP20 of City Plan Part One.

5) The development by virtue of the inadequate levels of cycle parking within Phase 2 and the lack of dedicated accessibility for cyclists across the breakwater would fail to promote safe, sustainable modes of transport, contrary to Policies DA2 and CP9 of City Plan Part 1, Saved Policies TR7 and TR14 of the Brighton & Hove Local Plan, SPD14: Parking Standards, and paragraphs 108 and 110 of the National Planning Policy Framework.

105 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

106 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 106.1 The Planning Manager informed the committee that the appeal for BH2019/00586: 57 Regency Square, Brighton has been withdrawn.

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

107 APPEAL DECISIONS

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

The meeting concluded at 8.27pm

Signed

Chair

Dated this

day of

ITEM A

BHCC Household Waste Recycling Site BH2020/03516 Removal or Variation of Condition

DATE OF COMMITTEE: 10th March 2021

BH2020/03516 BHCC Household Waste Recycling Site, Modbury Way Hove BN3 7DU



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/03516	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	BHCC Household Waste Recycling Site, Modbury Way, Hove BN3 7DU		
<u>Proposal:</u>	Variation of conditions 5, 6, 7, 14 and 21 of application BH2016/01592 (Application for variation of condition 3 of application BH2015/00180 to allow the transfer facility to accept street cleansing waste, waste from communal bin operations, cardboard, green garden waste from Brighton & Hove City Council collections, re-usable, recyclable, recoverable and residual waste arising from Household Waste Recycling Sites, commercial recyclable waste and commercial residual waste for energy recovery or landfill. (Retrospective)) to allow change of hours and where materials are stored.		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	30.11.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	01.03.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Veolia ES (UK) Ltd	Springfield Farm Quarry	Broad Lane
	Beaconsfield HP9 1XD		
<u>Applicant:</u>	Veolia ES (South Downs) Ltd 210 Pentonville Road London N1 9JY		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Block Plan	VES_TD_LEIGH_100_000		30 November 2020
Location Plan	VES_TD_LEIGH_100_002		30 November 2020
Report/Statement	Planning Statement		30 November 2020
Other	Cover Letter		30 November 2020

2. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification) no fixed plant or machinery, building, or structure shall be erected, installed or replaced within the site without the prior approval in writing by the Local Planning Authority.

Reason: Due to the proximity of the proposed development to residential property there is an exceptional need to secure control over additional plant and machinery in the interests of protecting residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.

3. The premises shall be used for no other purpose than as a Household Waste Recycling Site and transfer facility for household waste, commercial waste, street cleansing waste (including fly tipped waste and bulky waste collections), communal bin operations, cardboard and green waste, and on occasions when the Hollingdean MRF or WTS facility are unavailable or where there are other exceptional operational conditions the site shall also be used as a transfer facility for kerbside collected waste, including recyclables (not to exceed 20 days per year, except where agreed in writing by the Local Planning Authority).

Reason: Due to the proximity of residential properties there is a need to secure control over additional activities on the site in the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

4. The premises shall be not be open to and in use by the public except between the hours of 0800-1630 hrs on Monday to Fridays, 0830-1330 hrs on Saturdays and 1030-1330 hrs on Sundays and not at any time on Bank Holidays.

Reason: To safeguard residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.

5. Containers receiving waste shall not be emptied on site or collected except between the hours of 0700-1700 hrs Monday to Friday and 0800-1300 hrs on Saturdays and not at any time on Sundays or Bank holidays.

Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

6. Other than street cleansing, no HGVs shall enter/exit the site except between the hours of 0700-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank Holidays.

Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

7. Mechanical shovels, loaders and other plant shall only be used between 0700-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank or Public Holidays.

Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste

and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

8. No plant/vehicles required for the operation of facilities shall be used on the site unless fitted with silencers maintained in accordance with manufacturer's recommendations and specification.
Reason: To safeguard residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.
9. The tonnage of waste accepted by the civic amenity facility shall not exceed 25,000 tonnes per annum.
Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
10. HGV parking shall be restricted to the area hatched in blue as shown on drawing LEIG/04/001/B received on the 13th January 2009 which shows HGV parking along the eastern side of the waste transfer hall. Any HGV will be either empty or contain dry recyclables only.
Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, policy CP9 of the Brighton & Hove City Plan Part One and policies QD27 and SU10 of the Brighton & Hove Local Plan.
11. The transfer station loading plant shall be fitted with of a low level reversing safety alarm. Prior to their installation, details of the safety reversing devices shall be submitted to and agreed in writing with the Local Planning Authority and thereafter retained.
Reason: To prevent noise breakout and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.
12. The localised acoustic screen within the central area of the car park shall be retained on site as approved, throughout the operation of the Household Waste Recycling Site.
Reason: In order to protect adjoining residential properties from noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.
13. The 'push wall' along the western facade of the waste transfer building shall be independent from the external building fabric.
Reason: To minimise impact noise breakout and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.
14. All metal recycling/collection containers shall be sited on the eastern elevation of the centrally positioned acoustic screen.
Reason: To minimise noise and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton and Hove Local Plan.

15. The shutters and pedestrian doors on the southern elevation of the waste transfer building shall remain closed at all times other than of exit and access and shall be fitted with an automatic closing device.
Reason: To minimise noise and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton and Hove Local Plan.
16. The 7m high building on the western boundary of the site shall not be used for the siting of waste collection containers.
Reason: To minimise noise and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton and Hove Local Plan.
17. No materials shall be burnt on site.
Reason: To safeguard residential amenity and in accordance with policy QD27 of the Brighton and Hove Local Plan.
18. Prior to the use of the additional areas for sales of recycled materials outside of the designated area, a plan shall be submitted indicating the location of the proposed areas to the Local Planning Authority for approval in writing. The plan as approved shall be implemented in accordance with the agreed details.
Reason: To secure control over activity occurring on the site and in the interests of protecting residential amenity in accordance with polices WMP6 and WLP35 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policy QD27 of the Brighton & Hove Local Plan.
19. Metal items delivered by the public can be placed on the ground prior to loading into waste containers on a permanent basis. No other waste material shall be tipped onto the ground outside of the waste transfer building for storage purposes, sorting or loading into skips.
Reason: To secure control over activity on the site in order to safeguard residential amenity and to prevent ground water pollution in accordance in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies SU9 and QD27 of the Brighton & Hove Local Plan.
20. No mechanical crushing or screening of stone, concrete, bricks, planings, asphalt or hardcore shall take place on the application site.
Reason: To safeguard residential amenity and in accordance with policy QD27 of the Brighton and Hove Local Plan.
21. The waste containers shall be positioned as shown on drawing VES_TD_LEIGH_100_000, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To control the level of activity on the site and in accordance with policies WMP6 and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan policies SU9 and QD27 of the Brighton & Hove Local Plan.
22. The acoustic fencing positioned along the south western corner of the site shall be retained on site.

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

Informatives:

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

2. SITE LOCATION

- 2.1. The Hove Household Waste Recycling Site is approximately 2.0 ha with a floor area of 2800m². The site is accessed from the south side of Old Shoreham Road between No.198 and the Curry's Retail Warehouse (Nos 184-185) via a long access road. To the north are industrial buildings, to the east is the Hove Technology Centre. The west flank of the site is backed on by residential dwellings with gardens in Aldrington Avenue. At the southern end of the site is a large shed where domestic refuse and the recyclable material is collected and sorted.

3. RELEVANT HISTORY

- 3.1. **BH2016/01592** Application for variation of condition 3 of application BH2015/00180 to allow the transfer facility to accept street cleansing waste, waste from communal bin operations, cardboard, green garden waste from Brighton & Hove City Council collections, re-usable, recyclable, recoverable and residual waste arising from Household Waste Recycling Sites, commercial recyclable waste and commercial residual waste for energy recovery or landfill. (Retrospective). Approved 14/09/2016.
- 3.2. **BH2015/00180** Application for variation of condition 3 of application BH2010/03611 to allow the importation and transfer of commercial waste through the transfer station at the site. Approved 01/05/2015
- 3.3. **BH2010/03611** Application for variation of condition 1 of permission BH2008/03960 to allow the additional use of the waste management site as a transfer facility for cardboard and green waste recycling. Approved 04/03/2011
- 3.4. **BH2008/03960** - Application for the variation of the following conditions attached to planning permission BH1997/00778/FP:
 1. Condition 3 amended to allow the use of the waste transfer building for general household waste and the receipt of dry recyclables.
 2. Condition 5 amended to allow extended hours of operation, from 0800-1700 hrs Monday to Friday and 0800-1300 hrs on Saturdays.
 3. Condition 6 amended to permit the use of HGVs for operational purposes (other than street cleansing) from 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays.

4. Condition 7 amended to enable use of mechanical shovels and loaders between 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays.
 5. Condition 10 amended to allow the site to accept 25,000 tonnes per annum.
 6. Condition 11 amended to allow HGV parking along the eastern side of the waste transfer hall.
 7. Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant.
 8. Condition 27 amend the wording of this condition, which restricts sale of recycled materials to a designated area, by the addition of the phrase "except where agreed in writing by the Waste Planning Authority".
 9. Condition 28 amended to allow the placement on the ground of metal items delivered by the public, prior to loading into waste containers on a permanent basis.
 10. Condition 30 amended to permit the positioning of waste containers in the approved designated areas (drawing LEIG/04/001/C) except where otherwise agreed in writing with the Local Planning Authority.
 11. Condition 35 amended to permit the development to be carried out in accordance with the approved plans, or where otherwise agreed in writing by the Local Planning Authority. Approved 20/04/2009
- 3.5. **BH2006/03620** Renewal of temporary planning permission BH2004/02838/FP to allow continued interim recycling and transfer activities until 31 December 2008. Approved 15/12/2006
- 3.6. **BH2004/02838/FP** Temporary variation of conditions attached to planning permission BH1997/00778/FP to facilitate the provision of interim facilities for municipal waste recycling & transfer comprising:
1. Condition 3 amended to permit the transfer of collected household waste and the receipt of dry recyclables.
 2. Condition 5 amended to allow extended hours of operation, from 0800 - 1800 Monday - Friday and 0800 -1300 on Saturdays.
 3. Condition 6 amended to permit the use of HGVs for operational purposes (other than street cleansing) from 0730-1800 Monday to Friday and 0800 -1300 on Saturdays.
 4. Condition 7 amended to enable use of plant from 0730-1800 Monday to Friday and from 0800 - 1300 on Saturdays and Sundays.
 5. Condition 10 amended to allow an increase in tonnage restriction to 40,000 tonnes per annum.
 6. Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant.
 7. Condition 28 amended to allow the placement on the ground of metal items delivered by the public, prior to loading into waste containers.
 8. Condition 30 amended to permit the positioning of waste containers in the approved designated area (drawing AL-100G) except where otherwise agreed in writing with the Local Planning Authority.
 9. Condition 35 amended to permit the development to be carried out with the approved plans, or where otherwise agreed in writing by the Local Planning Authority. Approved 01/12/2004

BH1997/00778/FP - Demolition of existing buildings and the erection of new civic amenity facility incorporating waste transfer, recycling and associated works. Approved 26/09/97

4. APPLICATION DESCRIPTION

4.1. The application seeks variation of a number of conditions to change the operating hours to allow the site to be serviced from 7.00am instead of 8.00am Monday to Friday. Conditions 5, 6, & 7 of Planning Permission BH2016/01592 therefore require varying. There would be no change to the public opening hours of the facility.

Condition 5 states:

4.2. Containers receiving waste shall not be emptied on site or collected except between the hours of 0800-1700 hrs Monday to Friday and 0800-1300 hrs on Saturdays and not at any time on Sundays or Bank holidays.

Condition 6 states:

4.3. Other than street cleansing, no HGVs shall be used for operational purposes except between the hours of 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank Holidays.

Condition 7 states:

4.4. Mechanical shovels and loaders shall only be used between 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank or Public Holidays.

4.5. The application is also seeking changes to where different recycling materials must be placed. Conditions 14 and 21 of Planning Permission BH2016/01592 therefore require varying.

Condition 14 States:

4.6. All glass, hardcore, asbestos, metal and paper recycling/collection containers shall be sited on the eastern elevation of the centrally positioned acoustic screen.

Condition 21 states:

4.7. The waste containers shall be positioned as shown on drawing LEIG/04/001/C, unless otherwise agreed in writing with the Local Planning Authority.

4.8. It should be noted that application BH2016/01592 as originally submitted included the proposed the importation of source separated food waste. As a result of concerns raised by residents and the Environmental Health Team regarding possible odour impacts the food waste element of the proposal was omitted.

4.9. A number of representations have been received on the current application, raising concerns about the transfer of food waste onto the site. This current

application does not seek to introduce this type of waste onto the site. It solely relates to the operational hours of the site and current storage arrangements.

5. REPRESENTATIONS

- 5.1. Twenty (20) letters have been received objecting the proposed development for the following reasons:
- Vermin
 - Increase in smells and air pollution from the communal bin storage
 - Health and safety
 - Increase in noise and disturbance from the additional open hours
 - Increase in traffic
 - Decrease in property value

6. CONSULTATIONS

- 6.1. **Environmental Health:** Comment
The Environmental Protection department of Brighton & Hove City Council have received no noise complaints with regards to the site for at least the past 4 years. This indicates the conclusions in the original noise assessments were correct. No objections on the grounds of additional noise.
- 6.2. **Southern Water:** No objection
- 6.3. **Sustainable Transport:** No objection
The changes to opening hours will allow containers to be emptied/exchanged before the site opens to the public. This in turn means that site will not need to be closed to the public during the day for this activity and therefore will reduce queuing on the highway network during these hours. The number of traffic movements are not proposed to change, the change of hours will allow the redistribution of traffic flows and improve the operational efficiency of the site. Therefore, we have no objection.
- 6.4. Condition 14 and 21 relate to where waste containers will be positioned. The revised arrangement of waste containers would not have a highways impact.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);

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

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM20	Protection of Amenity - significant weight
DM33	Safe, Sustainable and Active Travel - significant weight
DM40	Protection of the Environment and Health - Pollution and Nuisance - significant weight

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport

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

TR7	Safe Development
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD27	Protection of amenity

Supplementary Planning Documents:

SPD14	Parking Standards
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9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the facilitation of sustainable waste management, impact on the amenity of neighbouring residents and impact on sustainable transport.

Principle of the Development:

- 9.2. The principle of the use of the site for waste management purposes has been long established, and appropriate mitigation measures put in place such as limiting the hours of operation, the type of waste that can be managed on the site, and requiring acoustic fencing.
- 9.3. The stated reason for the change in hours is to allow containers to be emptied/exchanged before the site opens to the public. This means the site will not need to close to the public for 20-30 minutes each time during the day for this activity. There often is a queue of cars into the site, especially at peak times, of up to one hour in duration on the Old Shoreham Road, which in turn impacts on Modbury Way, the access road to the site. The proposed variation would facilitate an easing of this traffic while also aiding the operational efficiency at the site. The applicant has stated that it is likely that the emptying of the containers will only be required three times per week based on current waste flows although operationally it would not be possible to be specific as to which days. There are no proposed changes to any weekend restrictions, or to the hours that the site opens to the public.
- 9.4. The current storage layout of the site shows six specific areas on site where different types of waste can be stored. Condition 14 has been carried over from all planning permissions since 1997 (where it was condition 21 of planning permission BH1997/00778/FP). The original reason for the location of certain waste materials on site was to ' minimise noise and disturbance to adjoining properties '.
- 9.5. Veolia now requires the flexibility across the site to store waste types in different areas. It is stated that this is a historic requirement which does not reflect the way the site currently operates or the absence of noise complaints in recent years.
- 9.6. The current condition stipulates:
- Area A - (Northern boundary of the site)
Gas bottles, textiles, bonded asbestos, tyres, chemicals cooking oil, oil.
 - Area B - (Western boundary of the site)
Charity re-use, fridges, TVs, small electronics, batteries.
 - Area C - (Central/West part of the site)
Paper, cardboard, plastic bottles, green waste.
 - Area D - (Central/south part of the site)
Metals, large electronic waste
 - Area E - (Central/North part of the site)
Wood/timber, MDF/chipboard, hard core, soil.
 - Area F - Central/Eastern part of the site)
Bottle bank.

- 9.7. It is proposed to move some of these materials (glass, hardcore, asbestos and paper) to the western half of the site (Areas B and C on the approved plan), with metal to stay where it is in the centre. The applicant has stated that this change has partly been implemented already due to the Covid 19 restrictions currently in place, which means that the staff parking area has been relocated to areas E and F to allow for cars to queue between areas A and E.
- 9.8. In addition to the central acoustic fence (as approved under condition 20 of Planning permission BH1997/00778/FP in 2004), a second 35m long acoustic fence was installed as part of condition 12 of planning permission BH2008/03960 in 2009. This fence provides extra noise attenuation, in addition to the building running along the western edge of the site.
- 9.9. It is considered that in principle these amendments are acceptable, and maintain the site's use as an established household waste recycling facility, while improving efficiency in waste management and the City's recycling operations, which would accord with the overall objectives of City Plan Part One and the diversion of waste from landfill. However, this is subject to demonstrating that there would be no adverse amenity or environmental impacts.

Impact on Amenity:

- 9.10. The main concerns raised by neighbouring occupants relate to an increase in noise and odours at the site. As confirmed above, the application does not now propose introducing household food waste onto the site, and the proposed relocation of waste groups are not types of waste that would result in any additional odours.
- 9.11. There are existing measures in place to minimise noise impacts for residents to the west of the site, including an acoustic fence and large building to enclose operations, both of which would ensure noise impacts are maintained at an acceptable level. While the glass bin would be relocated closer to the western part of the site, it would be better enclosed than is currently the case, helping to reduce noise emissions.
- 9.12. The Environmental Health Officer has confirmed that there have been no complaints regarding noise or odour for over 4 years, including in the past months when the site has operated with the revised layout in response to Covid conditions. The Environmental Health Officer has examined the Planning Support Statement submitted with the application and does not raise any objections to the proposed changes. Whilst there could be some additional noise from the emptying of the storage units, earlier than the currently permitted 8.00am, it is not considered that it would result in significant harm, particularly given the site's location between Old Shoreham Road and the railway corridor, within an industrial area, with the existing background noise associated with these. The recycling site would remain closed to the public at this time and therefore the increase in activity should be minimal.

Sustainable Transport:

- 9.13. The proposed changes to the hours of operation will mean that the site will not need to be closed to the public during the day and therefore will reduce queuing

on the highway network during these hours. The number of traffic movements are not proposed to change, the change of hours will allow the redistribution of traffic flows and improve the operational efficiency of the site.

- 9.14. The changes to material storage on the site would have no highway impacts.

Conclusion:

- 9.15. The variation of conditions to allow the change of operational hours and storage arrangements make a modest change to the overall operations at the site. The facility would still be operating well within all the other limits imposed by the existing permission and that there would not be any significant harm caused to residents arising from these amendments.

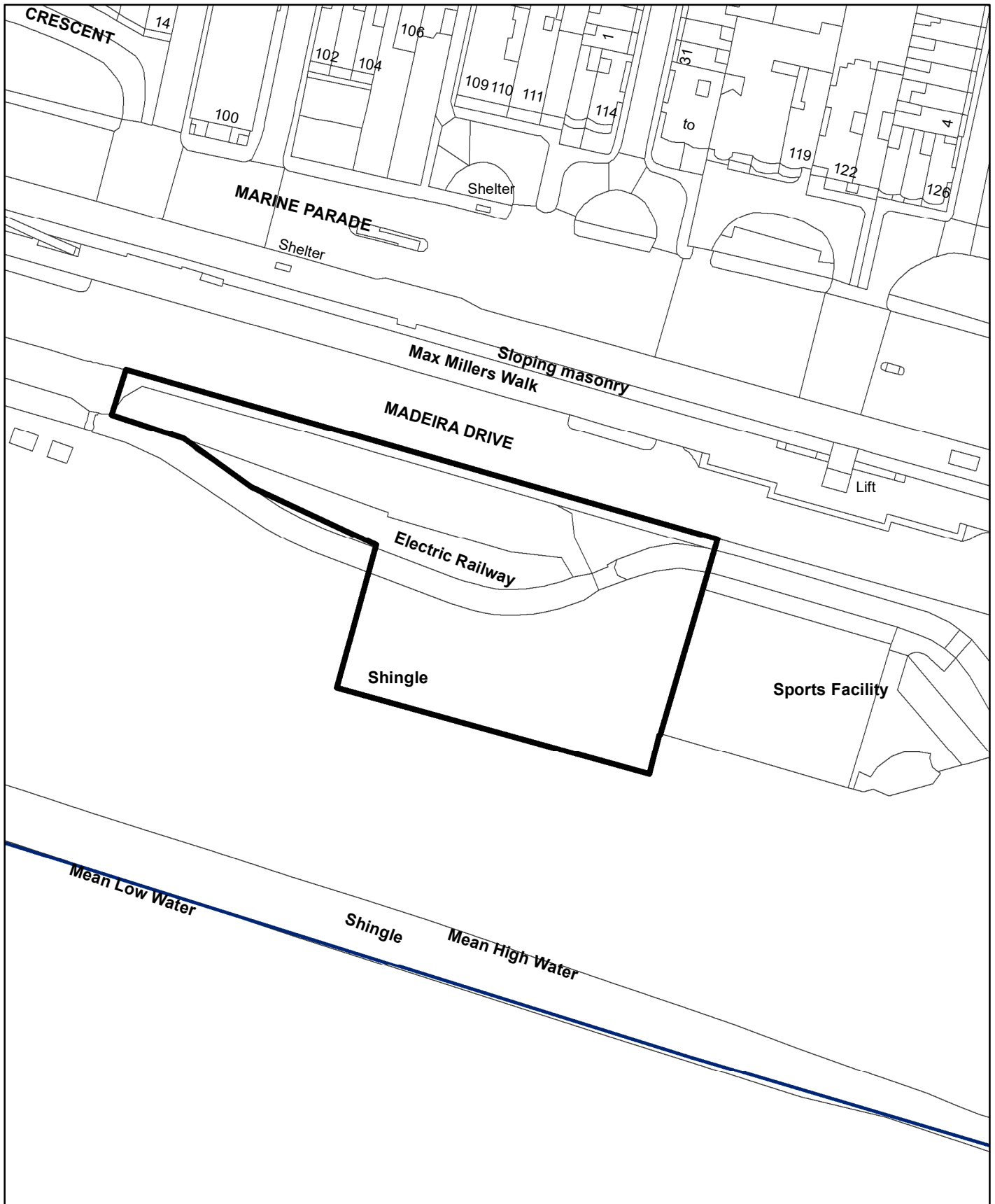
- 10. EQUALITIES**
None identified.

ITEM B

**Former Peter Pan's Playground Site
BH2020/01018
Removal or Variation of Condition**

DATE OF COMMITTEE: 10th March 2021

BH2020 01018 - Former Peter Pan's Playground Site



Scale: 1:1,250

<u>No:</u>	BH2020/01018	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Former Peter Pan's Playground Site, Madeira Drive, Brighton BN2 1EN		
<u>Proposal:</u>	Application for variation of conditions 1, 3 and 23 of BH2019/00293 (as amended by BH2019/03686) to allow amendments to approved drawings to include reduced number of modular building units (from 107 to 74), increased overall floorspace (from 1372sqm to 1421sqm), enlarged swimming pool (from 25m x 12m to 50m x 12m) and to allow permanent consent for swimming pool and 10 year temporary consent for modular buildings (from previous 5 year temporary consent for whole scheme).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	07.04.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	02.06.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD United Kingdom		
<u>Applicant:</u>	Sea Lanes Brighton Ltd The Suite 1 Cedar Chase Cross Lane Findon BN14 0US		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	0018		22 June 2020
Proposed Drawing	0017		22 June 2020
Proposed Drawing	0016		22 June 2020
Proposed Drawing	0015		22 June 2020
Proposed Drawing	0014		22 June 2020
Proposed Drawing	0013		22 June 2020
Proposed Drawing	0006	B	22 June 2020
Proposed Drawing	0007	B	22 June 2020
Proposed Drawing	0008	B	22 June 2020
Proposed Drawing	0009	B	22 June 2020
Proposed Drawing	0011	A	7 April 2020
Proposed Drawing	0012	A	7 April 2020
Proposed Drawing	0005	A	7 April 2020

Proposed Drawing	0010	A	7 April 2020
Proposed Drawing	0003	A	7 April 2020
Proposed Drawing	0004	A	7 April 2020
Location Plan	0001		2 February 2019
Location and block plan	0002		2 February 2019

2. The development hereby permitted shall be commenced before 16 August 2022.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The modular building units hereby permitted shall be removed within 10 years from the date of the A1/A3/A4/A5/D2/B1 uses north of Volks Railway line first being brought into use or by 1st April 2032, whichever is the sooner, and shingle shall be replaced on the beach where the pool and flattened to match the surrounding beach.
Reason: The structures hereby approved are not considered suitable as a permanent form of development as their scale, height, siting, site coverage/density, design, colours and materials cause harm to the special historic character and appearance of the East Cliff Conservation Area and the setting of adjacent listed Madeira Terraces, Shelter Hall and Lift, to comply with policies SR18, HE3 and HE6 of the Brighton and Hove Local Plan and policies CP12, CP15 and SA1 of the Brighton and Hove City Plan Part One. Temporary permission has been granted exceptionally as at this particular time it is considered the public benefits of instigating regeneration of the area would outweigh the harm caused. Permanent permission is not considered appropriate because this area of the seafront is identified in the long term for comprehensive coordinated regeneration with permanent development which is sympathetic to its special setting, and to ensure the development does not prejudice the emerging plans for restoration and viability of the Madeira Terraces.

4. Within 12 months of the A1/A3/A4/A5/D2/B1 uses north of Volks Railway line hereby permitted first being brought into use the outdoor pool and associated ancillary facilities and retractable beach mat shall be implemented and completed ready for first use or alternatively the pool shall be implemented and ready for use by 1st April 2022.
Reason: To ensure the sports/leisure attraction element of the scheme is delivered to accord with policy SA1 of the Brighton and Hove City Plan Part One which primarily seeks to secure family and leisure based activities in this location, and in the interests of preserving the visual amenities of the area as the A1/A3/A4/A5/D2/B1 uses hereby permitted have only been justified as enabling development to support the viability of the leisure/sports attraction, to comply with policies SR18, HE3 and HE6 of the Brighton and Hove Local Plan and CP12, CP15 and CP17 of the Brighton and Hove City Plan Part One.

5. 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 commitment to adopt and implement the Considerate Contractor Scheme (or equivalent at the time of submission)
- (iv) A commitment to ensure that all road hauliers and demolition/construction vehicle operators are accredited to Bronze standard (or greater) of the Freight Operator Recognition Scheme
- (v) A scheme of how the contractors will liaise with local residents, businesses, elected members and public transport operators to ensure that they are all 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)
- (vi) A scheme of how the contractors will minimise, record and respond to complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, idling vehicles, parking by staff and contractors and deliveries to and from the site
- (vii) Details of hours of construction and deliveries to site, including all associated vehicular movements
- (viii) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this, including those by pedestrians and cyclists, and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles.
- (ix) A plan showing construction traffic routes.
- (x) Details of measures to facilitate sustainable travel to site by staff and contractors.
- (xi) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme can be informed by parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted at intervals over a 16 hour period on two neutral weekdays and one Saturday. Survey areas, dates and times shall be agreed in advance with the Council.
- (xii) A scheme to minimise the impact, within Brighton & Hove, of demolition and construction traffic on Air Quality Management Areas and areas that currently experience, or are at risk, noise exceeding World Health Organisation lower limits.

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

Reason: As this matter is fundamental to the protection of amenity and highway safety throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton and Hove Local Plan, policy CP8 of the Brighton and Hove City Plan Part One.

- 6. The B1 office use floorspace within the development hereby permitted shall not exceed 300sqm in total and no one A4 bar use unit shall exceed a total of 150sqm

(unless alcohol is ancillary to food served at the premises or there is service to seated customers taking meals on the premises).

Reason: To ensure no one use dominates in the interests of securing a mix of vibrant and active uses that complement the seafront location and help draw visitors to the area, and in the interests of crime prevention and preventing anti-social behaviour, to comply with policies SR12 and SR18 of the Brighton and Hove Local Plan and SA1, CP5, CP12 and CP13 of the Brighton and Hove City Plan Part One.

7. No development (excluding excavation) shall take place until details (and samples where necessary) 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) All brick, stone, concrete, render, modular building wrapping and roofing material (including details of the colour of modular building wrapping/render/paintwork to be used and evidence of robustness against weathering)
 - b) All cladding to be used, including details of their treatment to protect against weathering
 - c) All hard surfacing materials including for landscaping and means of enclosure
 - d) All the proposed window, door and balustrade/railing treatments
 - e) The colour and type of pool lining to be used
 - f) All other materials to be used externally

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and HE3 and HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

8. The outdoor pool hereby permitted shall not be first brought into use until details of the retractable beach mat from the pool to the sea across the beach has been submitted to and approved in writing by the LPA. The agreed mat shall be installed ready for use before the pool is first brought into use.

Reason: To ensure the scheme delivers accessibility benefits to the seafront, to comply with policy SR18 of the Brighton and Hove Local Plan and SA1 of the Brighton and Hove City Plan Part One.

9. The development hereby approved (excluding outdoor pool and associated ancillary facilities) shall not be open to customers except between the hours of 07.00 hours and 23.00 hours daily. The outdoor pool shall not be open except between the hours of 06.00 hours and 22.00 hours daily.

Reason: To safeguard the amenities of nearby residents and occupiers and the amenity of the general locality and in the interests of crime prevention to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton and Hove City Plan Part One.

10. No odour control/extraction/ventilation equipment shall be installed within the development until details have first been submitted to and approved in writing by the Local Planning Authority. This shall include details of sound insulation of the equipment. The unit(s) to which the equipment is to be fitted shall not be first brought into use until all the measures agreed have been implemented and they shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of nearby properties and the amenity of the general seafront locality and the visual amenity of the area to comply with policies QD27, SU9, SU10 and HE3 and HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

11. No plant and machinery shall first be brought into use until details of their appearance and location and a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and the visual amenities of the locality to comply with policies HE3, HE6, SU10 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

12. No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.

Reason: To safeguard the amenities of the occupiers of nearby properties and the general locality to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

13. The development hereby permitted shall not be first brought into use until details of external lighting (and any internal lighting of place marker units) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Location, design and visual appearance
- Hours of operation
- Luminance levels
- Evidence that the lighting has been selected and designed to minimise light spillage and pollution and avoid dazzle or distraction to drivers on nearby highways
- Evidence that landscaping/screening measures have been incorporated to screen illuminated areas in environmentally sensitive areas as applicable
- Evidence that lighting designs have reference to both horizontal and vertical illuminance to account for the varied sensitive receptors around the site.
- Independent evidence from a Competent Person to demonstrate the lighting installation complies with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011), or similar guidance recognised by the council

The lighting shall be installed in accordance with the approved details before first occupation of each respective phase and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and the character and appearance of the general locality and to comply with policies QD25, QD27, HE3 and HE6 of the Brighton and Hove Local Plan and Cp15 of the Brighton and Hove City Plan Part One.

14. Notwithstanding the layout of the scheme as shown on the drawings hereby permitted, no development shall be first occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, a drawing of how deliveries will take place, and the timing and frequency of deliveries for each respective phase shall be submitted to and approved in writing by the Local Planning Authority. The layout shall be amended as approved before the development is first brought into use and all deliveries shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and highway safety, in accordance with policy TR7 of the Brighton & Hove Local Plan.
15. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
16. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of each phase 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
17. The development hereby permitted shall be first occupied until a Crime Prevention Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of each respective phase.
Reason: In the interests of crime prevention in this relatively isolated seafront location, to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.
18. The development hereby permitted shall not be commenced 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 in each phase.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

19. No development shall take place until a Drainage Strategy detailing the proposed means of foul and surface 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 (Southern Water). The development of each phase shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

(a) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

(b) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies HE12 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

20. The approved development shall provide an outdoor swimming pool with dimensions measuring no more than 50m x 12.5m.

Reason: The Local Planning Authority considers that additional site coverage could cause detriment to the special historic character and appearance of the East Cliff Conservation Area and the setting of adjacent listed structures, and for this reason would wish to control any future development to comply with HE3 and HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

21. No development (excluding excavation) shall take place of each respective phase until a maintenance plan of the 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. The maintenance plan shall indicate how and when the external surfaces of the development shall be maintained, upgraded or replaced during the temporary period of development.

Reason: To ensure a satisfactory appearance to the development and HE3 and HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that a licence from the council (as landowner) will be required in order to carry out work on the beach outside the site for ecological

mitigation as per the associated S106 Obligations secured as part of this permission.

3. The applicant is advised that having a planning application in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the Council's Environmental Health department receive a complaint, they are required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring.
4. Any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The applicant is advised that the site is located in a cumulative impact area and an applicant would have to have extra regard to presumption of a refusal for additional licences within the area.
5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
6. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
7. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

2. SITE LOCATION

- 2.1. The site is owned by the council and is part of the former Peter Pan amusement site between Madeira Drive and the Volks Railway, just west of the Yellowwave volleyball facility. The site comprises an area of hardstanding and shingle north of the Volks Railway and also part of the beach to the south of the railway. It has had several temporary uses.
- 2.2. The site lies in the East Cliff Conservation Area and within the setting of the listed Madeira Terraces, Lift and associated buildings which have recently been upgraded to Grade II*, with the route of the historic Volks Electric Railway partly running

around it. The site is also located adjacent to the Volks Railway Site of Nature Conservation Interest (SNCI).

- 2.3. It was formerly cleared land with basic barriers/boundary treatment against the public highway and Volks railway route, beyond which the land is open beach. Recently the site has been in use with temporary structures as an interim exercise awaiting development of a permanent use.

3. RELEVANT HISTORY

- 3.1. **BH2019/03695** Retention of temporary buildings and erection of new temporary buildings to provide yoga and wellness studio, saunas, endless swimming pool and studio and changing rooms (D2 use), pop up beach bar (A4 use) and associated storage, plant and fencing, and use of land for general leisure/therapy use and pop-up events (D2/D1 uses) for a temporary period. (Extension of time period until 31 October 2021) - Approved 16/10/2020
- 3.2. **BH2019/03686** Non-Material Amendment to BH2019/00293 to amend the description to 'Temporary Planning Permission for erection of outdoor swimming pool and changing/plant rooms (D2 use), flexible events space (D2 use) and 1-2 storey relocatable modular buildings with first floor deck to provide mixed leisure/retail/food/drink/office uses (D2/A1/A3/A4/A5/B1 uses) with associated cycle parking, refuse storage, landscaping, boundary treatment and retractable beach mat' - 05/02/2020
- 3.3. **BH2019/00293** Erection of outdoor swimming pool (25m x 12.5m) and changing/plant rooms (D2 use), flexible events space (D2 use) and 1-2 storey relocatable modular buildings with first floor deck to provide mixed leisure/retail/food/drink/office uses (D2/A1/A3/A4/A5/B1 uses) with associated cycle parking, refuse storage, landscaping, boundary treatment and retractable beach mat. Temporary (meanwhile use) for 5 years - Approved 16/08/2019
- 3.4. **BH2018/02281** Erection of temporary buildings including first floor terrace to provide swimming training facility, sauna and changing facilities (D2 use), marketing suite/office (B1 use) and associated storage, plant and fencing, and use of land for general leisure/therapy use and pop-up events (D2/D1 uses) for temporary period of 12 months (Part retrospective) - Approved 31/01/2019
- 3.5. **BH2018/01973** (site included part of beach south of Peter Pan) Erection of outdoor swimming pool (25m x 12.5m) and changing/plant rooms (D2 use), flexible events space (D2 use) and 1-3 storey relocatable modular buildings with first floor deck to provide mixed leisure/retail/food/drink/office uses (D2/A1/A3/A4/A5/B1 uses) including second floor place markers and lifeguard observation unit, with associated cycle parking, refuse storage, landscaping, boundary treatment and retractable beach mat. Temporary (meanwhile use) for 5 years. Refused 19/12/18 - on grounds of adverse impact to ecology, siting on beach and harm to heritage setting.

- 3.6. **BH2016/01405** Erection of a single storey temporary structure for use as a theatre (Sui Generis) and food court (A3) from 9th of May until the 6th of September 2016 (retrospective). Approved 24/6/16.
- 3.7. **BH2011/01424** Erection of steel container for operation of cycle hire business for temporary period until 31 October 2011. (Retrospective). Approved 25/7/11.
- 3.8. Prior to 2000: Numerous applications approved for amusement and fairground ride related development, prior to amusements ceasing in approximately the year 2000.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for variation of conditions 1, 3 and 23 of BH2019/00293 (as amended by BH2019/03686) to allow amendments to the approved drawings to include a reduced number of modular building units (from 107 to 74), increased overall floorspace (from 1372sqm to 1421sqm), enlarged swimming pool (from 25m x 12m to 50m x 12m) and to allow permanent consent for a swimming pool, and a 10 year temporary consent for modular buildings (from previous 5 year temporary consent for whole scheme).
- 4.2. Application BH2019/03686 approved a non-material amendment to remove the dimensions of the outdoor swimming pool and the removal of the 5 year temporary period from the description. These details are instead secured by condition.
- 4.3. The original application BH2019/00293 granted permission for the erection of an outdoor swimming pool (25m x 12.5m) and associated modular buildings for a temporary (meanwhile use) for 5 years. The Committee Report noted that: 'The application information suggests that a future application may be submitted for a permanent scheme, with an extended 50m pool, however, no further information relating to this has been submitted and this does not form part of the current application'.
- 4.4. The application changes can be summarised as follows:
- Allow permanent consent for swimming pool;
 - Increase in size of pool from 25m, to 50m length;
 - Temporary period of modular units increased from 5 year consent, to 10 years;
 - Increase size of modular units with an increase in overall floorspace from 1372 sqm to 1421 sqm, with the number of units reduced (from 107 to 74);
 - Alterations to fenestration and materials.
- 4.5. During the course of the application, the applicant submitted a Viability Assessment with supporting information in relation to the requirement for a proposed 10 year consent for the modular units. Minor amendments were also made to appearance of the modular units with a reduction in the amount of fenestration, and that glazing bars have been removed. Further comparative plans with the approved application were also submitted.

5. REPRESENTATIONS

Three (3) letters of representation have been received objecting to the proposed development for the following reasons:

5.1. Adversely affects Conservation Area

- No place for insensitive development or residential units spoiling the sea view
- Listed Building
- Question the suitability of the overall effect of such design adjacent historical arches and properties
- Inappropriate Height of Development
- Overdevelopment
- Question the need for so many buildings just for a swimming pool beach should be for public use not being sold/hired out to private companies
- Poor design
- Wood cladding looks shabby after a year by the sea

Three hundred and three (314) letters of representation has been received in support of the proposed development for the following reasons:

5.2. Good Design

- Seafront location would also be ideal for when sea swimming is not possible
- Help to fund much needed public realm improvements between Palace Pier and The Marina
- Great use of a run down area of the seafront
- The design is also contemporary but not out of keeping for the area
- Excellent contribution to health, fitness and leisure
- Extending the permission will presumably improve the viability of a scheme
- Positive, vibrant and fun addition to the city

5.3. Residential Amenity

- The other pools in the city are outdated and dilapidated
- Nearest 50m pool is currently almost 30 miles away in Crawley
- Improve the physical and mental health of the community
- Benefits being enjoyed by swimmers of all abilities and ages
- Creation of jobs for local people
- Increase tourism and the economy in the city.

5.4. Conservation Advisory Group object to the application for the following reasons:

- The Group recommends refusal - 10 votes for refusal. The 2 votes for approval given on condition that a five-year (not ten-year) permission for the modular buildings be allowed.
- The Group noted that since the previous permission was granted the Madeira Terraces now have Grade II* status.
- The design of the scheme has no connection with marine architecture that would be expected along Madeira Drive. It does not compliment the historic arches opposite.
- Views from Madeira Terraces when back in use will be interrupted by the two storey structures

6. CONSULTATIONS

External

- 6.1. **County Archaeology:** Comment
No recommendations to make in association with this specific application.
- 6.2. **County Ecologist:** No objection
No increased impacts anticipated. The proposed increased pool size will not impact any additional coastal vegetated shingle over that already identified, as the vegetated shingle in this location is the Yellowwave mound, the loss of which will be compensated through the S106.
- 6.3. The proposals to revise the modular buildings to the north of the Volks Railway are unlikely to have any significant additional impacts on the coastal vegetated shingle and the Volks Railway Local Wildlife Site, and may provide an opportunity for more than the previously agreed 371m². Given the importance of the habitat, it is recommended that any opportunities to increase the provision and protection of vegetated shingle within the scheme should be taken. It would be helpful if this information could be provided on a plan, as it is currently unclear.
- 6.4. It is recommended that the proposed variation can be supported from an ecological perspective.
- 6.5. **Historic England:** Objection
The comments made in relation to previous application remain relevant.
- 6.6. It should be considered whether the changes in the massing arrangement, particularly at first floor level, will impact on sea views and on the appreciation of the openness of this part of the seafront. Historic England also have concerns regarding the introduction of a large amount of new glazing in the scheme. The previous approved scheme had an utilitarian, marine character whereas this revised scheme, as a result of the additional glazing and its design, now has a more cluttered, portable office development type appearance.
- 6.7. In addition, the proposals seek to retain the modular buildings for 10 years which is a long time for structures that are of a temporary design to remain in place in this sensitive historic environment as well as potentially impacting on the regeneration proposals for this part of the seafront.
- 6.8. **Southern Water:** Comment
All comments in our response dated 26/02/2019 remain unchanged and valid.
- 6.9. **Sport England:** Support
Sport England, having consulted with Swim England previously, gave its full support to the proposal and Sport England consider that a permanent permission for the pool would contribute to its viability.
- 6.10. Therefore, Sport England would wish to support the proposed amendments.

- 6.11. **Sussex Police:** Comment from previous application BH2019/00293
Main concerns with this current application are the effectiveness of the perimeter security and CCTV systems when the premises are closed and how the occupants will manage control of all the various facilities to ensure there is no lapse in security.
- Internal
- 6.12. **City Regeneration:** Support
City Regeneration supports the proposed variation of conditions in this application.
- 6.13. Should this application be approved, due to the size of the development sqm it would be subject to certain obligations which would be included in a S106 agreement.
- 6.14. There will be a requirement for the developer or their contractor to submit an Employment & Training Strategy linked to the development.
- 6.15. Fuller details in respect of the strategy is included in the Main Comments section of this response.
- 6.16. **Environmental Health:** Comments from previous application BH2019/00293
There are concerns that lighting used in the evenings could cause light nuisance to neighbours. The mixed uses should have restricted opening times to avoid causing noise nuisance. Opening hours of 7am-11pm are suggested although acknowledge a gym opening at 6am nearby does not cause a nuisance, so a temporary early start could be considered to allow this to be monitored. External lighting details should be secured by condition. No PA/tannoy equipment should be permitted.
- 6.17. **Heritage:** Objection
Further comment following amendments/further information submitted
Significant development above ground floor level has consistently been discouraged. The recent revisions include a reduction in the number and size of windows and simplification of the glazing pattern, however there are still considerably more window openings than in the approved scheme. Reassurance over the proposed finish and robustness of the materials in the context of this exposed seafront environment is still sought, particularly in view of the increased length of time proposed for this temporary application. Full details of all materials, including their weathering performance in marine environments supported by a maintenance plan should be provided for consideration or required by condition.
- Original Comment
- 6.18. It is not considered that this scheme resolves the heritage concerns over the impact of the scale and density of the previous scheme on the heritage assets, in particular the setting of the recently upgraded II* Madeira Terrace. In addition, issues over the changes to the materials and design of the modular units are raised. As a result, the Heritage Team considers that the potential benefits to the Eastern Seafront that could result from increased activity brought by this development would not outweigh the harm it would cause to the identified heritage assets, and cannot currently support this scheme.
- 6.19. **Planning Policy:** Comment

Consideration should be given as to whether the proposed permanent size and location of the 50m pool would harm the beach in qualitative terms in this location given adjoining uses and particularly as the proposed outdoor leisure activity would support the regeneration of this section of the seafront. It is important that the proposed permanent structure south of the railway is kept to the minimum required for pool operation to help retain a degree of openness.

- 6.20. Secondly, there will need to be consideration whether there are any further adverse impact upon the Volks Railway SNCI/Local Wildlife Site that need to be addressed compared with the permitted temporary scheme and the proposed ecological enhancement scheme which was to be secured through S106 agreement.
- 6.21. Thirdly the request for the temporary permission for the commercial units to be extended from 5 to 10 years alongside the larger, permanent pool raises issues in relation to the impact of a more permanent development on the special historic character and appearance of the East Cliff Conservation area and the setting of adjacent listed Madeira Terraces, Shelter Hall and Lift. The views of the Conservation Team should be sought.
- 6.22. Weight is given to the fact that the proposal will provide an outdoor leisure activity which accords with seafront strategies for this area of the seafront and the proposed uses would positively support the regeneration of this section of the seafront in accordance with the adopted City Plan Part 1 policy SA1 The Seafront and Policy SSA6 of the Proposed Submission City Plan Part 2. It is recognised that the commercial development is required in order to enable the provision and operation of the pool.
- 6.23. In principle, the revised floor area and number of commercial units would be considered acceptable. It was previously accepted that a mix of retail units would help support the leisure use and help create a vibrant seafront but that these would need to be ancillary/ supportive uses. The commercial elements should be kept ancillary to the main leisure use and to an absolute minimum as delivery of leisure related is the key aim for this site.
- 6.24. **Seafront Team:** No objection
The Peter Pan site has for decades been used for leisure purposes and the Council is keen to see this continue as such.
- 6.25. Installing a 50m permanent facility will help Sea Lanes to create a stand-out sports destination which will be unique attraction for open water swimmers and athletes from across the country. The investment required for a 50m permanent pool shows the commitment that Sea Lanes bring to developing this site with a sport and leisure focus.
- 6.26. The Team are satisfied with the applicant strategy and business model. Sea Lanes has already proven popular with the local community and is bringing more visitors to this area of the seafront. We strongly believe that Sea Lanes enhances the offer on Madeira Drive and may in fact have a positive impact on Madeira Terrace by driving footfall to the location.

- 6.27. **Sports Facilities Team:** No objection
The BHCC Sports Facilities Team support the proposal as it improves the provision of swimming facilities in the city and the opportunity for engagement in sport and physical activity for local clubs and residents.
- 6.28. **Transport:** Objection
The Local Highway Authority (LHA) are unable to recommend approval of this variation of conditions application as the applicant is requesting for the swimming pool to be made permanent and double in length without providing a transport assessment. As the LHA have stated previously in the temporary use application BH2019/03686, "for a development of this scale, the LHA would typically expect to see a full Transport Assessment, considering a range of factors including assessment of walking and cycling routes connecting to the site and trip generation. For any future application for a permanent venue, the LHA would expect to see a full Transport Assessment as required by Brighton & Hove City Plan Part One policy CP9"
- 6.29. It is also noted that the increase in length to a professional sized swimming pool will likely increase the site's appeal and number and type of trips to the site.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two (Draft)

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the

Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM18	High Quality Design & Places - Limited weight
DM20	Protection of Amenity – significant weight.
DM37	Green infrastructure and nature conservation - Limited weight
DM39	Development on the Seafront - Significant Weight
DM43	Sustainable Urban Drainage - Significant weight
DM44	Energy Efficiency and Renewables - Limited Weight
SSA6	Former Peter Pan Leisure Site (adjacent Yellow Wave), Madeira Drive - Significant Weight

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP4	Retail provision
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
SA1	The Seafront
SA6	Sustainable Neighbourhoods

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD18	Species protection
QD25	External Lighting
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites
SR4	Regional shopping centre
SR5	Town and district shopping centres

SR6	Local centres
SR18	Seafront Recreation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
NC4	Sites of Nature Conservation Importance (SNCI's)

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards

Background Documents:

Sports Facilities Plan 2012-2022
 Madeira Drive Regeneration Framework
 Draft Seafront Strategy 2012
 Local Wildlife Sites Review 2018 (updated 2020)

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the acceptability varying conditions 1, 3 and 23 of BH2019/00293 to allow amendments to include reduced number of modular building units (from 107 to 74), increased overall floorspace (from 1372sqm to 1421sqm), enlarged swimming pool (from 25m x 12m to 50m x 12m) and to allow permanent consent for swimming pool and 10 year temporary consent for modular buildings.
- 9.2. The main considerations in the determination of this application relate to the impact to ecology and biodiversity, developing on the open shingle beach, the impact to the setting of the special character and appearance of the East Cliff Conservation Area and nearby listed buildings, the impact to tourism and the economy, the contribution the development will make to sports/leisure provision in the city, highway impact, and the impact to amenity.

Planning Policy:

- 9.3. Policy SA1 'The Seafront' of City Plan Part One states that the council will encourage regeneration of the seafront and that proposals should support the year round sport, leisure and cultural role of the seafront for residents and visitors whilst complementing its outstanding historic setting and natural landscape value. Proposals should ensure a good marine environment, enhance biodiversity and consider options for small scale renewable energy provision.
- 9.4. The policy sets out priorities for the whole seafront which include enhancement of the public realm, provision of adequate facilities for residents and visitors, improvements to beach access and the shoreline and ensuring the seafront is accessible for everyone. Securing high quality architecture which complements the natural heritage of the seafront and historic built environment in identified as a priority.

- 9.5. City Plan Part 1 (CPP1) Policy CP16 seeks to safeguard, improve, expand and promote access to Brighton & Hove's open spaces (public and private) and the diverse range of experiences offered by these spaces. Planning permission resulting in the loss of open space, including the beach, will only be granted provided certain exceptional criteria are met.
- 9.6. CPP1 Policy CP17 states the council's aspiration to increase participation in sports and physical activity, and seeks to safeguard, expand, enhance and promote access to Brighton & Hove's sports services, facilities and spaces. Supporting text to CP17 states the city's outdoor sports space provision is low compared to other local authorities. The Open Space, Sport and Recreation Study (which forms part of evidence base of the City Plan) indicates a further potential need for additional pool space, and the Sport Facilities Plan 2012-2022 builds on this and identifies a need to expand and improve public facilities especially swimming pools, sports halls, health and fitness suites and artificial grass pitches.
- 9.7. Policy SR18 of the Brighton and Hove Local Plan is relevant as it relates to seafront recreation. This states that new recreation facilities which are related to seafront/coastal activities will be permitted on the seafront provided that:
- (i) There will be no development onto the beach;
 - (ii) The importance of the seafront and beach as an open space is not undermined;
 - (iii) Any development does not have a detrimental impact on strategic views along the coastline;
 - (iv) The development makes a considered response in its design to the visual and environmental character of the stretch of seafront to which it relates, supported by a design statement which addresses that character;
 - (v) The development does not have a harmful impact on the amenity of local residents and the seafront due to noise, disturbance and light pollution;
 - (vi) The development will not result in the significant generation of car borne journeys, nor additional pressure for car parking;
 - (vii) The development will not have an adverse impact on the setting of important seafront buildings;
 - (viii) The development does not have an adverse impact on nature conservation interests; and
 - (ix) Any development enables the beach and seafront to be accessible to all.
- 9.8. Policy SSA6 specifically identifies the former Peter Pan site as appropriate in principle for leisure uses and ancillary supporting retail uses. Proposals will be expected to:
- a. Contribute towards the priorities for the Seafront as set out in City Plan Part One Policy SA1, including supporting the role of the seafront as an all year recreation attraction for residents and tourists;
 - b. Achieve a high quality of design and sustainability which preserves and where possible enhances the setting the Conservation Area, adjacent Listed Buildings/ structures, the character of the seafront and strategic views;
 - c. Provide for sustainable means of transport to and from the site and demonstrate good linkages for pedestrians and cyclists;
 - d. Complement the regeneration of Madeira Terraces and Drive (SSA5) and contribute to a coordinated approach to enhance the public realm;

- e. Improve accessibility and connectivity between the site and the beach and sea; and
 - f. Conserve and enhance biodiversity in the area.
- 9.9. Policy DM39 of CPP2 echoes existing policy in stating there is a general presumption against development extending onto the shingle beach and that the importance of the seafront and beach as an open space should be safeguarded.
- 9.10. A strategic objective of the council reflected in the adopted City Plan Part 1 (SO17) is to enhance the seafront as a year round place for sustainable tourism, leisure, recreation and culture whilst protecting and enhancing the quality of the coastal and marine environment.

Principle of Development:

- 9.11. The site is a previously vacant concrete hardstanding area on the seafront which was rather unsightly. Therefore the principle of bringing the site back into use is considered positive in principle. Previously, the site did not contribute to the use of the wider open space or public realm of the seafront, and visually detracted from the area. The introduction of new uses which help draw people to the area and give the area a boost are therefore welcomed. Further, the principle of development was established under the previous consents granted on this site. Planning permission was approved in August 2019 for a 25m heated open air pool and commercial 'enabling' development for a temporary 5 year period. This permission has not been implemented. Permission was granted in January 2019 for a temporary use of the site for a 12 month period (BH2018/02281), and was subsequently extended with the further granting of planning permission (under application BH2019/03695)

Permanent Consent and Increase in Size of Pool from 25m to 50m Length:

- 9.12. In principle, the proposal to provide a permanent, larger outdoor pool accords with Policy SA1. It would deliver a sports-based activity in a location where this is encouraged, and there is an identified shortage of swimming pools in the city. The proposal would contribute towards the council aspiration to promote healthier lifestyles. Sport England support the proposal. The proposal for swimming in this location links back to Brighton's history as a bathing resort and is considered an appropriate seafront use. The proposed pool use would add to the overall visitor offer of the seafront and help boost tourism and the economy, as sought by policy. The proposal could operate all year round, which reduces the seasonality. The positive benefits of the proposed pool are therefore given significant weight. However the provision of a permanent, larger needs to be balanced against a number of key policy considerations.
- 9.13. Given its location directly on the beach the pool's location would conflict with policies SR18, SA1 and CP16 (and emerging policy DM39) which seek to safeguard the importance of the seafront and beach as an open space.
- 9.14. Although the location of the pool south of the Volks railway does conflict with these policies, the principle of the development here was established by granting planning permission under BH2019/00293. Consideration was given that the area north of the railway was not sufficient to accommodate the development. Also, exceptions have been made in a similar circumstance where a significant public benefit is

delivered, most notably the permanent development nearby at Yellowwave as well as other established leisure uses south of Madeira Drive (including Peter Pan playground, Adventure Golf and Volks Railway sheds).

- 9.15. In this particular location the beaches are wide and a substantial amount of open beach will remain surround the site. The proposed structures south of the railway are kept to the minimum required for pool operation to help retain a degree of openness. The impact upon the Volks Railway SNCI/Local Wildlife Site, and the impact on transport, is considered in this report below.
- 9.16. The location of the swimming pool would be at the top (north) of the beach to sit in line with the curtilage of Yellowwave and reduce the loss of public open space. It is considered that this location of the pool would reduce the impact on open space and in this instance the loss of public space is considered acceptable.
- 9.17. Sport England have noted that they consider a permanent permission for the pool would contribute to its viability. The Council's Seafront Team and Sports Facilities Team support the application as it improves the provision of swimming and a 50m permanent facility will create a stand-out sports destination which will be unique attraction. Public consultation suggests that in the city there is a strong desire from the more serious swimmers and swimming clubs for a 50m pool in the city. The Sports Facilities Team state that providing a 50m pool for competitive and more accomplished swimmers would support in meeting the request from individuals and clubs and would help to provide pathways for more talented athletes.
- 9.18. On balance, it is considered that the positive benefits of a permanent swimming pool of increased size in this location are considered to outweigh the limited harm caused in this instance by way of development on this part of the beach.

Temporary period of modular units increase from 5 year consent to 10 years:

- 9.19. The application also seeks the temporary consent for the commercial units to be increased from 5 years to 10 years. As approved under permission BH2019/00293, a significant amount of commercial 'enabling development' is required in order to operate the pool and make it financially viable. It is recognised that certain sport facilities, and swimming pools in particular, require significant resources. It was considered in application BH2019/0293 that the proposed commercial units would add vibrancy to the area, help attract visitors and boost the wider economy, as well as creating jobs. The City Regeneration team have in this application welcomed the creation of around 70 new jobs and opportunities for the local community.
- 9.20. The Planning Statement accompanying the planning application indicates the need for a permanent consent for the swimming pool is to enable the development to be funded. As per the previous consent, the applicant has submitted a Viability Assessment which outlines how marginal the viability of the scheme is and why the amount of enabling development is required. On this basis the enabling development is considered acceptable in principle as an exceptional case. The area is clearly in need of upgraded development and the proposal would add much needed vibrancy and vitality to this declining area. The proposal will introduce something a unique facility for the seafront and the city and this is welcomed. Weight

is also given to the fact that, despite the proposed increase to 10 years, the modular buildings would still be a temporary scheme only.

- 9.21. The request for the temporary permission for the commercial units to be extended from 5 to 10 years alongside the larger, permanent pool raises issues in relation to the impact of a more permanent development on the special historic character and appearance of the East Cliff Conservation Area and the setting of adjacent listed Madeira Terraces, Shelter Hall and Lift. The Council Heritage Team and Historic England object to the application (as was the case for the approved application BH2019/00293). The impact of the extended temporary permission for the modular buildings on the special historic character and appearance of the East Cliff Conservation Area and the setting of adjacent heritage assets is therefore an important consideration for the proposed increase in the temporary period of consent.
- 9.22. The viability assessment has been independently reviewed, and it has been confirmed that a 10 year period for use of the temporary modular buildings is essential for the developer to recover their project costs with a reasonable level of profit based on a target rate of 20% profit on cost.
- 9.23. The approved application secured a condition to ensure the enabling uses are closely related to delivery of the pool, and to ensure the pool is delivered within 12 months of the commercial uses first being brought into use. Overall, it is considered that the principle of increasing the temporary period of modular units to 10 years is appropriate, subject to the weight given to the viability of the scheme against the impact on heritage set out below.

Increased size of modular units with an increase in overall floorspace from 1372 sqm to 1421 sqm, with the number of units reduced (from 107 to 74):

- 9.24. Generally, the proposal has a similar form and scale to that of the approved scheme. A comparison of the site coverage of the two schemes indicates that they are broadly comparable at ground floor level. The ancillary facilities such as changing rooms and toilets have been increased in size based on the new pool size. There is 351sqm floorspace at first floor level in comparison to 308sqm in the approved scheme. The total area of modular buildings is proposed to increase to 1421m² (by 49m²). The applicant has clarified that only 8m² of this is for commercial buildings, the remainder being plant, toilets, bin storage and cycle storage.
- 9.25. In the scheme there are now fewer modular buildings (74 instead of 107 units), which the applicant states is achieved by using 3m wide units instead of 2.4m wide units. The revised layout provides wider views through the gaps between the groups of modular buildings, with 6 metres wide gaps now proposed (previously 4.6 to 5.4 metres).
- 9.26. The revised floor area and number of commercial units is considered acceptable in principle and would still help support the leisure use with a mix of commercial units.

Design, Appearance and Impact on Heritage:

Context:

- 9.27. Policy HE6 states that proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. Policy CP15 states that the council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings.
- 9.28. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting (in this case the Madeira Terraces, Shelter Hall and Lift and Banjo Groyne) or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area (in this case East Cliff CA).
- 9.29. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.30. The NPPF states that great weight should be given to conservation of heritage assets and that this presumption can be outweighed by material considerations deemed powerful enough to do so. The NPPF states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 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.
- 9.31. The character and appearance of this part of the East Cliff Conservation Area is described in the formally adopted East Cliff Conservation Area Study and Enhancement Plan 2002, and this document provides guidance for future development here and is a material consideration.
- 9.32. Paragraph 3.3.4 of the Study states the southern side of Marine Parade remains a broad promenade overlooking the Madeira Terrace, Madeira Drive and the wide shingle beaches with the only significant built development being the Aquarium Terraces at the far western end. It is generally uncluttered by modern street furniture etc. but the grade II listed 1890s lamp columns on the pavement edge and the late 19th century seafront shelters and early 20th century wooden benches add to its traditional seaside appearance. The expanse of open beaches is an integral element of the setting of the buildings and the [former] seafront amusements at Peter Pan's Playground partly detract from it. This clutter of structures is also a discordant element when viewed from above but the Volks Railway line at least provides a logical, and historic, southern boundary.
- 9.33. Paragraph 3.3.6 states: "The seafront shelters, Madeira Terrace and Covered Walkway, the Shelter Hall and Lift and below that the wide, straight southern pavement of Madeira Drive all evoke traditional seafront promenading. The

continuous line of wide, uncluttered beaches contribute significantly to this character.”

9.34. And paragraph 3.3.7 states: “...part of the seafront relates more to the brasher seafront pleasures of the Palace Pier, and includes the Aquarium Terraces and Colonnade and the beaches immediately east of the Pier. Any further intensification of this commercial brashness would, however, be detrimental to the special character of the seafront. It should be noted too that the seafront as a whole has a different character in summer to that of the winter. The influx of summer visitors gives this sub-area a lively character, which contrasts with a more sedate atmosphere during the winter months.”

9.35. In this context, the principal heritage considerations are the effect of the development on the character of the conservation area (specifically at this point the openness of the beach and promenade contrasted with the scale and enclosure of the sea wall) and the setting of the listed Terraces. The East Cliff Study identifies the character of this part of the seafront as wide, uncluttered beaches which were harmed by the run-down playground that existed at that time. Since then, this site has been vacated but is still considered to have a negative impact on the immediate setting.

Proposed 10 year temporary permission for Modular Buildings:

9.36. The request for the temporary permission for the commercial units to be extended from 5 to 10 years alongside the larger, permanent pool raises issues in relation to the impact of a more permanent development on the special historic character and appearance of the East Cliff Conservation area and the setting of adjacent listed Madeira Terraces, Shelter Hall and Lift.

9.37. The comments made by Historic England and the council's Heritage Team have been made in the context of current policy and guidance. In considering the approved application BH2019/00293, the Heritage Team considered that the overall density was too great and that the development should be predominantly single storey and concluded that the potential benefits to the Eastern Seafront that could result from increased activity brought by this development would not outweigh the harm it would cause to the identified heritage assets and could not support that scheme.

9.38. As proposed in this application, the Heritage Team remain concerned about the two-storey development. The changes to the unit sizes has resulted in alterations to the fenestration and use of corrugated steel cladding which the Heritage Team have considered unsuccessful. Based on this, the Heritage Team consider that the scheme does not resolve the scale and density issues previously raised, and given the increased timescale proposed, the public benefit would not outweigh the harm it would cause to the identified heritage assets, in particular the setting of the recently upgraded Grade II* Madeira Terrace.

9.39. Historic England supported the principle of a leisure-based activity on this site in the previously approved application BH2019/00293., however raised concerns regarding the impact of the proposal on the current openness and relationship with heritage assets and the seafront, including the scale and visual impact. It was stated

that a less harmful approach would see single storey development that sits below the canopy of Madeira Terrace, maintaining the distinctive openness of this part of the seafront and the uninterrupted views of the sea and Palace Pier from all levels. They noted that if the council are minded to approve the scheme as submitted they think this would result in more harm to the significance of the designated heritage assets but also think that harm would remain as less than substantial but at the higher end of that scale.

- 9.40. In response to this application, Historic England raise concerns over the massing arrangement, the large amount of new glazing (which has since been reduced with amended plans), and note that retaining the modular buildings for 10 years is a long time for structures of a temporary design to remain in place in this sensitive historic environment, as well as potentially impacting on the regeneration proposals for this part of the seafront.
- 9.41. NPPF paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The weighing should only be carried out once satisfied that harm has been avoided or minimised to the greatest extent possible by design of the development. It is the remaining harm after such a process that should be weighed against the public benefits of the proposal.
- 9.42. Given the concerns regarding the scale of the development and impact to heritage assets, the merits of the proposal are considered to be finely balanced. It is considered that given the substantial decline of this area of the seafront and its current state of flux, the development could have a positive impact, for a temporary period, despite its shortcomings. The area is clearly in need of a boost and will need to change and adapt to present circumstances. The site currently is vacant and detracts from the area. In the short term, the positive effects and enlivening of the area could benefit the longer term aspirations for the area, including the campaign for restoration of the Madeira Terraces and enhancement of public realm.
- 9.43. As was considered in the approved application, in this exceptional case, significant weight should be given to the wider regenerative benefits of the scheme and the benefits of providing the sporting facility in particular, and to the fact that the harmful element (the modular buildings) would still be temporary only (and thus harm would be minimised and ultimately reversible). It is considered that there is clear and convincing justification for the scheme, as required by para 194 of the NPPF. It is considered that the degree of harm caused would be less than substantial and that the positive public benefits of the scheme would outweigh the harm caused, as required by para 196 of the NPPF. It is therefore that on a fine balance the reasons for objection by reason of design, scale, density, height and colour are considered have been overcome.
- 9.44. The proposal and its 'temporary' nature and appearance would not be considered acceptable as a permanent form of development given that it would prove counterproductive to the long-term aspirations for the area. The proposed development north of Volks Railway would remain a temporary scheme, and in the long-term, permanent development here would need to carefully consider the

special setting and future viability of the Terraces, and to ensure the retention of sea views, retention of the prominence of the listed structures and the height of the middle promenade. Quality of design and materials in a permanent scheme would also be important.

Alterations to fenestration and materials:

- 9.45. The increased unit size simplifies the site elevations. Some of the weatherboard cladding of the previous scheme has been removed and corrugated steel cladding is now proposed, and the Heritage Team seeks reassurance over the proposed finish and longevity of this material. Details of materials and maintenance during the temporary period are recommended to be conditioned.
- 9.46. Amended plans were submitted to the Council which showed revised details for fenestration that have reconfigured and reduced the number and size of windows/doors within the scheme. This has significantly reduced the amount of glazing on the units, and along with the removal of glazing bars, improves the appearance of the scheme. The materials have also been simplified, with the same materials used at ground and first floor levels on each unit. Subject to condition for details of materials and assurance that that they will be maintained, the alterations are considered acceptable.

Impact on Ecology and Biodiversity:

- 9.47. Local Plan Policy NC4 states permission will not be granted for a proposal within, or in the setting of, an existing or proposed Site of Nature Conservation Importance (SNCI) where it is likely to have an adverse impact, on the nature conservation features of the site. Exceptions will only be made where:
- a. the proposal can be subject to conditions that will prevent damaging impacts on the nature conservation features and their setting and includes provision for the protection, enhancement and management of nature conservation features; or
 - b. the proposal is: essential to meet social, environmental and / or economic needs; of more than local importance within the City; cannot be located anywhere else; and the following requirements have been met:
 - i. the location, design and construction of the development is such that damage to nature conservation features is minimised and opportunities are taken for nature conservation gain;
 - ii. compensating and equivalent nature conservation features are provided;
 - iii. remaining features are protected and enhanced and provision made for their management; and
 - iv. improvements to public appreciation of and access to the site are provided.
- 9.48. The site is adjacent to the Volks Railway Local Wildlife Site (LWS or Site of Nature Conservation Importance), designated for its coastal vegetated shingle habitat. The site of the pool is on a vegetated shingle habitat mound created to mitigate the impact of the adjacent Yellowwave development. Coastal vegetated shingle is a globally restricted habitat and this site is one of only three sites for this habitat in Brighton & Hove therefore any development here requires very careful consideration.

- 9.49. In the approved application BH2019/00293, it was considered that an exception can be made given the wider benefits of providing a pool in this location and given that the application includes appropriate ecological mitigation and enhancement, and also enhances public appreciation of it (via boardwalk and interpretation board) as per policy NC4. These measures (and future maintenance and monitoring) are secured via the existing S106.
- 9.50. The potential ecological impacts were carefully considered with the approved application BH2019/00293. The conditional permission included provision for off-site mitigation for the loss of vegetated shingle including 246 sqm green vegetated roof and 371 sqm of ecology habitat enhancement to be secured through s106 agreement. The scheme also included proposed green roofs to reduce surface water runoff, to provide together with protected pockets of vegetated shingle on site, ecological enhancement.
- 9.51. The Planning Statement indicates that they have been 'advised that the additional length of the pool will not have any additional ecological impact as all of the vegetated shingle is already being relocated as part of the approved scheme for the 25 metre pool.'
- 9.52. The site area is not changing, and so given the original application already approved the removal of all existing habitat within the site area, there is no change to the amount of habitat that is being relocated. Consequently, the mitigation measures already approved (relocation of habitat, and provision of green roofs) remains for the revised scheme.
- 9.53. The County Ecologist has noted that the proposed increased pool size will not impact any additional coastal vegetated shingle to that already identified and supports the proposed amendments in this application. On the basis of the ecological scheme in the approved application, which outlines a scheme to replace the vegetated shingle mound off-site and enhances the habitat on site, the proposed amendments proposed amendments to the scheme can be supported from an ecological perspective.
- Impact on Amenity:**
- 9.54. Policy QD27 of the Brighton & Hove Local Plan, along with emerging Policy DM21 of CPP2, state 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. Other policies seek to ensure development do not result in unacceptable noise or other pollution.
- 9.55. The area already has a degree of activity number of commercial and leisure uses. Given the location of the proposal on the seafront the nearest residential properties are some distance away so are unlikely to be unduly affected by the development.
- 9.56. As considered under approved application BH2019/00293, the type of uses proposed could give rise to potential general noise and disturbance. Hours of opening, noise from plant, PA's and tannoys etc, and external lighting are controlled by existing conditions which would be carried forward in this permission. An existing

condition also secures a Construction Environmental Management Plan (CEMP) to mitigate construction impacts.

Sustainable Transport:

- 9.57. City Plan Policy CP9 seeks to encourage use of sustainable modes of transport. Local Plan policy TR7 seeks to ensure developments do not compromise highway safety.
- 9.58. It is considered the proposal would not result in undue pressure for travel and would comply with planning policy which seeks to promote sustainable modes. The site is well placed to take advantage of existing car parking, cycle parking and walking networks. Some of the trips to the site are anticipated to be linked trips given its seafront location. It is considered the existing transport infrastructure is appropriate to serve the demand created by this temporary scheme. Public events may give rise to people congregating at one time, however, the site is already located within an event space (in Madeira Drive) and is not of the scale that would give rise to significant numbers of visitors.
- 9.59. There is no objection to a car-free development here. The site is well located to take advantage of pedestrian and cycling routes. Public transport access is possible but is more difficult given this is located above on Marine Parade. There is public car parking, including disabled, on Madeira Drive. The cycle provision within the application on site (an increase from 52 to 62 spaces) is welcomed and encourages use of sustainable modes.
- 9.60. In terms of the proposed increase in size of the pool, the applicant has stated that swimming pool will always be set out with lane dividers, and so doubling the length of the lane would not double the amount of swimmers using it at any one time. The potential for additional numbers of swimmers within the larger pool is therefore limited due to the space required between and alongside each swimmer. The applicant has also stated that there is no intention for the swimming pool to host competitive swimming events.
- 9.61. It is therefore considered the overall number of visitors to the swimming pool (as well as the number of visitors to commercial units) are unlikely to significantly increase from that of the approved scheme.
- 9.62. The existing s106 secures a financial contribution towards enhancement of sustainable transport, and takes into account the marginal viability of the scheme. The approved application BH2019/00293 states that this sum could go towards enhanced signage/cycling/pedestrian facilities in Madeira Drive and could add to the bike share scheme.
- 9.63. A existing condition secures a CEMP to mitigate construction impacts and ensure highway safety is not compromised.

Other Matters:

Developer contributions:

- 9.64. No further developer contributions are sought other than those already secured within the existing s106 of approved application BH2019/00293.

Archaeology:

- 9.65. The site is situated within an Archaeological Notification Area, however the County Archaeologist has no objections as it is not believed that any significant archaeological remains are likely to be affected by these proposals. A condition is attached to ensure this is the case.

Crime Prevention:

- 9.66. In the approved application BH2019/00293, Sussex Police identified measures that should be incorporated. Therefore submission of a Crime Prevention Strategy is recommended by condition. This could include Secure By Design certification. A balance will need to be struck to ensure that security measures such as fencing, CCTV etc do not comprise the visual amenity of the area. A condition was also required to restrict the A4 (bar) floorspace to be no greater than 150sqm unless service is to seated customers to persons taking meals on the premises or alcohol is ancillary to food service.

Sustainability:

- 9.67. In the approved application BH2019/00293 it was considered that as the proposal involves modular temporary buildings, it would not be reasonable or practically possible to secure BREEAM 'excellent' standard. The applicant does propose sustainable drainage systems, ecological mitigation and enhancement and promotes sustainable transport in the form of cycle stands, which is welcomed from a wider sustainable perspective.

Conclusion:

- 9.68. It is recognised that certain sport facilities, and swimming pools in particular, require significant resources. It is also recognised that the commercial development is required in order to enable the provision and operation of the pool. It was considered in application BH2019/0293 that the proposed commercial units would add vibrancy to the area, help attract visitors and boost the wider economy, as well as creating jobs.
- 9.69. It is considered that in principle the proposed permanent larger outdoor swimming pool broadly fits the emerging seafront strategy and priorities for the seafront and the site specific allocation in the Proposed Submission City Plan Part 2. Weight is given to the fact that the proposal will provide an outdoor leisure activity which accords with seafront strategies for this area of the seafront and the proposed uses would positively support the regeneration of this section of the seafront in accordance with the adopted City Plan Part 1 policy SA1 The Seafront and Policy SSA6 of the Proposed Submission City Plan Part 2.
- 9.70. The potential ecological impacts were carefully considered with the approved application BH2019/00293 and are unchanged here.
- 9.71. The viability assessment confirms that a 10 year period for use of the temporary modular buildings is essential for the developer to recover their project costs. The positive public benefits in terms of increased footfall here and wider regeneration benefits have also been highlighted. On balance, it is considered that the positive benefits of a permanent swimming pool and increased time period for the modular

buildings here are considered to outweigh the policy conflict in this instance and the overall harm caused.

- 9.72. Condition 1 is updated to include new plans
- 9.73. Condition 3 is to be varied with the following wording:
'The outdoor pool and all structures hereby permitted shall be removed within 10 years from the date of the A1/A3/A4/A5/D2/B1 uses north of Volks Railway line first being brought into use or by 1st April 2032, whichever is the sooner, and shingle shall be replaced on the beach where the pool and flattened to match the surrounding beach.'
- 9.74. Condition 23 is to be varied with the following wording:
'The approved development shall provide an outdoor swimming pool with dimensions measuring 50m x 12.5m.'
- 9.75. The other conditions previously applied must be revised and updated where necessary.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. This is a minor material amendment to the approved scheme and the buildings are proposed for a temporary period and is therefore not CIL liable.

11. EQUALITIES

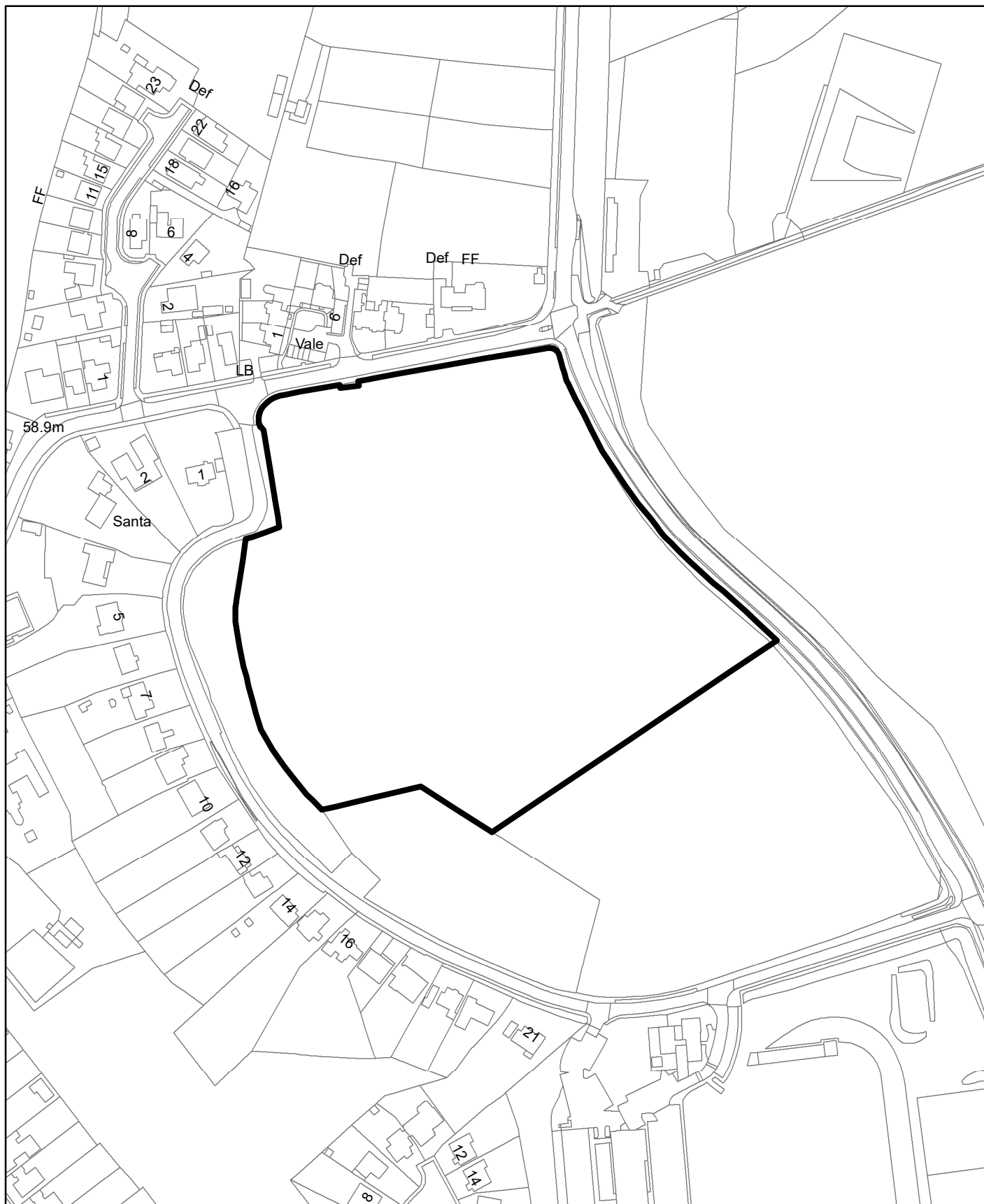
- 11.1. The site has largely level access. There is only staircase access to upper floors.
- 11.2. The inclusion of ramp access, accessible changing area and pool hoist are welcome additions to ensure the facility is accessible to all users.

ITEM C

**Land South of Ovingdean Road
BH2020/02836
Removal or Variation of Condition**

DATE OF COMMITTEE: 10th March 2021

BH2020/02836 Land South of Ovingdean Road



**Brighton & Hove
City Council**



Scale: 1:2,500

<u>No:</u>	BH2020/02836	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Land South of Ovingdean Road, Brighton		
<u>Proposal:</u>	Variation of conditions 4 (drawings) and 20 (parking site plan) of application BH2016/05530 (Outline planning application with appearance reserved for the construction of 45 no. one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.) in order to revise site layout and landscaping.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	05.10.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.01.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	17.03.2021
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Brookworth Homes Ltd Brookworth House 99 Bell Street Reigate RH2 7AN		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	FA20-1779-050	E	12 November 2020
Proposed Drawing	P20-2021_01	B	5 January 2021
Location Plan	BRS.4783_04-1	B	3 October 2016
Proposed Drawing	6197:90	REFUS E TRACKI NG	12 November 2020

2. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval on or before 26 June 2021:
- Appearance,
 - The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

4. No development shall commence until full details of the existing and proposed ground levels showing any changes to levels, finished ground slab levels, and cross sections to show the buildings adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The Arboricultural Method Statement shall include the details of the specification and location of tree and hedgerow protection, shown on a Tree Protection Plan (TPP). The TPP shall also show root protection areas of all retained trees, and details of pruning or removal of trees and hedges both within and overhanging the site. The Arboricultural Method Statement shall provide details of any construction activities that may require works within the protected root areas, including service runs and soakaways. All works shall be carried out in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

6. Prior to the commencement of any works protective fencing in accordance with the approved Tree Protection Plan shall be erected on the site and shall be retained for the duration of the construction period.

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 Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. Prior to occupation of the development hereby permitted, a scheme for hard landscaping, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Details of all hard surfacing; and
 - b) The positions, height, design, materials and type of all existing and proposed boundary treatments.
- All hard landscaping and means of enclosure shall be completed in accordance with the approved details and programme of implementation prior to first occupation of the development. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained.
- 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 and CP13 of the Brighton & Hove City Plan Part One.
8. All planting, seeding or turfing comprised in the scheme of landscaping as set out in the landscaping plans listed in condition 4 shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings 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 seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
9. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no roof alterations or roof extensions shall be erected to the dwellings on plots 2,3,4,28,29,30,31,38,39 and 45.
- Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
10. No clearance or destruction of any vegetation or structure which may be used as a breeding site shall take place during the bird breeding season, (1 March to 31 August) unless otherwise previously agreed in writing with the Local Planning Authority.
- 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. The development shall be carried out in accordance with the Red Star Thistle Mitigation Strategy approved under application BH2019/01310.
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.
12. No development shall take place (including demolition, groundworks, vegetation clearance) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Measures for the interim protection of the paddocks and informal open space, with a view to conserving the habitat of the Hornet Robberfly, the Cinnabar Moth and protection of reptiles;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures to avoid or reduce impacts during construction;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee and supervise works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an Ecological Clerk Of Works or similarly competent person; and
 - h) Use of protective fences and exclusion barriers and warning signs;
- The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure the long-term management of the ecological areas and to comply with policies QD18 and NC4 in the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
13. No development shall commence until a Habitat Mitigation and Enhancement Plan together with a programme for implementation has been submitted to and approved in writing by the Local Planning Authority. The Plan shall generally accord with the measures identified in Section 6.0 of the Aspect Ecology Ecological Appraisal dated September 2016. The approved Plan shall be implemented in full in accordance with the approved programme.
Reason: To protected habitats and species identified in the ecological surveys from adverse impacts during construction.
14. 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.
Reason: 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 and CP15 of the Brighton & Hove City Plan Part One.
15. 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 Archaeological Investigation and provision for analysis, publication and dissemination of results, and archive deposition, has been secured.

Reason: 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 and CP15 of the Brighton & Hove City Plan Part One.

16. No development shall commence until details of the following highway works, together with a Stage 2 Road Safety Audit and an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. The works should be in accordance with the principles within the Transport Planning Associates Revised Transport Assessment dated March 2017:
- a) The access to the site from Ovingdean Road, including the side road entry;
 - b) A vehicular crossover to serve Plot 1;
 - c) The removal of the redundant crossover on Ovingdean Road and reinstatement of the footpath;
 - d) A right turn lane with a pedestrian refuge at the junction of Falmer Road/Ovingdean Road;
 - e) Parking restrictions or measures to prevent parking on Falmer Road and the adjacent verge; and
 - f) Bus shelters, including Real Time Passenger Information signs and Kassell kerbs at the two bus stops on Ovingdean Road directly opposite the site, and the two bus stops closest to the site on Falmer Road.

The scheme shall be implemented in accordance with the approved details and agreed programme.

Details of the standards to which the streets, footways and cycle routes are to be constructed shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the streets, footways and cycle routes have been constructed in accordance with the approved details.

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

17. No development shall commence, other than site clearance, until details of the standards to which the streets, footways and cycle routes are to be constructed shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the streets, footways and cycle routes have been constructed in accordance with the approved details.

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

18. The dwellings hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the dwellings 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy

WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

19. No dwelling shall be occupied until space has been laid out for that dwelling in accordance with drawing no: FA20-1779-050 Revision E for cars to be parked. The parking spaces shall thereafter be kept available at all times for the parking of vehicles by the occupants of the dwellings and visitors.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
20. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of and visitors to the development, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided in accordance with the approved details and programme of implementation and shall thereafter be retained.
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 and SPD14: Parking Standards.
21. The development hereby permitted shall not be commenced until details of the foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
22. The development hereby permitted shall not be commenced until a detailed design and associated management and maintenance plan for surface water drainage works for the site using sustainable drainage methods shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
23. The development shall not include appliances for solid or liquid fuel burning, and any boilers within the development should be ultra-low NOx gas boilers, details of which are to be submitted to and approved in writing by the Local Planning Authority prior to installation. The agreed scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.
Reason: To mitigate the impact of the development on air quality including the Rottingdean Air Quality Management Area and to comply with policy SU9 of the Brighton & Hove Local Plan.

24. No dwellings shall be occupied unless it achieves 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 Brighton & Hove City Plan Part One.
25. Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwellings hereby permitted shall achieve energy efficiency standards of a minimum of 19% CO₂ improvement over Building Regulations Part L 2013. The scheme shall be implemented in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
26. Prior to the first occupation of the development hereby approved, an Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy should include a renewables feasibility study and proposals to install renewable energy generation, a strategy for energy efficiency and a means to achieve the 19% carbon reduction target. The scheme shall be implemented in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
27. Prior to the first occupation of the development hereby approved, details of the number and location of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided prior to the occupation of the dwellings hereby permitted and shall thereafter be permanently retained.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.
28. Prior to the commencement of development a 'check' contamination analysis shall be undertaken to confirm a conceptual model and allow a generic quantitative risk assessment to be undertaken. If notified in writing by the Local Planning Authority that the results of the risk assessment are such that site remediation is required, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
29. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning

Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the Local Planning Authority.

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

30. No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:
- i. The phases of the proposed development including the forecast completion dates;
 - ii. A commitment to apply to the Council for Prior Consent under the Control of Pollution Act 1974 and not commence development until such consent has been obtained;
 - iii. Arrangements to liaise with local residents to ensure that residents are kept aware of site progress and to address any complaints;
 - iv. Measures to control the emission of noise, dust, and vibration;
 - v. Details of the hours of construction including all associated vehicular movements;
 - vi. Details of construction traffic routes which should only access the application site from the north and avoid the Rottingdean Air Quality Management Area; and vii) A scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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 Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to a parcel of land located on the southern side of Ovingdean Road, to the west of Falmer Road (B2123) and to the east of The Vale. The application site comprises approximately 3.72 hectares. Historic maps show that the site has always comprised open agricultural downland.
- 2.2. The boundary of the site is currently defined by a wire fence and posts to the east, west, and north, and by a hedgerow to the south. The site comprises a large field which has been divided into smaller paddocks for the keeping and

grazing of horses. Stables and associated buildings are located in the southwestern corner of the site.

- 2.3. Immediately to the north of the site are residential properties, with other horse paddocks/grazing land beyond, known as Ovingdean Road Horse Paddocks. The residential area of Woodingdean is located further to the north-west of the site, with agricultural fields located immediately to the east of the site, on the opposite side of Falmer Road. Residential properties are located to the west/southwest of the site on The Vale. Playing fields, associated with Longhill School/Deans Leisure Centre, are located directly to the south of the site, with the school/leisure centre building, additional school playing fields and Rottingdean village located further to the south.
- 2.4. The site generally falls across the site from east to west, from between approximately 60m (AOD) adjacent to the Falmer Road (B2123) to approximately 45m (AOD) along the western edge of the site, adjacent to The Vale. To the east of the site and Falmer Road the land rises to an area known as The Bostle. The land to the west of the site and The Vale rises to a ridge (known as Longhill).
- 2.5. Boundaries of the South Downs National Park (SDNP) are located to the east of the site, on the opposite side of Falmer Road, and to the north of the residential properties located on the northern side of Ovingdean Road.
- 2.6. A boundary of the Ovingdean Conservation Area is located to the west of the site, on the western side of Longhill Road whilst boundaries of the Rottingdean Conservation Area are located to the south of the site, either side of The Rotyngs.
- 2.7. The nearest Listed Buildings are located to the south of the site on Falmer Road (New Barn Farm) in Rottingdean and to the west on Ovingdean Road in Ovingdean (part of Ovingdean Hall School and The Nook, Flints and The Cottage). Buildings located directly opposite the site, to the north of Ovingdean Road, which once formed part of Woodingdean Farm but have since been converted to housing, are considered to be 'non-designated' heritage assets and as such are included on the Council's adopted local list of heritage assets.
- 2.8. The application site is not covered by any designations, statutory or non-statutory, for nature conservation interest. However, Sites of Nature Conservation Importance (SNCIs) are located to the west (Wanderdown Road Open Space), north-east (Cowley Drive Paddocks) and north (Ovingdean Road Horse Paddocks) of the site but these areas do not immediately adjoin the site. Beacon Hill, which is a Local Nature Reserve, is located to the south of the site between Ovingdean and the coast, whilst Castle Hill, which is a National Nature Reserve and a Site of Special Scientific Interest, is located to the north-east, beyond Woodingdean.
- 2.9. The site currently comprises semi-improved neutral grassland, scrub and ruderal vegetation, hedgerow with scattered trees and buildings.

- 2.10. The site is shown as forming part of The Vale character area of Ovingdean, in the Council's Urban Characterisation Study. The Vale is stated to have "very low density housing in a curved street pattern on the ridge of the valley slope, mainly in the form of bungalows, but surrounded by mature planting which gives it a rural feel".

3. RELEVANT HISTORY

- 3.1. **PRE2020/00065** - Reserved matters application for appearance of 45 dwellings, pursuant to outline consent ref: BH2016/05530. Also to run concurrently with the above would be an application for non-material amendment to the layout and landscaping approved under the same outline reference.
- 3.2. **BH2016/05530** - Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements. Allowed at Appeal 26/06/2018.
- 3.3. **BH2014/02589** - Outline planning application with appearance reserved for the construction of 85 no. one, two, three and four bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements. Refused 29/01/2015. Dismissed at Appeal 29/03/2015.

4. APPLICATION DESCRIPTION

- 4.1. Outline planning permission for application BH2016/05530 was granted at appeal (ref. APP/Q1445/W/17/3177606) in 2018 for the residential development of the site. Matters relating to layout, scale, landscaping and access were approved, with the only reserved matter being the appearance of the development. The approved scheme comprised the following accommodation split (including 40% affordable housing):
- 1 bedroom x 2 (both affordable)
 - 2 bedroom x 8 (all affordable)
 - 3 bedroom x 16 (including 8 affordable)
 - 4 bedroom x 10, and
 - 5 bedroom x 9
- 4.2. The site has now been taken on by a different developer who has submitted the current application. They wish to make minor amendments to the approved scheme to meet their requirements, and also to take account of the substantial changes in gradient on the site.

- 4.3. The total number of units (45) would be unchanged, as would the 40% affordable housing provision (18 units). However, the accommodation split would change in favour of more 3-bed units and fewer 4- and 5-bed units, as set out below:
- 1 bedroom x 2 (both affordable)
 - 2 bedroom x 8 (all affordable)
 - 3 bedroom x 27 (including 8 affordable)
 - 4 bedroom x 7, and
 - 5 bedroom x 1
- 4.4. The scheme has been amended during the assessment of the application as a response to comments from the Urban Design Officer and County Ecologist. These amendments include:
- Inclusion of a tree bank to the east of the developed area of the site
 - Details provided of indicative tree planting within private rear gardens.
 - Increase in ground level planting across the site, especially to the fronts of the western terraced houses.
 - Amendments to increase the amount of Red Start Thistle on site.

5. REPRESENTATIONS

- 5.1. **Three (3)** letters has been received, objecting to the proposed development for the following reasons:
- Concerns from the previous application remain
 - Increased traffic and congestion
 - Increased noise and air pollution
 - Relocated access is likely to be detrimental to neighbouring amenity
- 5.2. **One (1)** letter has been providing the following comments on the proposed development:
- The site is in a sensitive location close to two nature reserves.
 - Request that the development achieves net gains to biodiversity.
 - Concerned that the paddock is not ploughed up during construction
 - Ask that the houses are built as low as possible
 - Properties along The Vale will look out onto backs of houses at westernmost part of site.
- 5.3. **Councillor comments:** A copy of the representation from **Councillor Mary Mears** is attached.

6. CONSULTATIONS

EXTERNAL CONSULTEES

- 6.1. **Brighton and Hove Archaeological Society:** Comment
The application site is close to several important archaeological find spots. B&H Archaeological society recommend contacting County Archaeology for recommendations.

- 6.2. **Brighton and Hove Archaeological Society:** No objection
Site is still required to be subject to a 'programme of archaeological works.
- 6.3. **Ecology:** No objection.
Initial concerns over significant effect on ecology, most notably the population of the Nationally Rare and Critically Endangered Red Star-thistle. Amended proposal would allow retention of the majority of the original thistle population, and additional space for translocation of any Red Star-thistle that would be lost and any new plants that have developed within the development footprint since the translocation.
- 6.4. **Natural England:** No Comment
- 6.5. **Sussex Police:** Comment
No further comments required.

INTERNAL CONSULTEES

- 6.6. **Planning Policy:** No Comment
- 6.7. **Private Sector Housing:** No Comment
- 6.8. **Sustainability:** No Comment
- 6.9. **Sustainable Transport:**
Initial Comment - Unable to Support
Tracking submitted for a refuse vehicle; however, we also require tracking to be submitted of a fire appliance and passenger vehicle.
- 6.10. The proposed vehicular access leading to plot 002 off Ovingdean Road has been widened and relocated. Road Safety Audit undertaken for approved application under the previous standards HD19/15 (now GG119), and did not take into account the secondary access to the individual unit no.2.
- 6.11. **Urban Design:** Comments
Layout is an improvement over previous proposals, but concerns about lack of biodiversity gains to generate an appropriate verdant character relative to context, to protect the setting of the SDNP, to address sustainable drainage, or to promote a social and active community. Increase in planting across site during process positive but could be much more extensive. No improvements have been made regarding social functionality of the street environment, though it is acknowledged that the proposed shared surface area may be used for play. Concern remains regarding the lack of a SUDS strategy.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals

in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM1 – Housing Quality, Choice and Mix – significant weight
DM18 – High Quality Design and Places – significant weight
DM20 – Protection of Amenity – significant weight
DM22 – Landscape Design and Trees – significant weight
DM26 – Conservation Areas – significant weight
DM28 – Locally Listed Heritage Assets – significant weight
DM31 – Archaeological Interest – more weight than retained Local Plan policy.
DM33 – Safe, Sustainable, and Active Travel – significant weight
DM35 – Travel Plans/Transport Assessments – significant weight
DM36 – Parking and Servicing – significant weight
DM37 – Green Infrastructure and Nature Conservation – limited weight
DM40 – Protection of the Environment and Health – significant weight

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP2 Sustainable economic development
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport

CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
SA4	Urban Fringe
SA5	The Setting of the National Park
SA6	Sustainable Neighbourhoods

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
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC4	Sites of Nature Conservation Importance
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development; and the impact of the variation of the conditions on the appearance of the development, the housing mix provided, and the highway.

Principle of Development

- 9.2. The original outline scheme (BH2016/05530) was allowed on appeal in June 2018. The scheme was considered acceptable in all regards by the Inspector, and various details and measures were secured by conditions in addition to contributions via a legal agreement.
- 9.3. In this case it is considered that the policy context has not changed substantially in regard to the principle of development, uses proposed and design issues. Overall, it is considered that there is no justifiable reason to take a decision contrary to that made previously by the Local Planning Authority and therefore no objection is raised to the principle of development.

Proposed Variation of Conditions 4 and 20:

- 9.4. The application seeks for the variation of condition 4 (approved plans) and 20 (car park layout) of BH2016/05530 to allow for amendments to the approved scheme. As set out above, this approved scheme is an outline planning permission for matters including layout, access, landscaping and scale; the appearance of the dwellings remains reserved and will require further consideration at a later stage.
- 9.5. The applicant has indicated that due to the steep gradient on site, the approved layout would result in a considerable incline on paths and access roads unless substantial level changes were undertaken which are not considered practical. The applicant therefore seeks to vary the approved scheme to better take account of the gradient of the site, and to allow for their own requirements as the new developer. The following changes are proposed:
- Straightening of the spine road where necessary to accommodate a refuse vehicle.
 - Slight relocation of the second access to the one single dwelling on site.
 - Amendments to the distribution of dwellings, parking spaces and general layout by way of adjusting orientation of dwellings and adjustment to garden shapes/sizes.
 - Amendments to the accommodation of the private mix of dwellings weighted more in favour of 3 bed homes and fewer 4 and 5 beds.
 - A reduction in the total floor area of market residential accommodation by over 550sqm and an increase in floor area of affordable housing by 50sqm (N.B. the number of units remains the same for both market and residential).
 - Amendments to landscaping
- 9.6. The number of units and the level of affordable housing provision (40%) would remain unchanged. The proposed amendments would shift the balance of accommodation towards three-bedroom units as set out below. The accommodation split of the affordable dwellings would remain unchanged, as noted above.
- 9.7. The proposed accommodation split aligns closer to CPP1 Policy CP19 requirements than the approved scheme and therefore no objections are raised in this regard.
- 9.8. The Urban Design Officer has confirmed that the current proposal is an improvement in comparison to the approved scheme and further amendments

have been made to address several concerns. It is noted that the Urban Design Officer still raises concerns relating to landscaping, social functionality and a Sustainable Urban Drainage Strategy. However, given that there is an extant permission in place which could be implemented at any time in and that the current scheme is considered to be a notable improvement in comparison to the approved scheme, no further amendments are considered reasonable in this case. Further matters relating to landscaping and drainage would be secured by condition.

- 9.9. Transport Officers have advised that the Road Safety Audit (RSA) for the approved scheme did not take account for the second vehicle access to an individual unit and have therefore requested a further RSA to account for this. However, the RSA for the previous application was carried out in 2017 and remains relevant, particularly as it confirmed the safety of the single access from the public highway (Ovingdean Road). It is not considered necessary or reasonable to request an updated RSA to account for one single dwelling, particularly as the approved scheme remains extant and could be implemented based on the current approved details.
- 9.10. In order to account for the changes in layout, the applicant seeks permission to amend the wording of condition 20 set out below.
No dwelling shall be occupied until space has been laid out for that dwelling in accordance with drawing no: FA20-1779-050 Revision E for cars to be parked. The parking spaces shall thereafter be kept available at all times for the parking of vehicles by the occupants of the dwellings and visitors.
- 9.11. No objections are raised to the revised wording.
- 9.12. Overall it is considered that the revised scheme represents an improvement in comparison to the approved scheme as it would address the issues relating to the gradient of the site and would improve the usability and quality of life for future occupiers, whilst retaining the ecological benefits of the approved scheme.
- Other Matters:
- 9.13. The County Ecologist raised objections to the proposed application as originally submitted due to the potential for losses of the population of the Nationally Rare and Critically Endangered Red Star-thistle (RST) due to regrading areas of the site.
- 9.14. The original permission (BH2019/01310) was allowed at appeal on the basis that an appropriate amount of RST would be retained on site, and the remainder would be translocated to other areas of the site or to off-site locations. A mitigation strategy was also secured via condition. As originally submitted, the current application proposed to translocate the majority of the RST to off-site locations where it was considered there was insufficient evidence to confirm that the RST would thrive.
- 9.15. Following discussions with the County Ecologist and the applicant, the proposal has been amended in order to retain the majority of the original RST on site as

well as the additional space for the translocation of any RST that would be lost and any new plants that have developed within the site, in line with approved scheme and mitigation strategy. The County Ecologist has confirmed this to be acceptable and is in support of the application.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The scheme does not result in a net gain of gross internal floor area over the approved scheme and is therefore not CIL liable.

11. EQUALITIES

None identified

Cllr. Mary Mears
BH2020/02836 – Land South of Ovingdean Road

13/11/2020:

It is clear that the approved layout would have been undeliverable under the Outline Planning permission granted to the original planning application, and now needs changes to the approved scheme to make it work.

All the changes are to enable a deliverable development, which were not in the Outline planning permission granted.

With the new changes I would ask the planning committee to ensure no harm comes to the ecology and biodiversity of the site which is in a semi-rural location , close to two nature reserves

The natural flora of the site is species rich grassland and contains rare species. It is part of the South Downs Way Ahead Nature improvement Area and it is a Local Wildlife site(BH78 Meadowvale listed in City plan part 2)

It also links the wildlife corridor along Longhill with the wider SDNP.

The concerns raised by residents is for the long term protection and enhancing the biodiversity of the site., including the Paddock area at the upper part of the site whose future is unknow as yet.

The issues of the appearance of the houses is important as the site is very steep as it runs up to the Falmer road and all the neighbouring houses are lower down and will be looking up at the development by Brookworth Homes who do display rather bland box like red brick houses on their website. The previous developer Lightwood had look at designs to blend in with the neighbouring flint properties in keeping with the surrounding area.

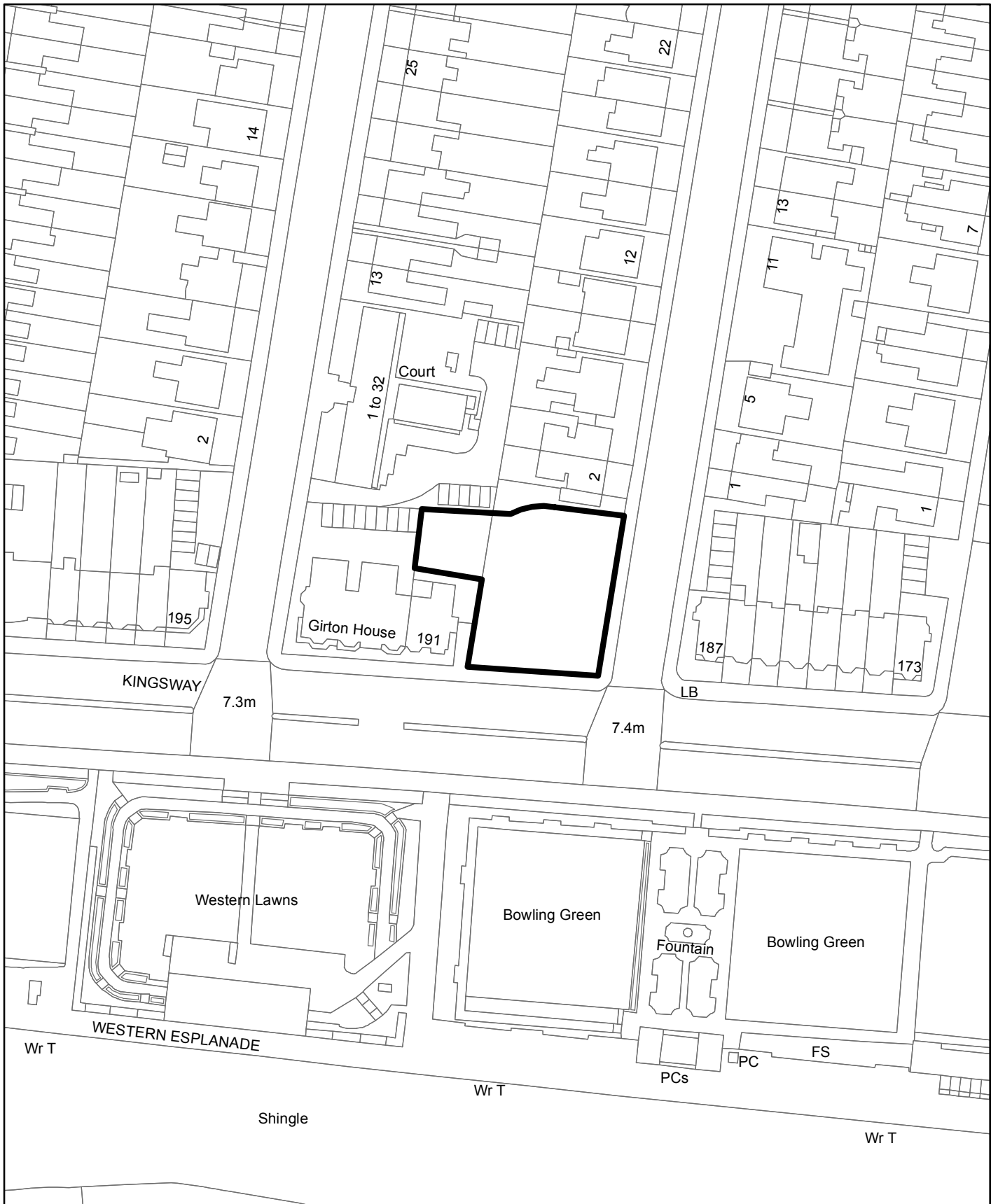
Should the decision be to granted this application of Condition 4 under delegated powers I wish the application to go to the planning committee for decision and reserve my right to speak.

ITEM D

**Site of Sackville Hotel, 189 Kingsway, Hove
BH2017/01108
Deed of Variation**

DATE OF COMMITTEE: 10th March 2021

BH2017/01108 Site Of Sackville Hotel, 189 Kingsway, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

Subject:	Site of Sackville Hotel, 189 Kingsway, Hove, BN3 4GU Request to vary the terms of the Deed of Variation to the Section 106 agreement relating to planning permission BH2017/01108 (Erection of 5 to 8 storey building to provide 60no residential dwellings (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville Gardens, 21no basement car parking spaces, 6no ground floor car parking spaces, cycle parking, plant and associated works) as amended by BH2019/03517 and BH2020/00355.
Date of Meeting:	10 March 2021
Report of:	Executive Director Economy, Environment and Culture
Contact Officer:	Name: Russell Brown E-mail: Russell.Brown@brighton-hove.gov.uk Tel: 07394414471
Wards Affected:	Westbourne

1. PURPOSE OF THE REPORT

- 1.1. To consider a request to vary the Heads of Terms of a Deed of Variation to the Section 106 Agreement signed in connection with planning application BH2017/01108, in order to amend the provision of affordable housing on site from three Affordable Rent and four Shared Ownership units, to 7 Shared Ownership Housing and/or Shared Equity Housing units, and to amend the definition of 'Registered Provider' (RP).

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** a second Deed of Variation to the S106 Agreement so that the developer is obligated to provide all seven units on site in the form of Shared Ownership Housing and/or as Shared Equity Housing.

3. BACKGROUND INFORMATION

Relevant History

- 3.1. Members were Minded to Grant full planning permission at Planning Committee on 13 September 2017 for the following development:

“BH2017/01108 Erection of 5 to 8 storey building to provide 60no residential dwellings (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville gardens, 21no basement car parking spaces, 6no ground floor car parking spaces, cycle parking, plant and associated works.”

- 3.2. The granting of permission was subject to the completion of a S106 Agreement containing the following Head of Term (amongst others), as set out in the original Committee report:

10 Affordable Housing Units, of which 5 shall be used for Affordable Rented Housing and 5 shall be used for Shared Ownership Housing.”

- 3.3. Planning permission was granted on 14th November 2017, following completion of the S106 Agreement.

- 3.4. An application (BH2019/03517) was submitted and subsequently approved on 24th December 2019 for the following:

Non-material amendment to BH2017/01108 to change the development description to: Erection of 5 to 8 storey building to provide self-contained flats (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville gardens, car parking spaces, cycle parking, plant and associated works.

- 3.5. A Deed of Variation was then sought to the s106 Agreement to amend the tenure to provide seven affordable units, of which three were to be used for Affordable Rented Housing and four were to be used for Shared Ownership Housing. This, and the accompanying planning application (BH2020/00355), were approved on 2nd June 2020.

4. PROPOSAL

- 4.1. Having been unsuccessful in securing any of the Council’s preferred Registered Providers (RPs) to take on the affordable housing units, the applicant is now seeking to use Landspeed Homes Ltd. who would provide intermediate homes for sale through an Equity Sale product, which would still fall within the national definitions of affordable housing for sale. The current definition of RP does not extend to other organisations specialising in the delivery of affordable housing, such as Landspeed.

- 4.2. It is now also proposed that all seven units are provided as Shared Ownership Housing and/or Shared Equity Housing in order to facilitate Landspeed to deliver the affordable housing on-site.

- 4.3. The change to the tenure is solely to allow the provision of the required affordable housing units on-site by Landspeed, rather than a Registered Provider (RP). Landspeed have not registered formally as a RP because they do not directly deliver rented accommodation or require government financial subsidy. They have, however, delivered nearly 300 units of intermediate affordable housing since 2005.

- 4.4. Housing Officers note the process by which affordable housing is delivered by Registered Providers in the city:

“Affordable housing secured through S106 Agreements have historically been sold to a Registered Provider (RP) at a below market price in order for them to be provided as affordable homes (affordable rent or shared ownership). The Council has a number of partner RPs based on presence in and commitment to the city as confirmed via rent levels agreements etc.

If an RP purchaser is not found among the partners the developer can bring forward an alternative provider but they will need will to meet the conditions of the Council’s proposed S106 Agreement.”

- 4.5. The developer has stated that there was a lack of interest in the affordable units from the Council’s list of preferred RPs and the only offer received (from Landspeed) was subject to all 7 units being shared ownership. Therefore, they have proposed the change in tenure and definition of RP. Full evidence of this lack of interest from RPs has been provided in the table in the next section.

5. CONSULTATION

5.1. Housing Strategy: No objection.

- 5.2. October 2020 – the developers approached the Council with confirmation that the affordable housing element had been marketed to all the Council’s partner RPs plus Sage Housing and St Arthur Homes (below), and all of whom had rejected the homes proposed. Evidence of this was provided with an e-mail from the marketing company, Reehs DC Ltd. The reasons given are summarised below. The key factors that came up across all RPs were: too few units (not viable) and the flats being leasehold within a larger block.

Hyde Housing	They sold the site to the developer
Orbit	Do not operate in Brighton & Hove
Southern Housing Group	Too small
Moat	Too small (minimum 20 units)
Clarion	Too small (minimum 50 units)
Guinness	Too small
Sage Housing	Too small
Optivo	Only interested in offering for the whole site or just the private units
St Arthur Homes	The number of shared ownership units was too small

- 5.3. RPs have to assess the affordability and viability of such purchases and the factors outlined in the table above are all elements that are included in that assessment, alongside risk regarding sale of shared ownership homes.

- 5.4. December 2020 – a draft Deed of Variation, a letter from Landspeed detailing the organisation’s activities, a letter from REEHS DC Ltd setting out the marketing of the affordable housing and an excel spreadsheet containing further information of the responses received to the marketing were provided.
- 5.5. In this instance, paying a commuted sum is not possible because the developer has confirmed that affordable housing has to be provided on site as a condition of funding, which reflects the Council’s in-perpetuity position on affordable housing. Furthermore, this development is already on site and the developer is keen to avoid delays.
- 5.6. Housing Officers also note that consideration is given as to whether the Council could purchase the homes, but highlight that *“any risk and suitability assessment of the homes on offer would be undertaken along the same lines as that of the RPs, with viability then assessed through the Home Purchase model based on cost of purchase and projected rent levels.”*
- 5.7. Purchase of S106 homes is an active project and consideration is now given to this at an earlier stage of the planning process. This will allow properties to be assessed against a standard set of risks and checked for viability based on the cost of the homes against the rent levels the Council intends to charge and any subsidy required.
- 5.8. The cost is not the only factor and may not be the deciding factor as important consideration is also given to the quality of construction, long term maintenance issues and practical matters such as layout and outdoor space.
- 5.9. In this instance with all factors above taken into consideration, a change in tenure and to the definition of RP remain the most practical outcomes for this scheme. The provision of affordable rented is still the city’s greatest need in terms of affordable housing.

6. COMMENT

- 6.1. The main considerations in the determination of this application relate to the principle of varying the legal agreement to allow for all seven units on site to be provided as Shared Ownership Housing and/or as Shared Equity and for the definition of a RP to be changed.
- 6.2. It is considered that the implementation of the development would deliver planning and economic benefits, including much-needed private housing, in a sustainable location, with good access to shops and services, and sustainable transport links. With the variation, it would also deliver a viable amount of affordable housing. The s106 also commits the developer to £196,609 of contributions towards local education services, recreation facilities and employment schemes.

- 6.3. It is considered that the developer has provided sufficient justification and evidence to demonstrate that Landspeed are the only organisation that are prepared to deliver the affordable housing on-site in the form of Shared Ownership Housing and/or Shared Equity.
- 6.4. Landspeed deliver affordable homes to qualified applicants at discounts of no less than 25% to open market and, unlike some other provider, do not charge rent on the discounted element. There is no loan to repay and their purchasers' outgoings can be less than equivalent units in the sector.
- 6.5. The Shared Ownership Housing or Shared Equity product falls within the national definitions of affordable housing for sale and the shared ownership criteria that will be applied to applicants is below:
- Earnings of no more than £80,000 a year
 - The only home of the purchaser
 - First time buyer (or previous owner now unable to afford a suitable property)
- 6.6. Those already living in affordable intermediate (shared ownership or shared equity) accommodation are also eligible. Landspeed also apply a local connection as an additional eligibility criteria, which is not a national rule, but is supported by the Council.
- 6.7. In conclusion, the continued provision of on-site affordable housing through changing the tenure and the definition of a RP has, in this case, been adequately justified and is therefore considered acceptable in compliance with City Plan Part One Policy CP20. The proposed variation would allow a financially viable and successful housing development to be achieved. As such, it is recommended to vary Clause 1.1, Schedule 2 paragraph 2, Schedule 2 paragraph 4 and Schedule 5 paragraph 7 of the Deed of Variation dated 2nd June 2020 to the S106 dated 14th November 2017.

Background Documents:

Planning Application BH2017/01108

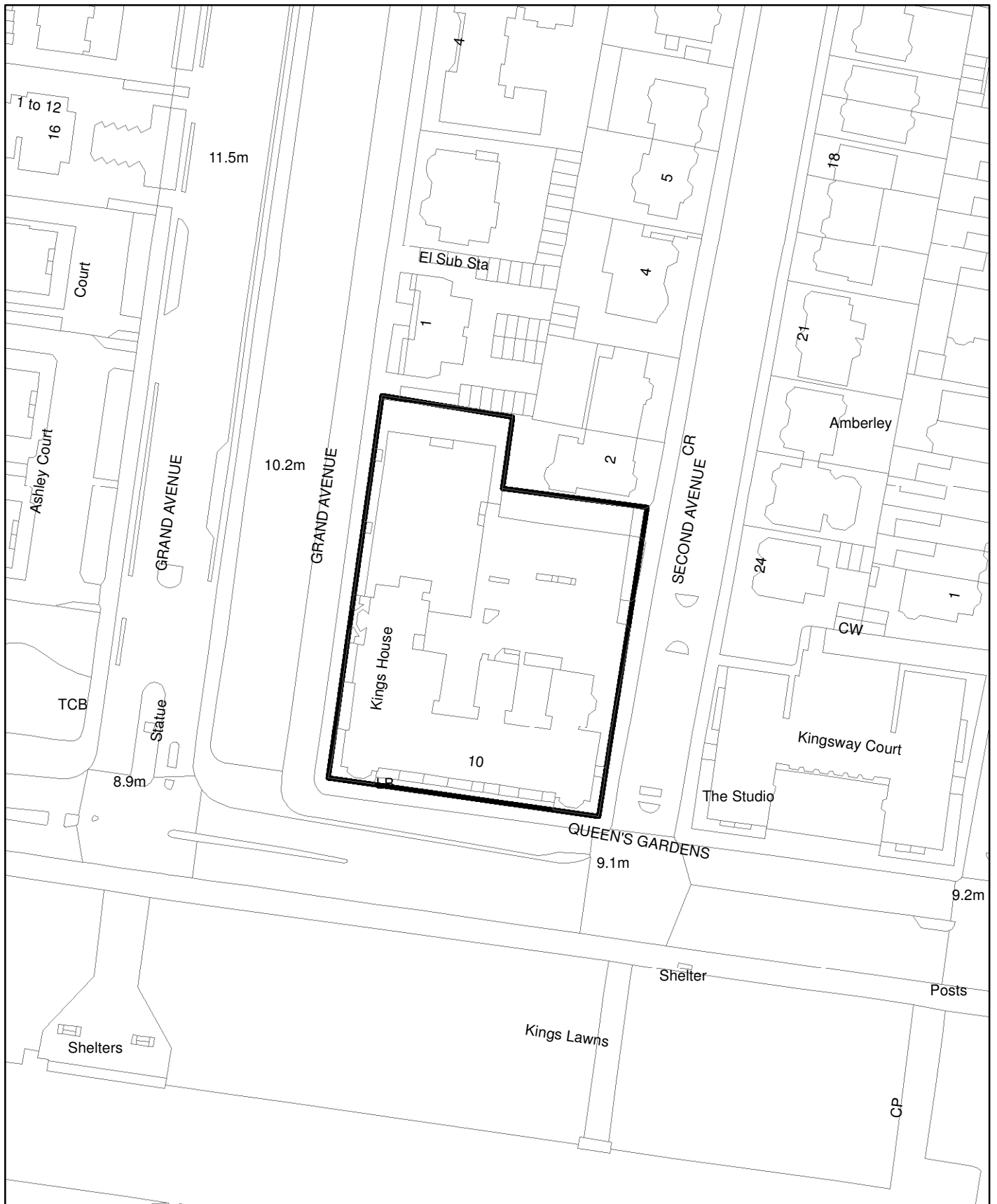
Planning Application BH2020/00355

ITEM E

**Kings House, Grand Avenue, Hove
BH2018/00868
Deed of Variation**

DATE OF COMMITTEE: 10th March 2021

BH2018/00868 Kings House Grand Avenue Hove



Scale: 1:1,250

Subject:	Kings House, Grand Avenue, Hove Request to vary the Heads of Terms of Section 106 Agreement in connection with planning permission BH2018/00868.		
Date of Meeting:	10 March 2021		
Report of:	Executive Lead Officer – Strategy Governance & Law		
Contact Officer:	Name:	Luke Austin	Tel: 01273 294495
	Email:	luke.austin@brighton-hove.gov.uk	
Ward(s) affected:	Central Hove		

1. PURPOSE OF THE REPORT

- 1.1 To consider a request to vary the Heads of Terms of the Section 106 Agreement dated 5 April 2019 in connection with planning permission BH2018/00868 to allow amendments of the affordable housing provision.

2. RECOMMENDATION

- 2.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** a Deed of Variation to the following Head of Term for the S106 Agreement with regard to Affordable Housing in order to increase the number of affordable units to be provided on site, remove the requirement for a commuted sum, and remove the requirement for a review mechanism.

3. BACKGROUND INFORMATION

- 3.1 Members were minded to grant full planning permission at Planning Committee on 07 November 2018 for the following application:

BH2018/00868 (Kings House, Grand Avenue, Hove) - Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on second avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points.

- 3.2 The granting of permission was subject to the completion of a S106 agreement containing the following Heads of Term (amongst others) as set out in the original committee report:

- Affordable Housing: Provision of 28 units on site comprising 15 rent units and 13 shared ownership, and a contribution of £265,492 towards off-site

provision. On-site affordable housing to be ready for occupation prior to 50% occupation of private residential accommodation.

- Review Mechanism of Viability

- 3.3 Planning Permission was granted on 10 April 2019 following completion of the S106 agreement.
- 3.4 The s106 agreement secured 28 affordable units (16% of the total), comprising 15 Affordable Rent units and 13 Shared Ownership units, to be located within the Second Avenue block, in addition to a commuted sum of £265,492 to provide affordable housing off-site.
- 3.5 The developer wrote to the Council on 3 December 2020 confirming that the two new-build blocks, totalling 100 units, have been sold to the Southern Housing Group which are one of the Council's partners in the Affordable Housing Development Partnership. It is therefore intended that the affordable provision would be increased to provide a total of 92 units (54%) including 28 Affordable Rent units within the Second Avenue block, and 64 Shared Ownership units within the Grand Avenue block.
- 3.6 The remaining eight units in the blocks, located on the 8th and 9th floors, would be provided as market housing.

4. PROPOSAL

- 4.1 The developer has written to the Council to request that the proposed affordable housing element be increased from 28 to 92 units and has therefore requested that the requirements for the affordable housing commuted sum and review mechanism be removed.

5. COMMENT

- 5.1 The s106 agreement linked to the planning permission at Kings House (BH2018/00868) provides for delivery of 28 affordable units (15 affordable rent and 13 shared ownership) together with a contribution of £265,492 towards off-site provision. This level of provision was agreed based on a viability assessment submitted by the applicant which was reviewed independently by the DVS. Since the agreed level of affordable housing fell short of the of Policy CP20 requirement for 40% affordable housing, the s106 includes provision for a Review Mechanism requiring that an updated viability appraisal is undertaken at a specified point following commencement of the development.
- 5.2 The developer has confirmed that the new build elements of the scheme have been sold to the Southern Housing Group and it is intended that the provision of affordable housing would increase to 94 units (54%).

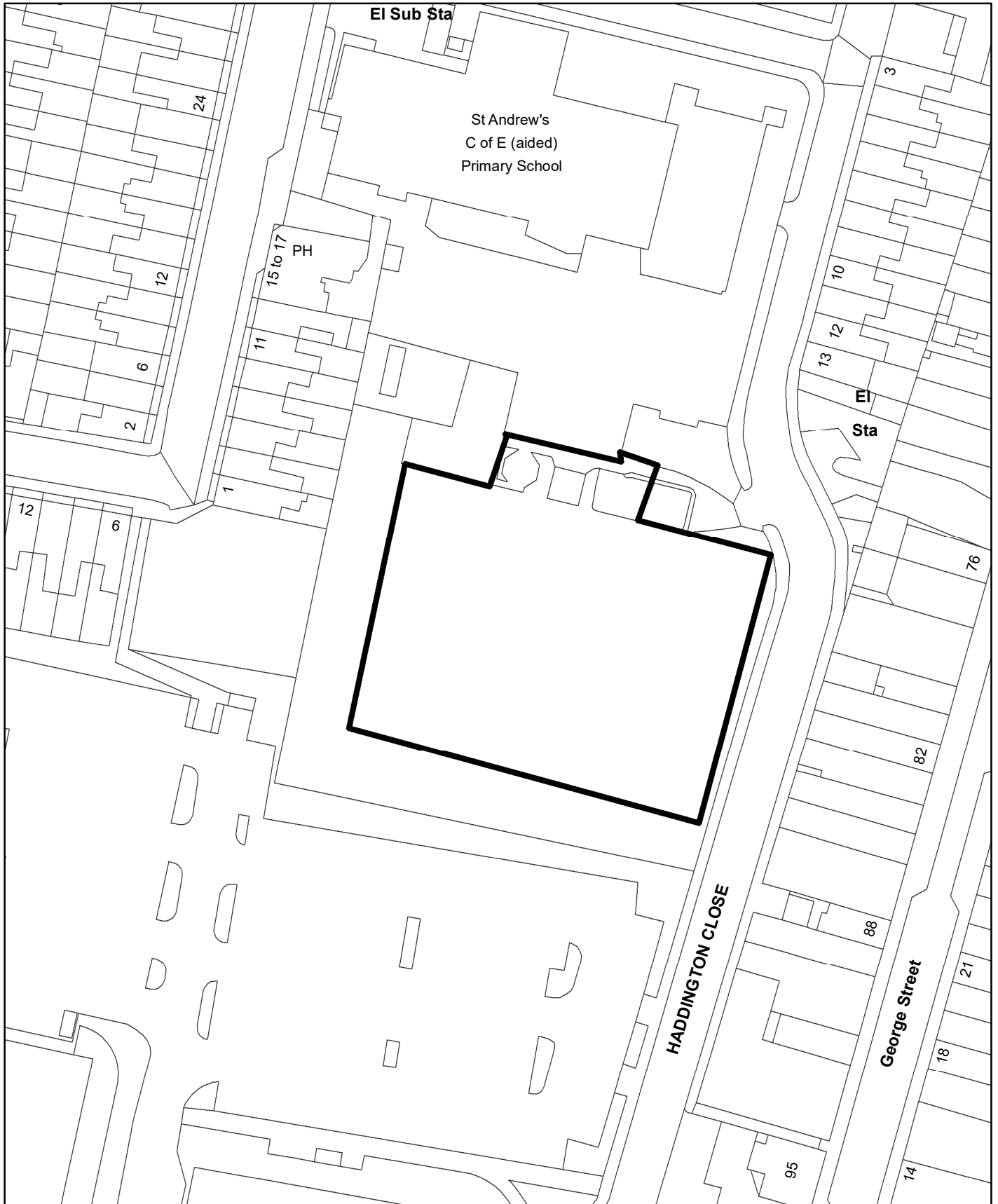
- 5.3 The significant increase in the provision of affordable units and the revised tenure mix are welcome. The 92 units would represent 54% of the total housing on site which would be well in excess of policy CP20 requirements and therefore negate the need for a financial contribution and review mechanism.
- 5.4 Both Planning Policy and Housing Officers are in support of the proposed changes and raised no objections to the tenure mix.
- 5.5 The proposed amendments to the heads of terms would facilitate these changes and are therefore recommended for approval.
- 5.6 Background Documents
Planning Application **BH2018/00868**.

ITEM F

**St Andrews CE Primary School
BH2019/02080
Full Planning**

DATE OF COMMITTEE: 10th March 2021

BH2019 02080 - St Andrews CE Primary School



N



Scale: 1:864

<u>No:</u>	BH2019/02080	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Andrews CE Primary School, Belfast Street, Hove BN3 3YT		
<u>Proposal:</u>	Installation of an artificial pitch with 3 metre high perimeter fencing and installation of 6no. 10 metre floodlights.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	22.10.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	17.12.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	24.03.2021
<u>Agent:</u>	Morgan Carn Partnership Brighton BN1 6FA	Blakers House	79 Stanford Avenue
<u>Applicant:</u>	Mr Julien Rutler	St Andrews Primary School	Hove BN3 3YT

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Other	Lumininaire Tech Details	Musco TLC- LED-550	1 February 2021
Report/Statement	Arb Method Statement	NJCL 640	16 September 2020
Location Plan	1782-P-01		12 July 2019
Proposed Drawing	1782-P-04	A	2 February 2021
Proposed Drawing	1782-P-11	B	2 February 2021
Report/Statement	Lighting Report	Musco	28 January 2021

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

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

3. The use of the development hereby permitted, including the floodlighting, shall not be carried out except between the hours of 07:30 to 21:00 Monday to Friday and 09:00 to 18:00 on Saturdays, Sundays, Bank and Public Holidays. The floodlighting shall not be in use unless the artificial grass pitch hereby permitted is concurrently in use, and shall be switched off by automatic switching.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be operated on the site.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. The floodlighting units hereby approved shall be 'Musco TLC-LED-550" or equivalent specification and installed in accordance with the 'Musco Illumination Summary" report dated January 2021 and received 28 January 2021, and in such a manner so as to reduce the likelihood of light sources and reflectors being directly visible from the habitable room windows of any property directly adjacent to the site and to avoid light spill to the vegetation to the southern and eastern boundaries of the site.
Reason: To safeguard protected species from the impact of the development and the amenities enjoyed by the occupiers of adjoining residential properties, and to comply with policies TR7, SU9, QD18, QD26 and QD27 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
6. At no time and under no circumstances shall the light from the floodlights into the habitable room windows of adjacent residential properties exceed a level of 3 Ev lux vertical illuminance.
Reason: To safeguard the amenities enjoyed by the occupiers of adjoining residential properties and to comply with policies TR7, SU9, QD26 and QD27 of the Brighton & Hove Local Plan.
7. No tree shown as retained on the Tree Protection Plan (ref. NJCL 640_01_010720 dated 1 July 2020) in the approved Arboricultural Method Statement shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during construction and thereafter within 5 years from the date of occupation of the site for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
8. The development shall be implemented in strict accordance with the submitted Arboricultural Method Statement (Nicholas Jones Consultants Limited Ref: NJCL 640) received on the 16 September 2020. Any excavation within designated root protection areas shall be undertaken with hand tools and under direct arboricultural supervision.

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 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

9. The vehicle parking area shown on the approved plans shall be made available for the parking of private motor vehicles and motorcycles belonging to users of the development hereby approved.

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

10.

i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

11. No development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) details of all external materials, including details of the colour, used in perimeter fences, walls and enclosing structures;
- b) details of all hard surfacing materials including pitch details;
- c) details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

12. The development hereby permitted shall not be occupied until the existing cycle parking facilities have been made available for use and 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 and SPD14: Parking Standards.

13. Within three months of the date of first occupation a Travel Plan for the development has been submitted to and approved in writing by the Local

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

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

14. The development hereby permitted shall not be brought into use until a Management and Maintenance Scheme for the development hereby approved including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to ensure the replacement of the Artificial Grass Pitch within the manufacturer's specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with policy CP17 of the City Plan Part One.

15. The development hereby permitted shall not be brought into use until a Community Use Agreement has been submitted to and approved in writing by the Local Planning Authority. The Agreement shall apply to the proposed Artificial Grass Pitch and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved Agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policies CP16 and CP17 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. The applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). 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:

Schools, academies and nurseries

- i. Measures to promote and enable increased use of active and sustainable transport modes, including walking, cycling, public transport use, car sharing and Park & Stride, as alternatives to individual motor vehicle use;
- ii. Identification of a nominated member of staff to act as School Travel Plan Co-ordinator to become the individual contact for the council's School

- Travel Team relating to the School Travel Plan; to convene a School Travel Plan (STP) Working Group;
- iii. Use of the BHCC STP guidance documents to produce and annually review the STP
 - iv. Production of a SMART action and monitoring plan, which shall include a commitment to undertake annual staff, parent/carers and pupil travel surveys to enable the STP to be reviewed and to update the SMART actions to address any issues identified;
 - v. A commitment to take part in the annual 'Hands Up' Mode of Travel Survey co-ordinated by the council's School Travel Team;
 - vi. Identification of mode-use targets focussed on reductions in the level of individual motor vehicle use by staff and parent/carers;
 - vii. A commitment to reduce carbon emissions associated with nursery and school travel;
 - viii. Initiatives to increase awareness of and improve road safety and personal security;
 - ix. Evidence of dialogue and consultation with neighbouring residents and businesses;
 - x. Submission of an annual STP review document, following the annual travel surveys, to the Council's School Travel Team to demonstrate progress towards the identified targets.
3. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.

2. SITE LOCATION

- 2.1. The application relates to the grass playing field of St Andrews CofE Primary School in Hove. The field is bounded by Haddington Street to the east, Belfast Street to the west and by a Tesco superstore and car park to the south. The School has approximately 600 children on roll.

3. RELEVANT HISTORY

- 3.1. PRE2018/00023 - Pre-application advice for artificial pitch scheme. April 2018.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the installation of a 55 x 37m artificial grass pitch, in place of the existing natural grass playing field. A 3-metre high perimeter fence is proposed to enclose the site, and 6 no. 10 metre floodlight would be installed.
- 4.2. The School has indicated that it wishes to install a 40mm pile 3G surface for primary school level sports such as football, athletics, hockey, cricket (with a

special roll-on surface for the bowling/ batting area), rounders and baseball, as well as for general play for the school children.

- 4.3. Outside of school hours, between 5pm and 9pm on weekdays and 9am and 6pm at weekends, the intention is that the pitch would be available for use by the community, primarily for junior football.
- 4.4. Further to discussions with the agent, amendments to the number and height of the floodlighting columns have been received during the life of the application, to reduce visibility and impact on neighbouring properties. The perimeter fence has also been increased in height.

5. REPRESENTATIONS

- 5.1. Forty-one (41) letters has been received objecting to the proposed development. The main grounds of objection are as follows:
 - Design and appearance
 - Height
 - Loss of grass pitch
 - Traffic & parking
 - Highway safety
 - Hours of use
 - Noise nuisance
 - Light pollution
 - Overshadowing
 - Impact on wildlife
 - Drainage
 - Environmental impact of materials
 - Similar facilities nearby
 - Loss of car park space for community events
 - Lack of community consultation
 - Impact property values
 - Impact on views
- 5.2. Thirteen (13) letters has been received supporting the proposed development for the following reasons:
 - Benefits to mental and physical wellbeing
 - Bring vital funds to school
 - Valuable facility for community
 - Demand for such facilities
 - Can be utilised in all weathers
 - Current pitch not usable for much of the year
 - Not economically viable to excavate current pitch
 - Many users will use sustainable modes of transport
- 5.3. Following re-consultation re amended plans (February 2021):

- 5.4. Three (3) further letters have been received (2x Objection, 1x Support). No new issues were raised.

6. CONSULTATIONS

Internal

- 6.1. **Arboriculture:** No objection provided that any excavation within designated root protection areas is undertaken with hand tools and under direct arboricultural supervision.
- 6.2. **Environmental Health:** No objection subject to conditions relating to lighting.
- 6.3. **Heritage:** No objection The floodlighting columns would not impact on the silhouette nor intrude upon views of the listed church. They would not harm the setting of the nearby conservation areas or listed buildings.
- 6.4. **Planning Policy:** No objection Would enable better and more effective use of existing open space and/ outdoor sports facilities in line with the general policy approach for open space and sports provision.
- 6.5. **Sports Facilities:** No objection The development would provide better sport and physical activity opportunities for the pupils of the school. Question suitability of the proposed 3G surface and associated floodlighting, given need for ongoing maintenance.
- 6.6. **Sustainable Transport:** No objection subject to conditions relating to provision of a car park management plan, travel plan, cycle parking and the retention of the parking area.

External

- 6.7. **Brighton and Hove Archaeological Society:** No objection Unaware of any archaeological deposits that are likely to be affected by this development.
- 6.8. **County Archaeologist :** No objection subject to conditions relating to implementation of a programme of archaeological work.
- 6.9. **Ecology:** No objection The proposed development is unlikely to have an impact on biodiversity and can be supported from an ecological perspective.
- 6.10. **Sport England:** No objection Given the size of the existing playing field and the fact that this a primary school, minded to accept the proposal as of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals

in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM20	Protection of Amenity - significant weight
DM21	Extensions and alterations - significant weight
DM22	Landscape Design and Trees - significant weight
DM29	The Setting of Heritage Assets - significant weight
DM31	Archaeological Interest - more weight than retained Local Plan policy.
DM33	Safe, Sustainable and Active Travel - significant weight
DM35	Travel Plans and Transport Assessments - significant weight
DM36	Parking and Servicing - significant weight
DM37	Green Infrastructure and Nature Conservation - limited weight
DM40	Protection of the Environment and Health - Pollution and Nuisance significant weight

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces

CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city

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

TR4	Travel plans
TR7	Safe Development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD18	Species protection
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed development, visual impact, impact on neighbour amenity, highways and ecology issues.

Planning Policy:

- 9.2. Policy CP16 of City Plan Part 1 (CPP1) supports better, more effective and appropriate use of existing open space. It requires that new provision should optimise accessibility for all users and facilitate sustainable means of access. It seeks the community use of private, and school open spaces. Policy CP17 seeks the enhancement and more effective use of existing indoor and outdoor sports facilities and spaces. It supports the provision of new/ extended sports services, facilities and spaces, especially those that meet identified needs. It states that new provision should meet quality standards, optimise their accessibility and affordability to all users, and proposals should seek to improve the variety of provision in the city.

- 9.3. The application states that the existing grass pitch is in a very poor condition and is only usable for around 30% of the year. It is currently not used at all by the wider community. The School wishes to provide its children with a surface that can be used all year round for all activities ranging from general play to a wide range of sports and, additionally, to make it available to the community.
- 9.4. The proposal would upgrade and enhance the quality of the sports facilities and their usability, which would enable better and more effective use of existing open space and outdoor sports facilities in line with the general policy approach for open space and sports provision as set out in policies CP16 and CP17. It is also understood that the proposed pitch is not intended to expand the school's capacity, rather is aimed at improving the existing sports provision. Whilst the improved facility would inevitably attract more users, with potential impacts on amenity and the highway, the supporting infrastructure, (such as parking spaces) currently in place is considered to be sufficient. The proposal is welcomed and is supported in principle by the Council's Planning Policy Team.
- 9.5. Sport England has no objections to the loss of an area of playing field to provide an alternative sports facility subject to the submission of details of the playing surface and a Management and Maintenance Scheme which can be secured by condition. The Council's Sports Facilities officer supports the principle of an all-weather pitch to provide better sport and physical activity opportunities for the pupils of the school.
- 9.6. Both Sport England and the Council's Sports Facilities Officer have questioned the choice of the type of artificial grass surface proposed in terms of level of maintenance and cost required. This is noted; however, the school governors consider that the facility can be maintained by the funds from the private hire to the community. Ultimately the proposed surface is a decision for the applicant.
- 9.7. The scheme is therefore considered to be acceptable in principle.

Design and Appearance:

- 9.8. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.9. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.10. Although the site is not within a conservation area itself, it is close to several (Old Hove, Pembroke and Princes, Cliftonville, Denmark Villas and Hove Station). It is also to the north of the Grade II* listed Church of St Andrew on Church Road.

- 9.11. Therefore the main potential for impact on the setting of heritage assets relates to the church and in particular the important views of the church from Church Road and St Aubyns in the Old Hove conservation area, from where the church roof and tower are silhouetted against the sky (although partly screened by mature trees).
- 9.12. It is considered that the 10m high floodlighting columns and lamps would not impact on this silhouette and, more generally, would not intrude upon views of the church from these locations. After dark, when in use, the lighting would likely have no significant additional impact beyond that from the adjacent Tesco car park lighting, and measures would be in place to minimise light spill.
- 9.13. The floodlight column in the south-west corner may be visible to some degree from the east-west section of Connaught Road within the Old Hove conservation area, from where the grade II listed Connaught Road School partly closes off the view. However, it is not considered that this visual impact, in the space between the School and the backs of the Stirling Place houses, would be unduly intrusive, given the intervening tree line. It would not harm the setting of the conservation area or of the listed building.
- 9.14. The site is close to the locally listed 85 George Street however the floodlights would not be visible from George Street.
- 9.15. Although the floodlights would be visible to neighbouring properties, it is considered that the structures would not have an overbearing impact or be unduly harmful to neighbours' outlook. Given the site context the masts would not stand out as visually intrusive and would be appropriate in terms of visual appearance.
- 9.16. The existing pitch is not readily visible from public vantage points outside of the site; glimpses can be seen from Haddington Street, however it is mainly hidden from view by fencing and foliage. The new artificial grass pitch would retain the green visual character of the existing site, so would be acceptable in its appearance.
- 9.17. Full details of the construction materials of the external surfaces should be sought by condition.

Impact on Amenity:

- 9.18. Policy QD27 of the Brighton & Hove Local Plan, as updated by Policy DM20 of City Plan Part 2 (CPP2), 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. The impacts from the development in regard to noise and floodlighting should be minimised in line with policies SU10, QD25, QD26 and QD27 in the 2005 Local Plan, and Policies DM20 and DM40 of CPP2.

- 9.19. The proposed facility would be located in close proximity to existing residential properties adjoining the application site to the west in Belfast Street. There are also residential properties further away in Stirling Place to the west and Haddington Street to the north east, although these are unlikely to be directly impacted by the development.
- 9.20. After school hours the facility would primarily be available for junior football for local children and potentially local youth teams. The hours of community use (Monday to Friday 17:00 to 21:00, weekends 09:00 to 18:00) are considered reasonable to ensure safeguarding of the amenities of the locality; these can be secured by condition.
- 9.21. A few properties on the eastern side of Belfast Street would have a direct line of sight to the proposed floodlighting installation from their rear rooms. It is the case that there is likely to be some light spill to these nearby properties.
- 9.22. Due to the proximity of residential properties and the suburban nature of the area, it is appropriate to adopt the strict standard of a maximum allowable luminance value of 5 Ev lux (vertical illuminance). The applicant has demonstrated that the lighting scheme would achieve this standard (2.7 Ev lux @ the nearest residential property no. 3 Belfast Street).
- 9.23. Given the above illuminance and hours of use, that the lamps themselves would be directed at the pitch and would only be required when light conditions necessitate and can be switched off automatically when not in use, it is considered that the floodlighting impact is acceptable in this instance, subject to conditions.
- 9.24. The Council's Environmental Health Officer has no objections to the scheme in terms of the lighting scheme or the hours of use. The provision of a Community Use Agreement with details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, should be secured by condition.

Sustainable Transport:

- 9.25. The Council's Highways officer does not forecast a significant increase in vehicle trip generation as a result of these proposals and therefore considers that any impact on highway capacity would be minimal.
- 9.26. With regard to the proposed community use, thirty existing on-site cycle racks and thirty-three existing on-site car parking spaces would be available for use, which can be secured by condition.
- 9.27. Highway Officers have requested a condition securing a Carparking Management Plan to ensure carparking is available at least half an hour before the pitch is in after-hours use, but this is not considered necessary or enforceable by the school. As the LHA notes, 33 carparking spaces are provided where a maximum of 20 spaces are required, so it is considered sufficient spaces would, on most, if not all occasions, be available after school hours for the pitch use.

- 9.28. Further, given the parking provision proposed, overspill parking seems unlikely, however this section of Belfast Street is located inside Controlled Parking Zone (CPZ) N (mainly 9am-8pm permit holders only parking) so any overspill car parking would be dealt with by the CPZ management system. There are also some public on-street fee paying car parking spaces available within the vicinity of the site in Connaught Road, Connaught Terrace and Haddington Close.
- 9.29. Otherwise, the Council's Highways Officer has no objections to the scheme, subject to the above conditions and submission of an updated School Travel Plan that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users.

Ecology:

- 9.30. The site is currently comprised of amenity grassland, used as a sports pitch. This is of low ecological value, with the exception of the boundary tree/scrub vegetation which would be retained.
- 9.31. Given the urban nature and existing high light levels in the area, the County Ecologist has confirmed that bat activity surveys are not deemed necessary. The proposed development is unlikely to have an impact on other protected species / biodiversity and can be supported from an ecological perspective.

Arboriculture:

- 9.32. There are trees and foliage within close proximity of the site, particularly to the east and south. An Arboricultural Method Statement has been submitted which outlines proposed protection measures such as fencing and confirms that any excavation within designated root protection areas shall be undertaken with hand tools and under direct arboricultural supervision. The Council's Arboriculture officer is satisfied with the measures proposed.

Other considerations:

- 9.33. The information provided has identified that there is a risk that archaeological remains could be damaged by the development. However, the County Archaeologist has confirmed that the that the risk of damage to archaeology can be mitigated by a programme of archaeological works which can be secured by condition.

Conclusion:

- 9.34. Given the prevailing character of the site, it is considered that the development would not appear out of context or character with the site and the surroundings. The proposed floodlighting columns would not intrude upon views of the listed St Andrews church or harm the setting of the nearby conservation areas or listed buildings.
- 9.35. The proposal would upgrade and enhance the quality of the sports provision, which would enable better and more effective use of existing open space and outdoor sports facilities for the School and local community. Subject to

conditions, it is considered that the development is appropriate in terms of impact on amenity, highways, ecology and arboriculture.

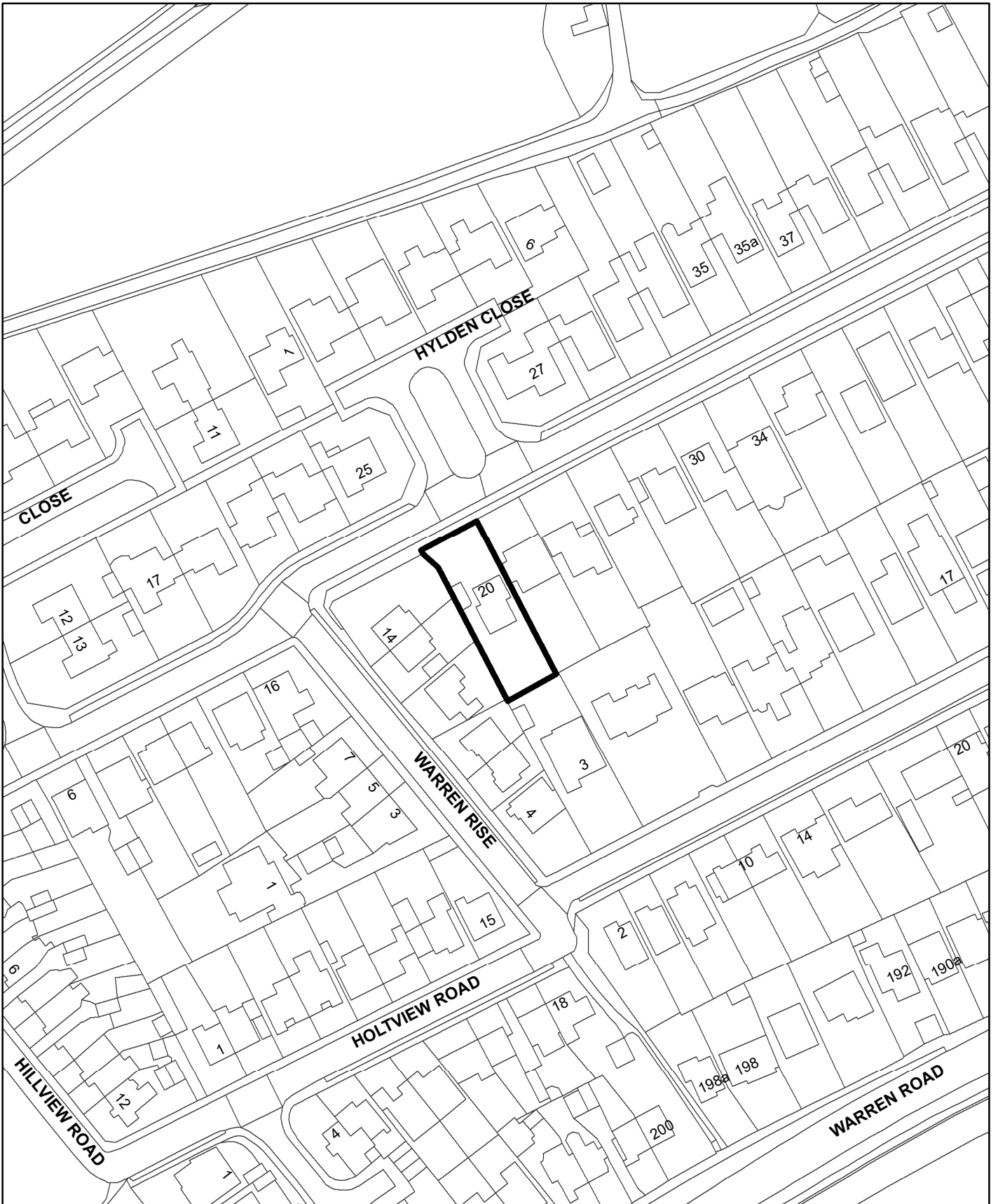
10. EQUALITIES
None identified

ITEM G

**20 Downland Road
BH2020/03770
Householder Planning Consent**

DATE OF COMMITTEE: 10th March 2021

BH2020 03770 - 20 Downland Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/03770	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	20 Downland Road Brighton BN2 6DJ		
<u>Proposal:</u>	Roof alterations incorporating raising ridge height. Erection of part one part two storey front, rear and side extensions for remodelling of existing dwelling.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	22.12.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	16.02.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	17.03.2021
Agent:	Mel Humphrey RICS C.Build E MCABE 39 Northease Drive Hove BN3 8PQ		
Applicant:	Mr Terry Blount 20 Downland Road Brighton BN2 6DJ		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2020/171		22 December 2020
Location and block plan	2020/171		22 December 2020

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

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

3. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

4. The dormer windows in the side elevations 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of this condition
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application relates to a detached bungalow located on the southern side of Downland Road. The area has an eclectic mix of styles and sizes of housing - with no predominant style to this side of the highway. To the east lies a larger bungalow which has had extensive and large modifications to the roof form. To the west are the rear of two-storey semi-detached properties which front onto Warren Rise.

3. RELEVANT HISTORY

None

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the remodelling of the existing dwelling including raising the ridge height of the roof; and the erection of a part one-, part two-storey front, rear and side extensions.

5. REPRESENTATIONS

- 5.1. Fifteen (15) total letters have been received five (5) of which are repeats.
- 5.2. Seven (7) unique letters and five (5) duplicate letters have been received objecting to the proposed development on the following grounds:
 - Height
 - Amenity harm
 - Overshadowing
 - Overdevelopment
 - Would affect views
 - Poor design
 - Traffic
 - Noise

- 5.3. Three (3) unique letters have been received supporting the proposed development on the following grounds:
- Good design
 - No impact on amenity

6. CONSULTATIONS

None

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019);

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM20 Protection of Amenity - Significant weight

DM21 Extensions and alterations - Significant weight

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14	Extensions and alterations
QD27	Protection of Amenity
CP10	Biodiversity

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

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

Design and Appearance

- 9.2. The remodelling of the existing bungalow would see a complete change in form, creating a larger property that is extended in depth and height, with a very different appearance. It is recognised, and has been pointed out in various objections, that the bulk and massing would increase substantially over the existing dwelling. The front elevation would sit further forward than the existing dwelling does, but this would bring it more into line with the building line in this part of the road is considered acceptable.
- 9.3. The proposed side dormers, while not necessarily considered an enhancement to the design, would be similar to other dwellings in the area, and would not cause harm to the appearance of the proposed building, as they would match in terms of material and style. The dormer windows, which would serve a dressing room and a bathroom, have been detailed as being obscurely glazed which would be conditioned accordingly.
- 9.4. The rear of the property currently comprises two separate flat-roofed extensions and it is therefore considered that the alterations at the rear with hip and gable roof would improve the appearance of the host building, offering a more integrated design, with the increased glazing creating a more contemporary façade. The proposed works would not extend the building any further towards to the rear boundary.
- 9.5. The raising of the ridge height, together with the increase in the bulk of the roof, would increase the prominence of the building. However, its overall height would be comparable with surrounding properties and development in the area so is considered to be in keeping.
- 9.6. The new elevations, although very different from the existing, are also taking cues from forms of development in the area, mixing established with modern design and this approach is supported.

- 9.7. The width of the property would increase to encompass the majority of the plot and remove the existing garage, although a gap would be retained between the side elevations and the plot boundaries. This increase is considered acceptable as the hipped roof and barn-ends would ensure the plot does not appear overdeveloped when viewed from the street. It is noted that many of the properties in the locale similarly extend across almost the full width of the plot and the scheme would therefore be in keeping with the character of the area.
- 9.8. The proposed works would be constructed in imperial brick with part white painted render and part grey Marley tile hanging to elevations. The new roof would be part hipped with Marley tiles in anthracite grey. The dormers would be flat roofed and finished with Marley grey tile hanging. The new fenestration would be finished in a grey colour.
- 9.9. The existing building offers little architectural merit and its retention or a design reflecting its appearance is not considered necessary. The remodelled property would not appear incongruous or disruptive through design or form in the existing varied streetscene. The proposal is not considered to be out of keeping of development in the wider area.
- 9.10. Therefore, the proposed extensions and works are considered to be a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan, Policy DM21 of CPP2, and SPD12 guidance.

Impact on Amenity

- 9.11. 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.
- 9.12. The form of the extension extending to the front, side and rear, with revisions to the roof, is not considered to substantially harm neighbours' amenity. The remodelled property would be slightly set in from the side boundaries, with the roof design reducing any potential overbearing and overshadowing effects, particularly with regard to No.22 Downland Road. The properties to the west and south in Warren Rise and Channel View Road are sufficiently distant that no overshadowing or overbearing impacts would occur.
- 9.13. It is acknowledged by Officers that the revised form and scale of the property would increase its visibility to some neighbours. However, despite objections concerning the loss of views, it is noted that a right to a view and retention of the same is not a material consideration in the determination of planning applications. The immediate area is characterised by large extensions and changes to properties, and by relatively large front and rear gardens. In this context, the impact of the scheme is not considered to be significant. It is not considered that the neighbours' outlook would be so impacted as to warrant refusal, especially given the distances and the degree of interruption that is involved.

- 9.14. The new rear façade would increase the amount of glazing at both the ground and first floor levels, and therefore the potential for overlooking at the upper level. The proposed first floor windows would be some 25m from the façade of the dwelling to the rear (south) with minimal loss of privacy at this distance. There would be some increased potential for the overlooking of neighbouring gardens, but other properties already have rear facing windows at first floor height so a degree of mutual overlooking of rear amenity areas currently exists. The degree of harm to amenity is not, in this context, considered so significant to warrant refusal.
- 9.15. The new front facing fenestration would only overlook front gardens and highway, limiting any harm to private amenity. The new side dormers would be obscure glazed to prevent any overlooking to adjacent properties.
- 9.16. The increase in noise through the use of the remodelled property has also been raised in objections, but as no change of use is proposed and it would continue as a single residential property, any increase through normal use is not considered substantial over the existing situation and therefore acceptable.
- 9.17. Therefore, it is not considered that the proposed extension and works would cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2.

Other Matters

- 9.18. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.19. In view of the ongoing COVID-19 travel restrictions and in lieu of a site visit, photos of the site have been obtained from the applicant, which, along with aerial photographs and other material, is considered sufficient for a robust recommendation to be made by officers.

Conclusion:

- 9.20. The proposed development is considered to enhance the host property and bring improvements to the streetscene. No significant harm to neighbouring amenity is identified. Approval is therefore recommended.

10. COMMUNITY INFRASTRUCTURE LEVY:

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £0, due to the residential extension exemption submitted. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

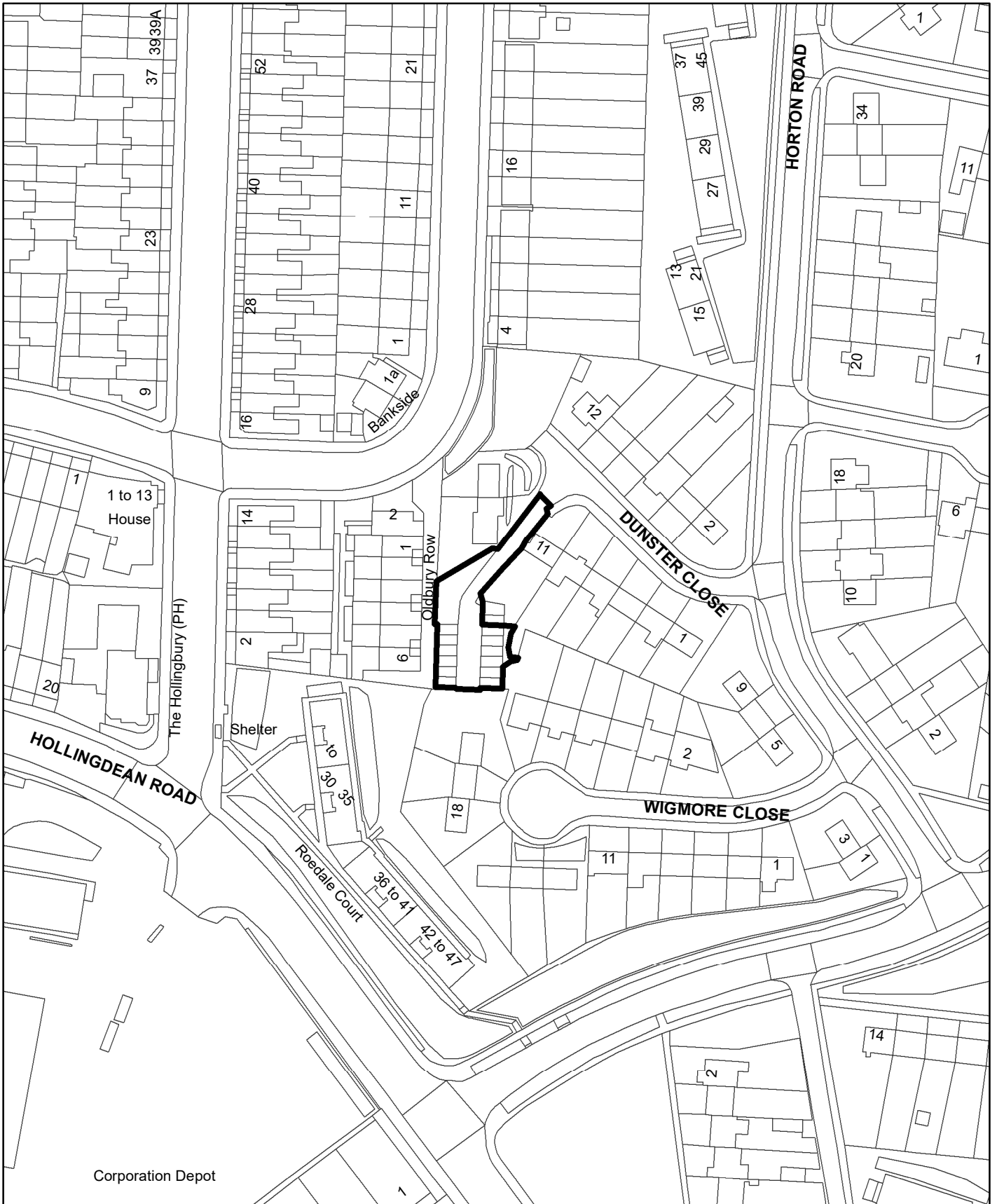
- 11. EQUALITIES**
None identified.

ITEM H

**Garages, Dunster Close
BH2020/00673
Full Planning**

DATE OF COMMITTEE: 10th March 2021

BH2020 00673 - Garages, Dunster Close



N



Scale: 1:1,250

<u>No:</u>	BH2020/00673	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garages, Dunster Close, Brighton		
<u>Proposal:</u>	Erection of 2no semi-detached dwellings (C3) comprising of 1no two bedroom house and 1no three bedroom house.		
ADDITIONAL INFORMATION - TRANSPORT STATEMENT			
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	28.02.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	24.04.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	AURAA LTD 54 Georgiana Street London NW1 0QS		
<u>Applicant:</u>	Bunker Housing Co-operative 7 Fairlight Place Brighton BN2 3AH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2005_GA-320		28 February 2020
Block Plan	2005_GA_002		28 February 2020
Proposed Drawing	2005_GA_100	Rev B	12 February 2021
Proposed Drawing	2005_GA_110		28 February 2020
Proposed Drawing	2005_GA_120		28 February 2020
Proposed Drawing	2005_GA_130		28 February 2020
Proposed Drawing	2005_GA_200		28 February 2020
Proposed Drawing	2005_GA_210		28 February 2020
Proposed Drawing	2005_GA_300		28 February 2020
Proposed Drawing	2005_GA_310		28 February 2020
Proposed Drawing	2005_GA_330		28 February 2020
Proposed Drawing	2005_GA_340		28 February 2020
Proposed Drawing	2005_GA_350		28 February 2020
Proposed Drawing	2005_GA_400		28 February 2020
Proposed Drawing	2005_GA_410		28 February 2020
Proposed Drawing	2005_GA_420		28 February 2020
Proposed Drawing	2005_GA_430		28 February 2020
Proposed Drawing	2005_GA_440	Rev B	12 February 2021
Location Plan	2005_GA_001		28 February 2020

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples/photographs/specifications 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/photographs/specifications of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples/photographs/specifications of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/photographs/specifications of all hard surfacing materials
- d) samples/photographs/specifications of the proposed window, door and balcony treatments
- e) samples/photographs/specifications 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/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

5. 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 Brighton & Hove City Plan Part One.

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

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

7. The development hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
8. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has 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 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, HE6 and QD27 of the Brighton & Hove Local Plan and CP12/CP15/CP13 of the Brighton & Hove City Plan Part One.
9. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
10. All ecological measures and/or works shall be carried out in accordance with the details contained in the Combined Ecological & Arboricultural Appraisal Report (The Ash Partnership, February 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Plan Part One.
11. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E] of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14/HE6 and QD27 of the Brighton & Hove Local Plan and CP12/CP13/CP15 of the Brighton & Hove City Plan Part One.

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

14. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A 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 disturbance to 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

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 Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.

6. The water efficiency standard required under condition CP8 of the Brighton & Hove City Plan Part 1 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.
7. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link southernwater.co.uk/infrastructure-charges

2. SITE LOCATION

- 2.1. The application site is 0.047 hectares in size and is located on the southern extent of Dunster Close. It is accessed via a relatively narrow driveway that slopes downwards from Dunster Close. The site previously contained a number of garages serving the properties on the Close but these have since been demolished. However, remaining garages belonging to 11 and 13 Dunster Close, at the north of the site, are currently still served by this driveway. To the north and east of the site are two-storey residential terraced properties on Dunster Close. Directly to the west of the site, sitting on a lower ground level, is a small terrace of 6 new-build residential properties called Oldbury Row. To the south and south-east are the terraced properties on Wigmore Close.
- 2.2. Dunster Close is a cul-de-sac constructed during the 1950s comprising two-storey brick and tile terraced and semi-detached houses. It is not in a conservation area, and has no parking restrictions, Due to the fact that the properties on the north-eastern side of the Close have no off-street parking provision, there is a significant level of on-street parking that takes place. Due to the relatively narrow road, this tends to result in cars partially parking on the pavement.
- 2.3. The site is in a relatively sustainable location with reasonable access to bus services and just over 500m (as the crow flies) from the shops and services on Lewes Road.

3. RELEVANT HISTORY

3 June 2019	PRE2019/00136: Pre-application enquiry
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	<p>A pre-application enquiry was submitted regarding the application site in June 2019. This initially proposed a three-storey building comprising the following:</p> <ul style="list-style-type: none"> 1 no. 4 bedroom unit 1 no. 2 bedroom unit 3 no. 1 bedroom unit <p>Concerns were raised by the case officer that the proposal was too high and constituted over-development given that it occupied almost the entire plot and left no opportunities for private amenity space. Concerns were also raised regarding the impacts on neighbouring properties including Oldbury Row to the west.</p> <p>In order to address these concerns the proposed scheme has been reduced significantly from 5 units to 2 units and from three storeys to 2 storeys. The footprint has reduced to allow for some private amenity space to the rear.</p>
<p>28 February 2020</p>	<p>BH2020/00674: Erection of two-storey building comprising 1no. semi-detached four-bedroom house and 2no. one-bedroom flats at Land adjoining 12 Dunster Close</p> <p>The above planning application is considered to be of relevance because it relates to another site in Dunster Close with the same applicant as the application site (BH2020/00673) and there may be cumulative impacts that require consideration. This application is currently pending a decision.</p>

4. APPLICATION DESCRIPTION

- 4.1. The application proposes the erection of 2no. two-storey, semi-detached dwellings, comprising one 2-bedroom house, and one 3-bedroom house on land owned by Brighton & Hove City Council.
- 4.2. The proposed dwellings are of a contemporary appearance with a flat roof and with a render exterior, painted light grey at ground floor level, and clad with Siberian larch planks at first floor level. Raised parapets would hide from view the proposed solar panels on the roof of the first floor. The roof of the ground-floor element would have sedum green-roof matting.
- 4.3. Material specifications submitted with the application show a solid oak entrance door and triple glazed timber windows.
- 4.4. A communal lawn with planter boxes would be provided at the front of the property, and rear patios would provide private amenity space.

- 4.5. A total of eight cycle spaces would be provided in the form of a communal covered cycle store housing five spaces in the south west corner of the site, and three short-stay spaces on the communal lawn area at the front of the proposed dwelling. No car parking provision is proposed for the dwellings.
- 4.6. Bin stores would be provided at the front of the proposed dwelling.
- 4.7. It should be noted that the application has been submitted by Bunker Housing Co-operative who seek to provide homes for low-income households. Details submitted with the application state the following:
'We are a fully mutual co-operative registered with the FCA (Financial Conduct Authority) and, in line with cooperative principles, membership of the co-op is open to all individuals who meet our criteria for membership and allocations policy. All members have to complete an application form and we do equal opportunities monitoring. Membership is currently open. We have a two-tier membership system with up to 10 full & fee-paying members and up to 10 members in waiting. We also keep a list of individuals and families that have expressed an interest. At the time that member households move in to Bunker Housing Co-operative they need to comply full with our allocations policy, which is in line with Brighton & Hove City Council's (BHCC) allocations policy and procedure for Community Housing Nominations.'

5. REPRESENTATIONS

- 5.1. Thirteen unique individual objections have been received in relation to this planning application. The concerns raised are as follows:
- Additional traffic, increased on-street parking, exacerbating existing parking issues, making the area less safe for pedestrian, disabled persons and pushchairs. Cars currently park partly on the pavement due to the narrow width of Dunster Close.
 - Emergency services and refuse vehicles currently struggle to access Dunster Close due its narrow width and the proposal will make this more difficult.
 - Area is not suitable for car-free development, cannot be enforced
 - Disruption to area during construction phase
 - Inappropriate height and massing in prominent location
 - Overdevelopment
 - Increased noise
 - Overshadowing, loss of light, outlook and privacy to properties on Oldbury Row, Dunster Close, Wigmore Close;
 - Potential impact on rear retaining wall of Oldbury Row
 - Poor design
 - Increase in surface water run-off
 - Increased air pollution
 - Detrimental impact on ecology and trees
 - Not social housing for the most needy and vulnerable

- Transport report biased and unobjective. Parking survey not representative of 'normal' traffic or parking conditions in the area due to COVID19.
 - How will waste be collected?
- 5.2. Fifteen representations have also been received in support of the proposal but it should be noted that the letters of support are not from occupiers of properties in the immediate vicinity of the site. The main points raised in these letters of support are as follows:
- Proposal will provide much needed housing for families of all sizes
 - Proposed units will be truly affordable
 - Will provide high-quality environmentally-friendly housing
 - Applicants will encourage residents to use public transport, walking and cycling
 - Proposal has full embraced community engagement
 - Will make good use of underused land
 - Great example of people taking control of their housing situation

6. CONSULTATIONS

Internal Consultees

- 6.1. **Arboriculture:** No objection
It is intended to retain the four sycamore trees within the site. However, there is a 20% incursion into the Root Protection Area of one of the trees and as a result a condition should be attached to any planning consent requiring a Tree Protection Plan and Arboricultural Method Statement prior to commencement of development.
- 6.2. **City Clean:** No comment received.
- 6.3. **Environmental Health:**
Awaiting Comments
- 6.4. **Sustainable Transport:** Objection
- No objections to the new pedestrian access;
 - No significant uplift in trips anticipated compared to the existing development so would not consider the development to have a severe impact on highway capacity.
 - Concerns raised regarding the parking survey and parking capacity in the area. Dunster Close has a narrow carriageway (approximately 4 metres in width) which results in cars on the Close partially parking on the pavement and obstructing the footway, forcing wheelchair users and pushchairs on to the carriageway, to the detriment of highway and pedestrian safety. Therefore parking capacity within Dunster Close and part of Major Close should be excluded from the survey and the result of this is that, factoring in the proposed development, the neighbouring roads Horton Road, Davey Drive and Major Close would operate at a capacity of 105% which means

that they would not be able to accommodate overspill parking from the development.

External Consultees

- 6.5. **Ecology:** No objection
Recommend planning condition that all ecological measures and works are carried out in accordance with the details contained in the Combined Ecological and Arboricultural Appraisal Report submitted with the planning application.
- 6.6. **Environment Agency:** No response received.
No response received.
- 6.7. **Fire Service :** No response received.
- 6.8. **Natural England:** Comment
Refer to Standing Advice to Local Authorities, noting that it is the responsibility of the Local Planning Authority to ensure that protected species are fully considered during the planning process.
- 6.9. **Southern Water:** Comment
A formal application by the applicant/developer for a connection to the public foul sewer will be required.
- 6.10. The proposed development would lie within a Source Protection Zone and Southern Water would rely on the Council's consultations with the Environment Agency to ensure the protection of the public water supply source.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 (CPP2) do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below, where applicable.

DM1	Housing Quality, Choice and Mix (significant weight)
DM18	High Quality Design and Places (limited weight)
DM19	Maximising Development Potential (significant weight)
DM20	Protection of Amenity (significant weight)
DM22	Landscape Design and Trees (significant weight)
DM33	Safe, Sustainable and Active Travel (significant weight)
DM36	Parking and Servicing (significant weight)
DM37	Green Infrastructure and Nature Conservation (limited weight)
DM43	Sustainable Urban Drainage (significant weight)
DM44	Energy Efficiency and Renewables

Brighton and 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
CP10	Biodiversity
CP12	Urban Design
CP14	Housing Density
CP19	Housing Mix

Brighton & Hove Local Plan 2005 (retained policies):

TR4	Travel Plans
QD5	Design
QD15	Landscape Design
QD16	Trees and Hedgerows
QD18	Species Protection
QD27	Protection of Amenity
HO5	Provision of amenity space in residential development

Supplementary Planning Documents

SPD14: Parking Standards (October 2016)

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design, appearance and layout, housing mix / type, residential amenity, highways / transport, arboriculture and ecology, and sustainability.

Principle of development

- 9.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 9.3. The Council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.4. The application site comprises a previously-developed vacant plot within the defined built up area boundary of Brighton & Hove. The application proposes residential development within a residential area. Given the relatively small size of the site, it has not specifically been identified within the Council's City Plan Part 1 or the Strategic Housing Land Availability Assessment and would therefore constitute 'windfall' development.
- 9.5. Therefore, the principle of residential development on this site is considered to be acceptable. Issues of design, residential amenity, transport etc. are considered further below.

Design, Appearance and Layout

- 9.6. City Plan Part 1 (CPP1) Policies CP12: Urban Design and CP14: Housing Density, and Local Plan Policy QD5: Design require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. These policies require that new infill developments do not result in detriment to the amenity of the surrounding area.
- 9.7. The proposed dwellings would be of a contemporary appearance with a flat roof and with a render exterior, painted light grey at ground floor level, and clad with Siberian larch planks at first floor level. Whilst this is at variance to the 1950s terraced brick and tile dwellings in Dunster Close, the proposed dwellings would be located at the end of a narrow access road away from the street and not at all visible from the streetscene.
- 9.8. The scale of the proposed dwellings is comparable to the properties on Dunster Close, albeit the proposal would be notably lower due to the difference in ground levels between the site and the rest of Dunster Close.

- 9.9. The proposed dwellings would make efficient use of the site whilst still providing a private defensible space at the front of the property behind low metal fencing and an entrance gate. Rear amenity space would be provided in the form of a small patio for each dwelling. A communal lawn with planter boxes would also be provided at the front of the property.
- 9.10. House A would be a 3-bed dwelling with a floor area of 98sqm, and House B would be a 2-bed dwelling with a floor area of 76.5sqm, exceeding the Government's Nationally Described Space Standards. The dwellings would also meet the accessibility standards of Building Regulations Optional Requirements M4(2).
- 9.11. Material specifications submitted with the application show a solid oak entrance door and triple glazed timber windows.
- 9.12. It is therefore considered that the proposal would comply with Policy CP12: Urban Design, and Policy CP14: Housing Density of the City Plan Part 1, and Policy QD5: Density of the Local Plan.

Housing Mix

- 9.13. The proposed development would provide small and medium sized family accommodation in the form of 1no. 2 bed house and 1no. 3 bed house which would accord with Policy CP19: Housing Mix of the City Plan Part 1.
- 9.14. The applicant also states that the dwellings would be provided for low-income households in line with Brighton & Hove City Council's (BHCC) allocations policy and procedure for Community Housing Nominations. In planning terms, the quantum of development proposed with this application is below the threshold required to provide affordable housing, and while it has been confirmed that the affordability and future occupiers of the proposed dwellings would be formally agreed with the Council as landowners, this would be outside of the planning process cannot be given any weight in determining this application.

Residential Amenity

- 9.15. Policy QD27: Protection of Amenity of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.16. The proposed dwellings would be located in close proximity to the boundaries of neighbouring properties and a number of residents have raised concerns regarding the impact of the proposed development on their privacy, outlook and light.
- 9.17. The closest property to the proposed development would be No.6 Oldbury Row. At its closest point the ground floor of the proposed development would only be 6.83m from the rear of this property and the first floor of the proposed building would be 8.88m from this property. Evidently this is a close relationship.

However, it should be noted that the main outlook from properties at Oldbury Row is to the west, away from the application site, and these properties have larger front (western) gardens than rear (eastern) gardens. This is because the properties of Oldbury Row sit on a significantly lower ground level than Dunster Close and the rear amenity spaces and outlook (at ground floor level) from Oldbury Row are dominated by the existing retaining wall and fence on the western boundary of the application site. Therefore, it is considered that the ground floor of the proposed development would not have a significant impact on the outlook available to 6 Oldbury Row from the garden and the only window facing the application site at ground floor level serves a WC.

- 9.18. Having regard to the first floor of the proposed building, this has been significantly set back from the western elevation of the ground floor to reduce the impact on the outlook and light available to No.6. There are also no windows on the western elevation of the proposed building so there would be no impacts on the privacy of No.6. Further details regarding the final boundary treatment along the western boundary of the site would be required pursuant to a planning condition. It is therefore considered that the proposed development would not have an unacceptable impact on the residential amenity of 6 Oldbury Row.
- 9.19. Having regard to the privacy of Nos 4 and 5 Oldbury Row, it is considered that the north facing first floor window of proposed House B would only have oblique views into the east facing windows of Nos 4 and 5 Oldbury Row as the main outlook from the bedroom window of House B is northwards. Therefore, the impact on the privacy of these properties is not considered to be unacceptable.
- 9.20. No.12 Wigmore Close is also located within close proximity to the proposed dwellings. However, given the orientation and positioning of this property to the south east of the application site, it is not considered that the impact on the outlook, light and privacy available to this property would be harmfully impacted. It should be noted that there are no windows on the eastern elevation of the proposed building.
- 9.21. Although the first floor windows on the southern elevation of the proposed dwellings would overlook the garden of the property to the south (14 Wigmore Close), there is a thick row of vegetation on the northern boundary of No. 14 which would obscure views from the proposed dwellings into the garden of this property.
- 9.22. It is considered that the proposed development would have no harmful impact on the outlook, light and privacy available to the properties on Dunster Close given that the nearest property is approximately 18m from the proposed building and the windows between these dwellings would not directly face each other.
- 9.23. It is therefore not considered that the proposal would conflict with Policy QD27: Protection of Amenity of the Brighton & Hove Local Plan 2005.

Highways / Transport

- 9.24. Having regard to SPD14: Parking Standards, the application site is located in the Outer Zone of the City. This results in a *maximum* requirement for a total of three spaces (including visitor parking) for the proposed development
- 9.25. The proposal would not provide any car parking provision on-site and is proposed to be 'car-free'. However, given there are no parking restrictions or controls in the surrounding area, it would not be possible to prevent residents of the proposed dwellings having a car and parking on Dunster Close or neighbouring streets. On this basis, the Local Highway Authority (LHA) requested that the applicant commission a parking survey in line with the Lambeth methodology.
- 9.26. The parking survey was undertaken by the applicant, confirming sufficient parking availability in the local area. However, this available capacity is disputed by the LHA who consider that Dunster Close and part of Major Close are too narrow to be included in the survey as having available parking capacity. The applicant considers all of the roads considered in the survey had sufficient widths, and that the combined width of the road and footway on Dunster Close would allow for a car to park partly on the footway and road without blocking access for a wheelchair user on the footway and an emergency vehicle on the road.
- 9.27. The main area of dispute relates to whether additional cars could be parked along Dunster Close without compromising pedestrian safety.
- 9.28. It is clear from the objections of residents that parking is an existing issue in Dunster Close and parking on the pavement is commonplace. However, Dunster Close is subject to a 20mph speed limit and is a cul-de-sac so traffic flows are generally likely to be low, and speeds slow. Therefore, if a pedestrian did walk out on to the road it is unlikely to result in a detriment to highway or pedestrian safety. Whilst it is recognised that this is not ideal, it is an existing situation, and it is necessary to have regard to paragraph 109 of the NPPF which states the following:
'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
- 9.29. In light of the above, it is not considered that the proposed development, either by itself or in combination with the adjacent proposal (ref. BH2020/00674), would result in an unacceptable impact on highway safety or that the residual cumulative impact on the road network would be severe, and it is therefore considered that the application should not be refused on this basis.
- 9.30. A total of eight cycle spaces would be provided in the form of a communal covered cycle store housing five spaces in the south west corner of the site and three short stay spaces on the communal lawn area at the front of the proposed dwelling.

Arboriculture and Ecology

- 9.31. There are four sycamore trees at the northern end of the site identified as category A and B trees within the Combined Ecological and Arboricultural Appraisal Report submitted with the planning application. It is proposed that all of these trees be retained as they are located within the communal lawn proposed at the front of the property. A planning condition requiring a Tree Protection Plan and Arboricultural Method Statement prior to commencement of development will be attached to any planning consent to ensure that these trees are protected during and after construction.
- 9.32. Having regard to ecology, there are no significant nature conservation or habitat issues associated with the site. Measures to provide biodiversity gains within the site have been considered in the Combined Ecological and Arboricultural Appraisal Report and include bat and bird boxes and nectar/pollen-rich plants within the soft landscaping. An appropriate condition will be attached to any planning permission to ensure that such measures are implemented.
- 9.33. The proposed development would therefore accord with Policy CP10: Biodiversity of the City Plan Part 1.

Sustainability

- 9.34. A number of methods are proposed to ensure the dwellings achieve a reduction in carbon emissions of at least 19% against 2013 Part L Building Regulations requirements. These include the following:
- Efficient thermal fabric that exceeds the requirements of Part L Building Regulations,
 - Mechanical Ventilation with Heat Recovery (MVHR)
 - Triple glazing
 - Solar panels
 - Materials will have low embodied energy, enhanced durability and timber will be from certified sustainable sources
- 9.35. In addition, a water efficiency standard of 110 litres/person/day will be achieved and the dwellings will incorporate rainwater harvesting.
- 9.36. The proposed development would therefore comply with Policy CP8: Sustainable Buildings of the City Plan Part 1.

Conclusion and planning balance

- 9.37. Paragraph 11 of the NPPF makes clear that decisions on planning applications should apply a presumption in favour of sustainable development. When assessing the scheme before us, in applying the planning balance, there are facts which weigh both for and against the scheme.
- 9.38. A material consideration which must be given great weight is the fact that there is a significant unmet housing need within Brighton & Hove City and the Council can currently only demonstrate a 4.7 year supply of housing land. Further, whilst it is noted that the proposal aims to provide homes for those on low incomes, there is no specific planning policy requirement to provide on-site affordable housing or indeed an affordable housing contribution for proposals of fewer than five homes. Therefore, the affordability of these homes and future occupiers

would be agreed with Brighton & Hove City Council as landowner outside of the planning process.

- 9.39. It is recognised that the provision of no on-site parking could result in overspill parking on local roads and exacerbate existing parking issues in Dunster Close, particularly when considered along with the adjacent proposal (ref. BH2020/00674). However, it is not considered that there would be an unacceptable impact on highway safety or that the impacts on the road network would be severe.
- 9.40. It is also acknowledged that given the size of the site, its constraints and its proximity to neighbouring residential properties, there would be a degree of impact on the neighbouring properties. However, for reasons set out in this report, this impact is considered to be acceptable.
- 9.41. It is therefore considered that the benefits of the scheme, namely the provision of housing, would outweigh any negative impacts associated with the proposal. It is considered that the proposed development would comply with the NPPF, relevant policies within the City Plan Part One, the emerging policies in City Plan Part 2, and retained policies in the Brighton & Hove Local Plan 2005 and the approval of planning permission is recommended subject to the conditions recommended above.

10. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is considered likely that the proposal would qualify for exemption from CIL by virtue of the fact that the application proposes affordable housing but this will be confirmed in due course.

11. EQUALITIES

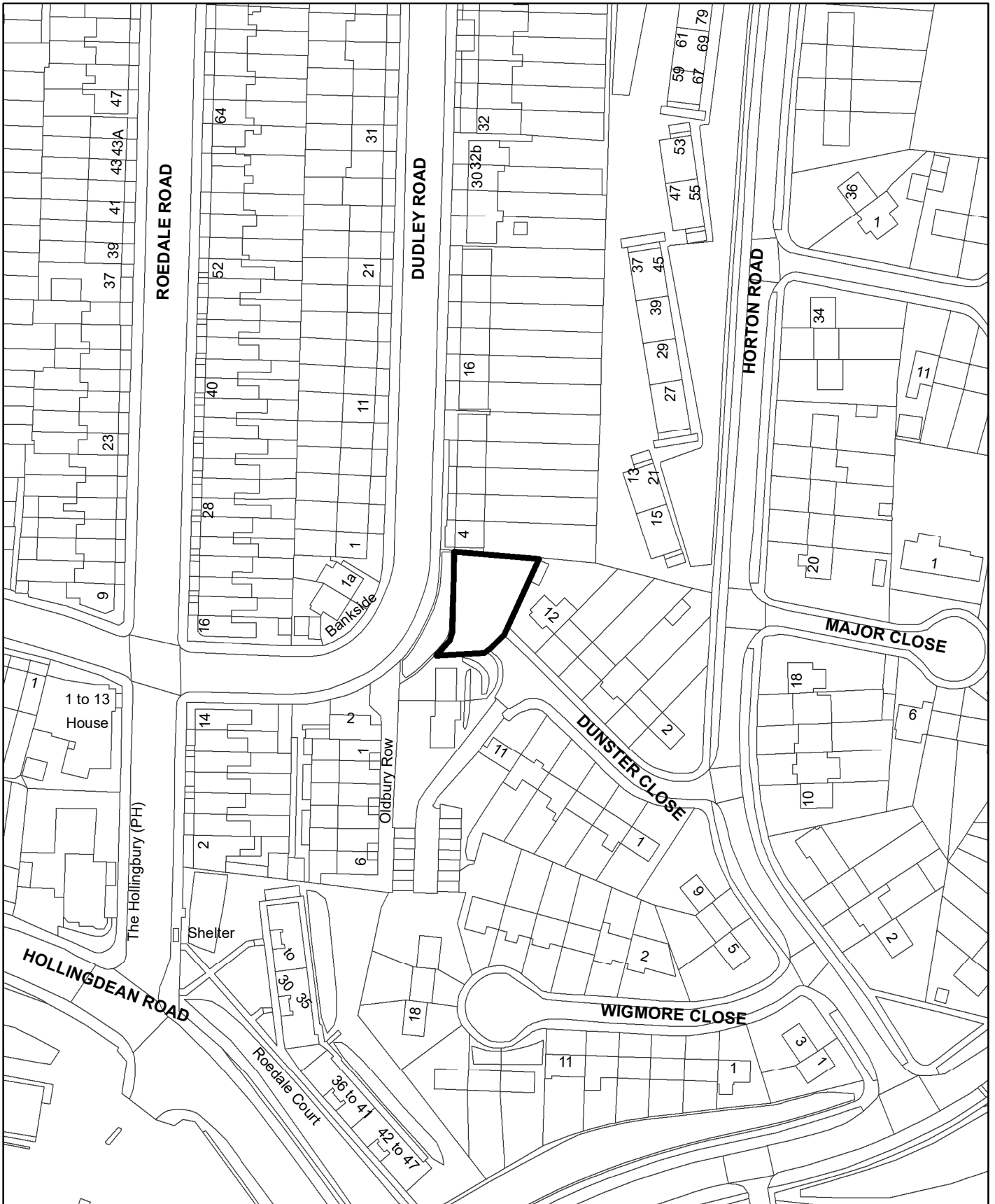
- 11.1. This planning application has been submitted by a housing co-operative who aim to provide housing for those on lower incomes.
- 11.2. In addition, the two dwellings proposed would meet Building Regulations M4(2) standards for accessibility.

ITEM I

**Land Adjoining 12 Dunster Close
BH2020/00674
Full Planning**

DATE OF COMMITTEE: 10th March 2021

BH2020 00674 - Land Adjoining 12 Dunster Close



N



Scale: 1:1,250

<u>No:</u>	BH2020/00674	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjoining 12 Dunster Close, Brighton BN1 7ED		
<u>Proposal:</u>	Erection of two storey building comprising 1no semi-detached four bedroom house and 2no one bedroom flats (C3).		
ADDITIONAL INFORMATION - TRANSPORT STATEMENT			
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	28.02.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	24.04.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Auraa Ltd 54 Georgiana Street London NW1 0QS		
<u>Applicant:</u>	Bunker Housing Co-operative 7 Fairlight Place Brighton BN2 3AH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2006_GA_110		28 February 2020
Location Plan	2006_GA_001		28 February 2020
Block Plan	2006_GA_002		28 February 2020
Proposed Drawing	2006_GA_100	Rev B	09 February 2021
Proposed Drawing	2006_GA_120		28 February 2020
Proposed Drawing	2006_GA_200		28 February 2020
Proposed Drawing	2006_GA_300		28 February 2020
Proposed Drawing	2006_GA_310		28 February 2020
Proposed Drawing	2006_GA_320		28 February 2020
Proposed Drawing	2006_GA_330		28 February 2020
Proposed Drawing	2006_GA_340		28 February 2020
Proposed Drawing	2006_GA_350		28 February 2020
Proposed Drawing	2006_GA_400		28 February 2020
Proposed Drawing	2006_GA_410		28 February 2020
Proposed Drawing	2006_GA_420		28 February 2020
Proposed Drawing	2006_GA_430		28 February 2020
Proposed Drawing	2006_GA_440	Rev B	09 February 2021
Proposed Drawing	2006_GA_140		03 February 2020

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples/photographs/specifications 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/photographs/specifications of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples/photographs/specifications of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/photographs/specifications of all hard surfacing materials
- d) samples/photographs/specifications of the proposed window, door and balcony treatments
- e) samples/photographs/specifications 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/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

5. 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 Brighton & Hove City Plan Part One.

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

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

7. The development hereby permitted shall not be occupied until the Units Flat A and House C hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
8. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has 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 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, HE6 and QD27 of the Brighton & Hove Local Plan and CP12/CP15/CP13 of the Brighton & Hove City Plan Part One.
9. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
10. All ecological measures and/or works shall be carried out in accordance with the details contained in the Combined Ecological & Arboricultural Appraisal Report (The Ash Partnership, February 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Plan Part One.
11. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14/HE6 and QD27 of the Brighton & Hove Local Plan and CP12/CP13/CP15 of the Brighton & Hove City Plan Part One.

12. The development hereby permitted shall not be commenced until the developer has advised the local authority (in consultation with Southern Water) of the measures that will be undertaken to divert the public sewers and these measures have been agreed by Southern Water and the Local Planning Authority. Any diversion of the sewer shall then be carried out in accordance with the agreed measures.

Reason: To ensure the continued operation of the public sewer network and to comply with policy SU3 of the Brighton & Hove Local Plan 2005.

13. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include replacement tree planting to mitigate the loss of trees proposed as part of the development hereby permitted. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

15. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A 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 disturbance to 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

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 Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition CP8 of the Brighton & Hove City Plan Part 1 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.
7. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link southernwater.co.uk/infrastructure-charges

2. SITE LOCATION

- 2.1. The application site is 0.037 hectares in size and is located at the north-western end of Dunster Close between numbers 12 and 15 Dunster Close. The site comprises an area of undesignated informal communal amenity green space owned by Brighton & Hove City Council.
- 2.2. The plot slopes downwards towards the west and south and there is a retaining wall between the site and Dudley Road to the west. The site effectively has two frontages – one on to Dunster Close and one on to Dudley Road. The application site is significantly elevated above Dudley Road.
- 2.3. There are a number of sycamore trees on the western edge of the site, some of which would need to be removed to accommodate the proposed development.
- 2.4. Dunster Close is a cul-de-sac constructed during the 1950s comprising two-storey brick and tile terraced and semi-detached houses. It is not in a conservation area and has no parking restrictions. Due to the fact that the properties on the north-eastern side of the Close have no off-street parking provision, there is a significant level of on-street parking that takes place. Due to the relatively narrow road, this tends to result in cars partially parking on the pavement.

- 2.5. The site is in a relatively sustainable location with reasonable access to bus services and is just over 500m (as the crow flies) from the shops and services on Lewes Road.

3. RELEVANT HISTORY

<p>3 June 2019</p>	<p>PRE2019/00136: Pre-application enquiry at Land adjoining 12 Dunster Close</p> <p>A pre-application enquiry was submitted regarding the application site in June 2019. This initially proposed a three-storey building comprising the following: 1 no. 4 bedroom unit 1 no. 2 bedroom unit 3 no. 1 bedroom unit</p> <p>Whilst the siting of the proposed development was generally considered acceptable, concerns were raised by the case officer regarding the height of the proposed development which was three-storeys and notably higher than other properties within Dunster Close.</p> <p>In order to address these concerns the proposed planning application scheme has been significantly reduced from 5 units to 3 units and from three storeys to 2 storeys.</p>
<p>28 February 2020</p>	<p>BH2020/00673: Erection of 2no. semi-detached dwellings comprising 1no. 2 bedroom house and 1no. 3 bedroom house at Garages, Dunster Close</p> <p>The above planning application is considered to be of relevance because it relates to another site in Dunster Close with the same applicant as this planning application (BH2020/00674) and there may be cumulative impacts that require consideration. This application is currently pending a decision.</p>

4. APPLICATION DESCRIPTION

- 4.1. The application proposes the erection of a 2-storey building comprising 1no. four bedroom house and 2no. one bedroom flats.
- 4.2. The proposed dwellings are of a contemporary appearance with a flat roof and with a render exterior, painted light grey at ground floor level, and clad with Siberian larch planks at first floor level. Raised parapets would hide from view the proposed solar panels on the roof of the first floor. The roof of the ground floor element would have sedum green-roof matting.

- 4.3. Material specifications submitted with the application show a solid oak entrance door and triple glazed timber windows.
- 4.4. At ground floor level the house is separated from the two flats by a lobby/undercroft enclosed by glazing and incorporating cycle storage for six cycles, a winter garden and the entrances to the residential units. It is understood that a public sewer runs underneath the application site and the design of the lobby/undercroft ensures that there are no footings or any substantial built form in close proximity to the sewer pipe.
- 4.5. In addition to the six cycle spaces within the undercroft, there would be three short stay visitor spaces at the front of the proposed house. No car parking spaces are proposed however.
- 4.6. Communal bin stores would be provided at the front of House C and would be set into the sloping ground in the front garden.
- 4.7. A communal lawn with planter boxes would be provided at the front of the property as well as a private garden space for House C. However, due to the size and topography of the site there would be no formal rear amenity space and no rear access.
- 4.8. It should be noted that the application has been submitted by Bunker Housing Co-operative who seek to provide homes for low-income households. Details submitted with the application state the following:
'We are a fully mutual co-operative registered with the FCA (Financial Conduct Authority) and, in line with cooperative principles, membership of the co-op is open to all individuals who meet our criteria for membership and allocations policy. All members have to complete an application form and we do equal opportunities monitoring. Membership is currently open. We have a two-tier membership system with up to 10 full & fee-paying members and up to 10 members in waiting. We also keep a list of individuals and families that have expressed an interest. At the time that member households move in to Bunker Housing Co-operative they need to comply full with our allocations policy, which is in line with Brighton & Hove City Council's (BHCC) allocations policy and procedure for Community Housing Nominations.'

5. REPRESENTATIONS

- 5.1. **Twelve unique individual objections** have been received in relation to this planning application. The concerns raised are as follows:
- Loss of trees, wildlife and visual amenity.
 - Concerns regarding the amount of pruning taking place.
 - Trees that are not being felled will die as roots cannot withstand such a build
 - Inadequate ecology report.
 - Loss of children's play space.
 - Site should be used as a community garden to grow food.
 - Loss of light and outlook for neighbouring properties.

- Out of scale and character with properties on Dunster Road and Dudley Close.
- Overly dominant massing and overdevelopment in a prominent location.
- Increased surface water run-off.
- Loss of privacy.
- Overlooking of neighbouring gardens/external amenity area and reduced outlook/amenity of existing properties in Dudley Road.
- Additional traffic, increased on-street parking demand exacerbating existing parking issues, making the area less safe for pedestrian, disabled persons and pushchairs. Cars currently park partly on the pavement due to the narrow width of Dunster Close.
- Poorly conceived external amenity areas and under-crofts would promote anti-social behaviour.
- Increased air pollution.
- Emergency services and refuse vehicles currently struggle to access Dunster Close due its narrow width and the proposal will make this more difficult.
- Poor pre-application consultation by applicant.
- Local Authority land should be developed/retained by existing local community and local authority.
- Materials for the proposed development should be coming from UK manufacturers.
- A single storey two-bedroom dwelling which retains a substantial green area and does not harm trees could be acceptable.
- The proposal is not social housing for the most needy and vulnerable but instead cheap housing subsidised by the council / tax payer for members of a club who have no social needs and can already afford to rent accommodation.
- Increased noise as a result of development.
- Potential increase in crime levels.
- The retaining wall could become weakened by the development.
- There is a sewer pipe running under the site.
- Dunster Road is not suitable to take construction traffic.
- The 'car free' development discriminates against people with disabilities.
- The area is not suitable for car-free development and car-free development cannot be enforced.
- Disruption to area during construction phase.
- The Transport report submitted with the application is biased and unobjective. The parking survey is also not representative of 'normal' traffic or parking conditions in the area due to COVID19. Many of the students who park on these roads would not have been around due to the pandemic.
- 1 bed flats would encourage students and short-term tenants and detract from the settled community vibe of the area
- How will waste be collected?

5.2. **Councillor Theresa Fowler** has also objected to this planning application and has requested that the application be brought before the Planning Committee.

- 5.3. **Fifteen representations** have also been received in support of the proposal but it should be noted that the letters of support are not from occupiers of properties in the immediate vicinity of the site. It is assumed that these letters are from supporters of Bunker Housing Co-operative across the City and beyond. The main points raised in these letters of support are as follows:
- Proposal will provide much needed housing for families of all sizes
 - Proposed units will be truly affordable
 - Will provide high-quality environmentally-friendly housing
 - Applicants will encourage residents to use public transport, walking and cycling
 - Proposal has full embraced community engagement
 - Will make good use of underused land
 - Great example of people taking control of their housing situation

6. CONSULTATIONS

Internal Consultees

- 6.1. **Arboriculture: Objection/Comment**
There are fourteen trees in proximity to this proposal. Six trees are proposed for removal and of the eight remaining, four require significant incursion into the Root Protection Areas.
- 6.2. Having regard to the Root Protection Area incursion a no dig solution is proposed amongst other methods which are considered acceptable subjective to further details regarding construction methods and materials.
- 6.3. Further information is also required regarding the proposed pruning of the trees as sycamore trees do not respond well to excessive pruning or pollarding.
- 6.4. The removal of the six trees will have a significant impact on the area and there does not appear any provision for mitigation tree planting within the proposal to offset this.
- 6.5. From an arboricultural position this application should be refused due to the level of tree removal necessary to enable construction and the close proximity of retained trees. However, should the application be approved due to the need for social housing, consideration should be given to mitigation tree planting within the vicinity and the provision of a detailed Arboricultural Method Statement specifying both physical barriers and ground protection measures, as well as surfacing measures and materials conditioned as part of consent. This will need to include a Tree Protection Plan. This must be submitted and approved by Arboriculture pre commencement.
- 6.6. **Environmental Health: No comment**
- 6.7. **Sustainable Transport: Objection**
Two responses have been received from the LHA. Their comments are as follows:
- No objections to the new pedestrian access.

- No significant uplift in trips anticipated compared to the existing development so would not consider the development to have a severe impact on highway capacity.
- Concerns raised regarding the parking survey and parking capacity in the area. Dunster Close has a narrow carriageway (approximately 4 metres in width) and which results in cars on the Close partially parking on the pavement and obstructing the footway, forcing wheelchair users and pushchairs on to the carriageway to the detriment of highway and pedestrian safety. Therefore parking capacity within Dunster Close and part of Major Close should be excluded from the survey and the result of this is that, factoring in the proposed development, the neighbouring roads (Horton Road, Davey Drive and Major Close) would operate at a capacity of 105% which means that they would not be able to accommodate overspill parking from the development.

6.8. As a result of the above, the LHA raise an objection to the planning application.

External Consultees

- 6.9. Ecology:** No objection
Recommend a planning condition that all ecological measures and works are carried out in accordance with the details contained in the Combined Ecological and Arboricultural Appraisal Report submitted with the planning application.
- 6.10. **Environment Agency:** No response received
- 6.11. **Fire Service:** No response received
- 6.12. **Natural England:** Comment
Referred to their Standing Advice to Local Authorities, noting that it is the responsibility of the Local Planning Authority to ensure that protected species are fully considered during the planning process.
- 6.13. **Southern Water:** Objection/ Comment
The proposed development would lie over an existing public foul sewer which will not be acceptable. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.
- 6.14. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
- 6.15. Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.
- 6.16. In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the

developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

- 6.17. A formal connection to the public sewerage system is required in order to service this development.
- 6.18. The proposed development would lie within a Source Protection Zone and Southern Water would rely on the Council's consultations with the Environment Agency to ensure the protection of the public water supply source.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 (CPP2) do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below, where applicable.

DM1	Housing Quality, Choice and Mix (significant weight)
DM18	High Quality Design and Places (limited weight)
DM19	Maximising Development Potential (significant weight)
DM20	Protection of Amenity (significant weight)

DM22	Landscape Design and Trees (significant weight)
DM33	Safe, Sustainable and Active Travel (significant weight)
DM36	Parking and Servicing (significant weight)
DM37	Green Infrastructure and Nature Conservation (limited weight)
DM43	Sustainable Urban Drainage (significant weight)
DM44	Energy Efficiency and Renewables

Brighton and 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
CP10	Biodiversity
CP12	Urban Design
CP14	Housing Density
CP19	Housing Mix

Brighton & Hove Local Plan 2005 (retained policies):

TR4	Travel Plans
QD5	Design
QD15	Landscape Design
QD16	Trees and Hedgerows
QD18	Species Protection
QD27	Protection of Amenity
HO5	Provision of amenity space in residential development

Supplementary Planning Documents

SPD14	Parking Standards (October 2016)
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design, appearance and layout, housing mix / type, residential amenity, highways / transport, arboriculture and ecology, sustainability and sewerage.

Principle of development

- 9.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 9.3. The Council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning

applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 9.4. The application site comprises a vacant plot of undesignated informal communal green amenity space within the defined built up area boundary of Brighton & Hove. The application proposes residential development within a residential area. Given the relatively small size of the site, it has not specifically been identified within the Council's City Plan Part 1 or the Strategic Housing Land Availability Assessment and would therefore constitute 'windfall' development.
- 9.5. Therefore, the principle of residential development on this site is considered to be acceptable. Issues of design, residential amenity, transport etc. are considered further below.

Design, Appearance and Layout

- 9.6. City Plan Part 1 (CPP1) Policies CP12: Urban Design and CP14: Housing Density, and Local Plan Policy QD5: Design require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. These policies require that new infill developments do not result in detriment to the amenity of the surrounding area.
- 9.7. The proposed dwellings would be of a contemporary appearance with a flat roof and with a render exterior, painted light grey at ground floor level, and clad with Siberian larch planks at first floor level. Whilst this is at variance to the 1950s terraced brick and tile dwellings in Dunster Close and Dudley Road to the rear, it is not considered necessary to emulate the style of the existing dwellings in the vicinity. The proposed development would be clearly visible on the streetscene when viewed from Dunster Close but it is not considered that it would have a detrimental impact on it and the proposed dwellings could be argued to add some visual interest.
- 9.8. At two stories in height, the scale of the proposed dwellings is comparable to other properties on Dunster Close. Whilst the proposed development would sit on a higher ground level than 15 Dunster Close and would therefore appear higher than this property, it would sit on a lower ground level than 12 Dunster Close and the overall height of the building would still be lower than the eaves level of No.12. Therefore, the proposed development would appear as a transition between the lower properties on the south side of the Close and the higher properties on the north side.
- 9.9. Viewing the proposed building from the rear via Dudley Road, the proposal would be partly screened by the retained sycamore trees along the western boundary of the site. Again, the height of the proposed development would be comparable with the existing properties on the eastern side of Dudley Road and whilst the contemporary style would be different to the existing 1950s properties on Dudley Road, it is not considered that the proposal would have a harmful impact on the streetscene. The rear elevation of the proposed development would be in line with the adjacent property to the north, 4 Dudley Road.

- 9.10. The proposed development would maximise the use of the site whilst still providing communal amenity space and private amenity space (for House C) at the front of the property. Due to the site's constrained size, the south east corner of the ground floor of the proposed development would be located very close to the highway. Whilst ideally the proposed building would benefit from being set back further from the highway at this point to provide more 'breathing space' around the building and reduce its prominence on the streetscene, there is insufficient space to move this part of the building any further westwards, and a reduction in size would result in the need for a re-plan and potentially the loss of one of the units. Therefore, it is considered that, on-balance, the siting of the proposed development is acceptable and the benefit of providing an additional unit (i.e. two flats rather than one house) outweighs the concerns regarding siting.
- 9.11. Having regard to the internal space of the dwellings, Flat A would be a 1 bed unit with a floor area of 39.3sqm, Flat B would be a 1 bed unit with a floor area of 53.2sqm and House C would be a 4 bed unit with a floor area of 113.5sqm. The proposed dwellings would therefore meet the Government's Nationally Described Space Standards. Additionally, the ground floor flat and house (Units A and C) would meet the Building Regulations M4(2) standard for accessibility.
- 9.12. Material specifications submitted with the application show a solid oak entrance door and triple glazed timber windows.
- 9.13. It is therefore considered that the proposal would comply with Policy CP12: Urban Design, Policy CP14: Housing Density of the City Plan Part 1 and Policy QD5: Density of the Local Plan.

Housing Mix

- 9.14. The proposed development would provide both small and larger sized accommodation in the form of a 1no. 4 bed house and 2no. 1 bed flats which is considered to be a varied mix and would not conflict with Policy CP19: Housing Mix of the City Plan Part 1.
- 9.15. The applicant also states that the dwellings would be provided for low-income households in line with Brighton & Hove City Council's (BHCC) allocations policy and procedure for Community Housing Nominations. In planning terms, the quantum of development proposed with this application is below the threshold required to provide affordable housing, and while it has been confirmed that the affordability and future occupiers of the proposed dwellings would be formally agreed with the Council as landowners, this would be outside of the planning process cannot be given any weight in determining this application.

Residential Amenity

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

- 9.17. The proposed dwellings would be located in close proximity to neighbouring properties and a significant number of residents have raised concerns regarding the impact of the proposed development on their privacy, outlook and light.
- 9.18. The closest property to the proposed development is No.4 Dudley Road which, at its closest point, would be only approximately 3m from the north side elevation of the proposed building. The primary elevations of these properties however would not be facing each other. The main outlook from No.4 is in an east-west direction whereas the proposed development would be located immediately south of this dwelling. None of the windows on the southern elevation of No.4 facing the proposed development serve habitable rooms. There is an extension/outhouse on the southern side of No.4 but this is also not considered to be a habitable room. It is therefore considered that the impact on the outlook and light available to No.4 would not be unacceptable. It should also be noted that there are no windows on the north side of the proposed building so the proposal would not have an unacceptable impact on the privacy of No.4. A new timber fence would be provided along the boundary with No.4 to further ensure privacy is retained. The details of the proposed fence would be required pursuant to a planning condition.
- 9.19. The proposed building is approximately 5 metres from 15 Dunster Close which is located to the south. There are no windows serving habitable rooms in the north side elevation of 15 Dunster Close facing on to the proposed development. Whilst the proposed building is located further to the east than 15 Dunster Close, the main outlook from No.15 is in an east-west direction and there is a sufficient distance between the proposed building and No.15 so that the proposal would not appear overbearing or have a harmful impact on the outlook available to this property when viewed from the front windows of No.15. Additionally, because the proposal is located to the north of No.15 there would no impact on the light available to this property. The only windows in the southern side of the proposed building would serve bathrooms so there would be no impact on the privacy available to No.15. Details regarding the boundary treatment between these two properties would be addressed pursuant to a planning condition.
- 9.20. It is also necessary to consider the impact on 12 Dunster Close. Given that 12 Dunster Close sits on a higher ground level than the proposed building and there is an 11m distance from the nearest window at No.12 to the proposed building, it is not considered that the impact on the outlook and light available to this property would be unreasonable. Additionally, the nearest ground and first floor windows for the proposed dwellings and 12 Dunster Close would not directly face each other and there is an 11.38m distance between these windows. Therefore, on balance, the impact on the privacy of No.12 is not considered to be unacceptable.
- 9.21. Having regard to any potential impact on properties on Dudley Road, whilst the proposed building sits on an elevated position above Dudley Road, the distances between the proposed dwellings and 1 and 1a Dudley Road, immediately opposite the site, are in excess of 20m ensuring that the impact on these properties is limited.

- 9.22. It is therefore not considered that the proposal would conflict with Policy QD27: Protection of amenity of the Brighton & Hove Local Plan 2005 or emerging City Plan Part 2 (CPP2) Policy DM20: Protection of Amenity.

Highways / Transport

- 9.23. Having regard to SPD14: Parking Standards, the application site is located in the Outer Zone of the City. This results in a *maximum* requirement for a total of four spaces (including visitor parking) for the proposed development.
- 9.24. The proposal would not provide any car parking provision on-site and is proposed to be 'car-free'. However, given there are no parking restrictions or controls in the surrounding area, it would not be possible to prevent residents of the proposed dwellings having a car and parking on Dunster Close or neighbouring streets. On this basis, the Local Highways Authority (LHA) requested that the applicant commission a parking survey in line with the Lambeth methodology.
- 9.25. The parking survey was undertaken by the applicant, confirming sufficient parking availability in the local area. However, this available capacity is disputed by the LHA who consider that Dunster Close and part of Major Close are too narrow to be included as having available parking capacity in the survey. The applicant considers all the roads considered in the survey had sufficient widths, and that the combined width of the road and footway on Dunster Close would allow for a car to park partly on the footway and road without blocking access for a wheelchair user on the footway and an emergency vehicle on the road.
- 9.26. The main area of dispute relates to whether additional cars could be parked along Dunster Close without compromising pedestrian safety.
- 9.27. It is clear from the objections of residents that parking is an existing issue in Dunster Close and parking on the pavement is commonplace. However, Dunster Close itself is subject to a 20mph speed limit and is a cul-de-sac so traffic flows are generally likely to be low, and speeds slow. Therefore, if a pedestrian did walk out on to the road due to the footpath being obstructed by a parked car, it is unlikely to result in a detriment to highway or pedestrian safety. Whilst it is recognised that this is not ideal, it is an existing situation, and it is necessary to have regard to paragraph 109 of the NPPF which states the following:
'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
- 9.28. In light of the above, it is not considered that the proposed development, either by itself or in combination with the adjacent proposal (ref. BH2020/00673), would result in an unacceptable impact on highway safety or that the residual cumulative impact on the road network would be severe, and it is therefore considered that the application should not be refused on this basis.
- 9.29. A total of nine cycle spaces (including three short stay spaces) would also be provided as part of the proposed development. Six of these spaces would be within the proposed undercroft.

Arboriculture and Ecology

- 9.30. There are fourteen sycamore trees in close proximity to the proposed development. Seven of these trees would need to be felled to accommodate the proposal comprising three Category A trees, one Category B tree and three Category C trees. The loss of these trees, particularly Category A and B trees, is a significant concern but a condition to ensure replacement planting can be attached pursuant to any grant of planning permission. The size of the site is relatively constrained so it may be necessary for some replacement planting to take place off-site. Further details in this regard will be required pursuant to a planning condition. Whilst it is acknowledged that replacement planting would not mitigate the impact of the loss of the existing trees in the short-term, the balance between the loss of the trees and the benefits of providing housing has been weighed up and it is not considered that the loss of the trees would, in this case, outweigh the benefits of the scheme and justify a reason for refusal. It is therefore not considered that the proposed development would conflict with Policy QD16: Trees and Hedgerows of the Brighton & Hove Local Plan 2005.
- 9.31. Having regard to ecology, there are no significant nature conservation or habitat issues associated with the site and the County ecologist, despite recommending that the trees be retained, has stated that habitats on the site are common, widespread and easily recreated. Measures to provide biodiversity gains within the site have been considered in the Combined Ecological and Arboricultural Appraisal Report and include bat and bird boxes and nectar/pollen-rich plants within the soft landscaping. An appropriate condition will be attached to any planning permission to ensure that such measures are implemented.
- 9.32. The proposed development would therefore accord with Policy CP10: Biodiversity of the City Plan Part 1.

Sustainability

- 9.33. A number of methods are proposed to ensure the dwellings achieve a reduction in carbon emissions of at least 19% against 2013 Part L Building Regulations requirements. These include the following:
- Efficient thermal fabric that exceeds the requirements of Part L Building Regulations,
 - Mechanical Ventilation with Heat Recovery (MVHR)
 - Triple glazing
 - Solar panels
 - Materials will have low embodied energy, enhanced durability and timber will be from certified sustainable sources
- 9.34. In addition, a water efficiency standard of 110 litres/person/day will be achieved and the dwellings will incorporate rainwater harvesting.
- 9.35. The proposed development would therefore comply with Policy CP8: Sustainable Buildings of the City Plan Part 1.

Sewerage

- 9.36. As set out earlier in this report, Southern Water have raised an objection to the planning application because a public sewer runs across the site. A lobby/undercroft has been incorporated into the proposed development to provide a non-build zone around the sewer to address this issue and a plan has been submitted that shows a potential diversion to the sewer if deemed necessary after further investigations. It has therefore been demonstrated that the proposed development could potentially be constructed despite the location of the sewer. A further response is awaited from Southern Water and any sewer diversion would need to be agreed with them. However, it is not considered that this issue needs to delay the approval of planning permission given that the sewer has been given full consideration within the design of the proposal.

Conclusion and planning balance

- 9.37. Paragraph 11 of the NPPF makes clear that decisions on planning applications should apply a presumption in favour of sustainable development. When assessing the scheme before us, in applying the planning balance, there are facts which weigh both for and against the scheme.
- 9.38. A material consideration which must be given great weight is the fact that there is a significant unmet housing need within Brighton & Hove City and the Council can currently only demonstrate a 4.7 year supply of housing land. Further, whilst it is noted that the proposal aims to provide homes for those on low incomes, there is no specific planning policy requirement to provide on-site affordable housing or indeed an affordable housing contribution for proposals of fewer than five homes. Therefore, the affordability of these homes and future occupiers would be agreed with Brighton & Hove City Council as landowner outside of the planning process.
- 9.39. It is recognised that the provision of no on-site parking could result in overspill parking on local roads and exacerbate existing parking issues in Dunster Close, particularly when considered along with the adjacent proposal (BH2020/00673). However, it is not considered that there would be an unacceptable impact on highway safety or that the impacts on the road network would be severe.
- 9.40. It is also acknowledged that given the size of the site, its constraints and its proximity to neighbouring residential properties, there would be a degree of impact on the neighbouring properties. However, for reasons set out in this report, this impact is considered to be acceptable.
- 9.41. Finally, the loss of seven sycamore would have an impact on the visual amenity of the area but the trees are not considered worthy of a Tree Preservation Order and it is considered that this habitat could be recreated.
- 9.42. It is therefore considered that the benefits of the scheme, namely the provision of housing, would outweigh any negative impacts associated with the proposal. It is considered that the proposed development would comply with the NPPF, relevant policies within the City Plan Part One, the emerging policies in City Plan Part 2, and retained policies in the Brighton & Hove Local Plan 2005 and the approval of planning permission is recommended subject to the conditions recommended above.

10. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is likely that the proposal would qualify for exemption from CIL by virtue of the fact that the application proposes affordable housing but this will be confirmed in due course.

11. EQUALITIES

- 11.1. This planning application has been submitted by a housing co-operative who aim to provide housing for those on lower incomes.
- 11.2. In addition, two of the three units proposed would meet Building Regulations M4(2) standards for accessibility.

Cllr. Henrietta Ashun
BH2020/00674 - Land Adjoining 12 Dunster Close

05/11/2020:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Inappropriate Height of Development
- Noise
- Overdevelopment
- Overshadowing
- Poor design
- Restriction of view
- Too close to the boundary
- Traffic or Highways

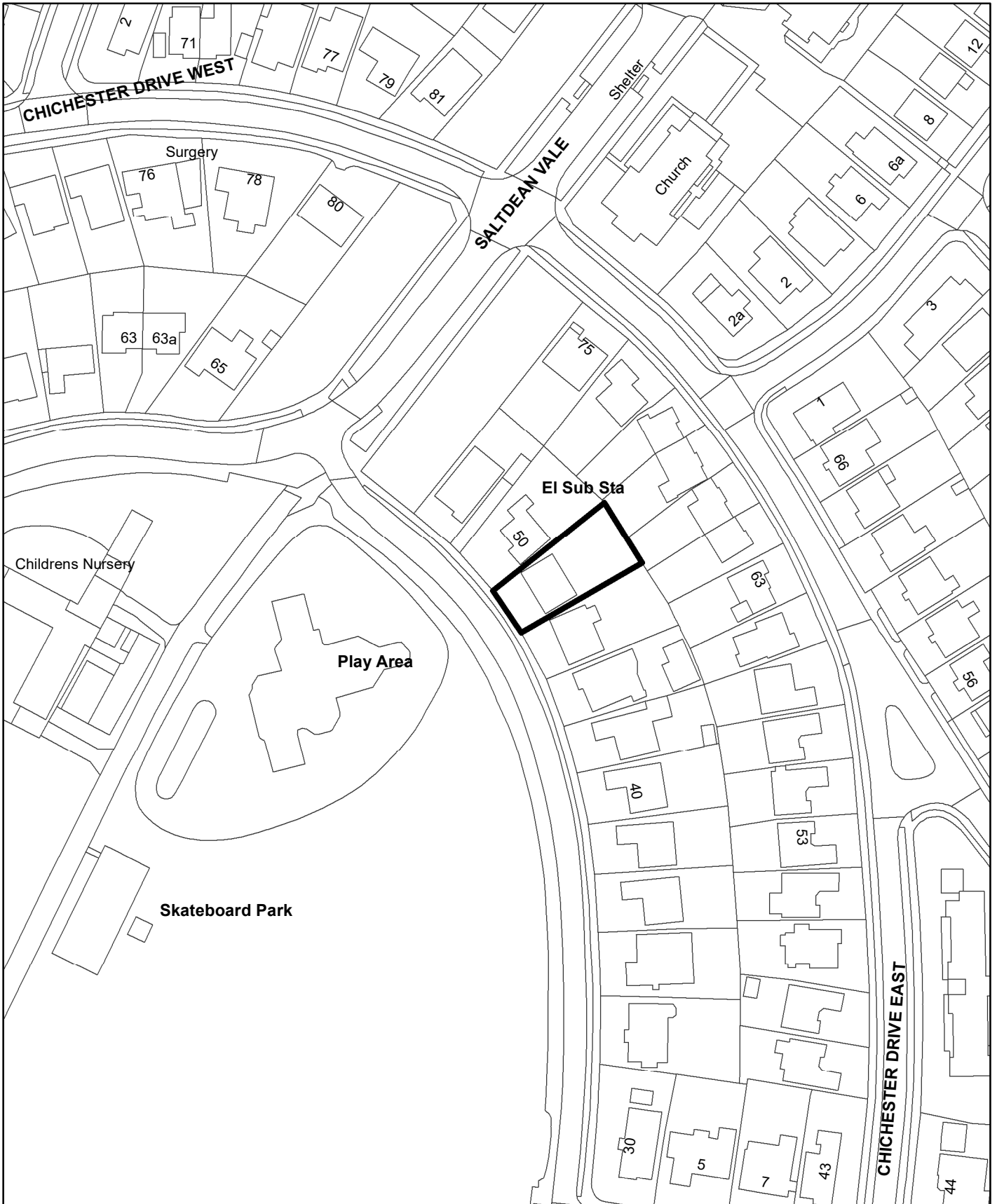
Comment: Please can this come to committee. I object to this planning application because I feel that the land is too small to accommodate these houses. The houses are out of keeping with the area and will overshadow the house next door, no 4 Dudley Road and take away the light from the Patio of their garden. Also there is a lot of wildlife, bats, squirrels, woodpeckers and lots of other birds that all nest in the trees. The residents of no. 4 are in there 80s and the noise and disruption will be upsetting for them.

ITEM J

**48 Arundel Drive East
BH2020/03667
Householder Planning Consent**

DATE OF COMMITTEE: 10th March 2021

BH2020 03667 - 48 Arundel Drive East



N



Scale: 1:1,250

<u>No:</u>	BH2020/03667	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	48 Arundel Drive East, Saltdean, Brighton BN2 8SL		
<u>Proposal:</u>	Two storey extensions to front and rear with new steps up to front porch. Revised fenestration, incorporating 2no front balconies. Roof extensions incorporating raising the ridge height and new front and rear dormers to form additional storey and associated works.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	14.12.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	08.02.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	05.03.2021
<u>Agent:</u>	Downland Design Ltd Marshals Wick B2146 Compton Square To The Green Compton PO18 9HD		
<u>Applicant:</u>	Mr S Hipwell 48 Arundel Drive East Saltdean Brighton BN2 8SL		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2031-03.1		17 February 2021
Proposed Drawing	2031-02.2		17 February 2021
Proposed Drawing	2031 - 02.3		21 January 2021
Proposed Drawing	2031-02.4		17 February 2021
Proposed Drawing	2031-02.1		17 February 2021
Location and block plan	2031-01.1		14 December 2020

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

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

3. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application relates to a detached bungalow located on the north eastern side of Arundel Drive East. The area has an eclectic mix of design and forms, with no defining character or form. The ground levels in the area slope downwards to the west, from the rear of the site to its lower street frontage. Therefore, the properties in the surrounding streetscene step down to follow the sloping ground and many, including the application property, have areas of under-build or lower ground floor garaging.

3. RELEVANT HISTORY

None

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of two storey extensions to the front and rear, with new steps up to the front porch. Revised fenestration is also proposed, incorporating 2no. front balconies. Roof extensions are sought, incorporating raising the ridge height and new front and rear dormers to form an additional storey, and associated works.
- 4.2. Following officer concerns being raised, amendments have been made which have reduced the ridge heights, altered the roof form, and removed front balcony extensions, as well as removing a proposed rear ground floor balcony from the proposal.

5. REPRESENTATIONS

- 5.1. Nineteen (19) total letters have been received, though two (2) of these are duplicates.

Original scheme:

- 5.2. Eight (8) unique letters and one (1) repeat letter have been received objecting to the proposed development on the following grounds:

- Height
- Amenity harm
- Overshadowing
- Overdevelopment
- Effect on property values
- Would affect views
- Poor design
- Out of keeping with area

Amended Scheme:

- 5.3. Nine (9) unique letters and one (1) repeat letter have been received objecting to the amended proposed development on the following grounds:
- Height
 - Amenity harm
 - Overshadowing
 - Overdevelopment
 - Effect on property values
 - Would affect views
 - Poor design
 - Out of keeping with area
- 5.4. **Councillor Mears** has objected to the application. A copy of this correspondence is attached to this report.

6. CONSULTATIONS

None

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019);
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM20	Protection of Amenity - Significant weight
DM21	Extensions and alterations - Significant weight

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
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Brighton & Hove Local Plan (retained policies March 2016):

QD14	Extensions and alterations
QD27	Protection of Amenity
CP10	Biodiversity

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

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

Design and Appearance

- 9.2. The proposed works would be constructed in brick with white painted render to elevations. The new roof would be part hipped and part gable, finished with natural slate tiles. The new fenestration (windows/doors) would be constructed in aluminium, finished in a grey colour. It is noted that many representations have been made in respect of the appearance and its proposed finish.
- 9.3. The complete remodelling of the existing bungalow would see a change in form, creating a larger building that is extended in depth and height, with a very different appearance. The building would clearly present as a two storey dwelling (ground and first floor) with an integral garage at lower ground floor level.

- 9.4. However, to achieve this, the roof ridge would only be raised by just under one metre. Due to the relatively small increase in height and the natural stepping down of roof heights in the street scene, the roof would not look out of place. The new roof form with hipped ends and gables, although substantially different from the existing, would take design cues from the properties in close proximity and is considered to complement and reflect existing development. Similarly, the new elevations, although very different from the existing, are also taking cues from forms of development in the area, mixing established with modern design and are considered to improve the streetscene.
- 9.5. The depth of the remodelled property would increase, but not substantially, and would still leave an appropriate rear garden amenity area.
- 9.6. In comparison to many of the neighbouring properties which present as split level or one and a half storey buildings, this would be a more obvious two storey dwelling. However, the remodelled property would not appear incongruous or disruptive to the streetscene through its design, scale or form.
- 9.7. Therefore, the proposed extensions and works are considered to be a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan, Policy DM21 of CPP2, and supplementary planning guidance for residential extensions.

Impact on Amenity

- 9.8. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.9. The position of the extensions and new roof design, although increasing the amount of fenestration, would not lead to substantially increased overlooking or harm to the privacy of neighbouring properties. The new front facing fenestration would only overlook front gardens and open space, limiting any harm to private amenity. The new side windows on the west elevation would be located at lower ground level and provide no substantial views. The new rear lower ground and ground floor windows, although increasing the amount of glazing in this area substantially, would not provide opportunities for overlooking in excess of what would normally be expected from residential gardens in this area. The new rear first floor windows would allow elevated overlooking of neighbouring properties; however the windows would be relatively small and serve only bedrooms and bathrooms, so no substantial harm to privacy is expected.
- 9.10. The original extended balconies/terraces proposed at the front and rear of the property have been removed due to concerns regarding appearance and perceived overlooking. Juliette balcony forms remain; however, these are not considered to cause substantial harm to amenity as the perceived overlooking and visual disturbance is substantially reduced.

- 9.11. The form of the extension and new roof would increase the size of the property, but the revised design is considered to overcome concerns regarding an excessive and overbearing impact on or loss of light to No.50 Arundel Drive East. The raising of the roof height and the new roof form would lead to a change in views from properties in Chichester Drive East to the rear and it is noted that objections have been received in relation to this aspect of the development. However, there is no right to a view and given the distances involved and the elevated position of these neighbouring properties in comparison to No.48, the proposed works are not considered to have any overbearing or overshadowing effects on these neighbours, and certainly not to a degree sufficient to warrant refusal. Accordingly, neighbouring amenity is considered to be sufficiently protected.
- 9.12. The increase in noise through the use of the remodelled property has also been raised in objections, but as no change of use is proposed, and it would continue use as a single residential property.
- 9.13. The new steps to the front elevation would replace the existing and, although different in style and size, would cause no amenity harm.
- 9.14. Therefore, it is not considered that the proposed extension and works would cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2.

Other Matters

- 9.15. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.16. In view of the ongoing COVID-19 travel restrictions and in lieu of a site visit, photos of the site have been obtained from the applicant, which, along with aerial photographs and other material, is considered sufficient for a robust recommendation to be made by officers.

Conclusion:

- 9.17. The proposed development is considered to enhance the host property and bring improvements to the streetscene. No significant harm to neighbouring amenity is identified. Approval is therefore recommended.

10. COMMUNITY INFRASTRUCTURE LEVY:

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £0, due to the residential extension exemption. The exact calculation will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

11. EQUALITIES
None identified.

Cllr. Mary Mears
BH2020/03667 - 48 Arundel Drive

20/01/2021:

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

The proposed planning application with it's height, bulk and design is out of keeping with the street scene.

In my view this application would be detrimental to residents living close by, the height alone would have a serious effect on the neighbours wellbeing.

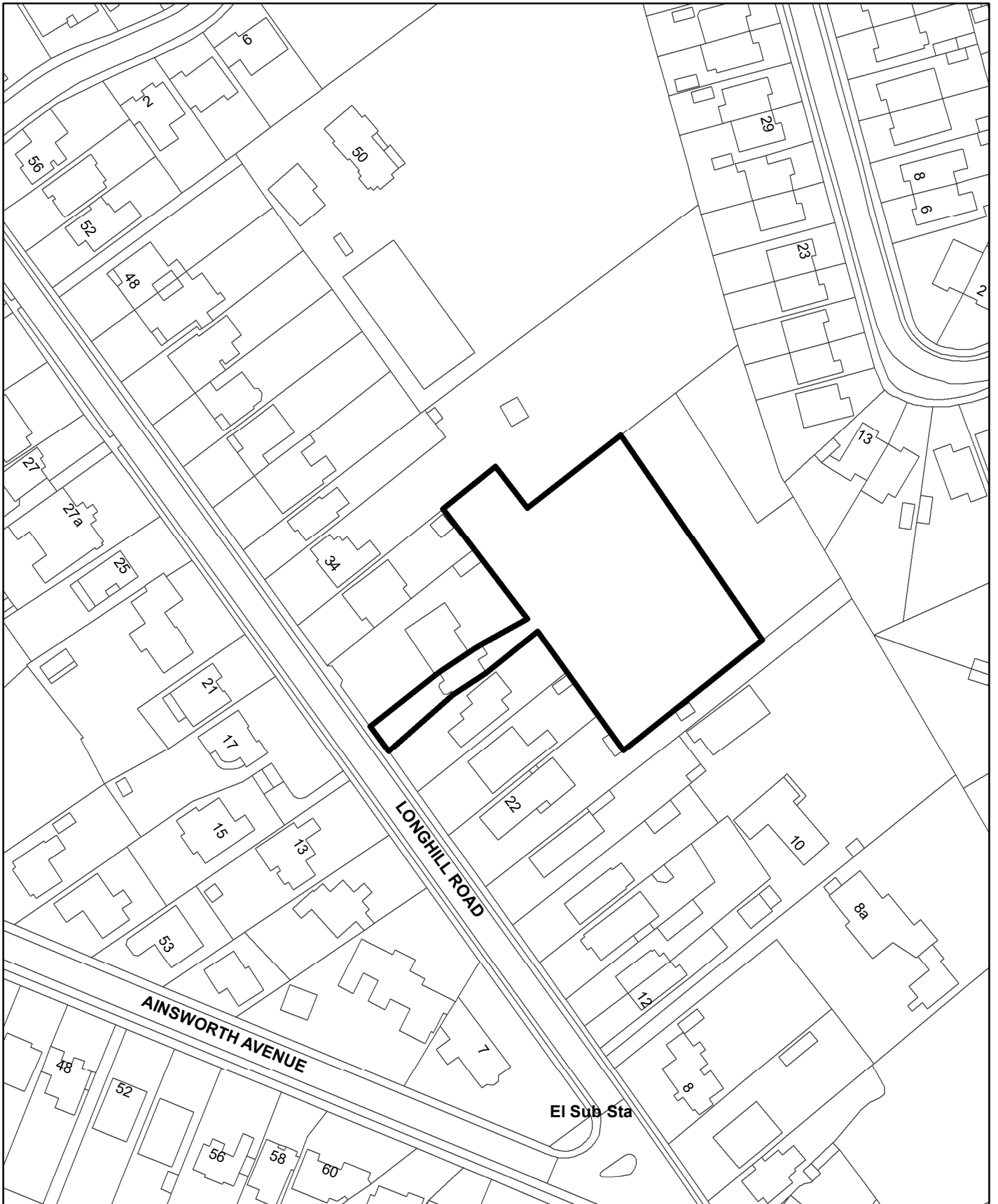
Should the decision be to grant this planning application under delegated powers, I wish this planning application to go to the planning committee and reserve my right to speak.

ITEM K

**Land to the rear of 28-30 Longhill Road
BH2020/02835
Full Planning**

DATE OF COMMITTEE: 10th March 2021

BH2020 02835 - Land To The Rear Of 28-30 Longhill Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/02835	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To The Rear Of 28-30 Longhill Road, Brighton BN2 7BE		
<u>Proposal:</u>	Erection of 4 no three bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel:	<u>Valid Date:</u> 16.10.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	11.12.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Cross Homes (Ovingdean) Ltd Hall Road Brighton BN1 5PD	C/O Lewis and Co Planning	2 Port

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Report/Statement	Arboricultural Impact assessment and outline method statement		20 November 2020
Report/Statement	Amenity land management plan		20 November 2020
Proposed Drawing	Preliminary tree protection plan		20 November 2020
Proposed Drawing	Tree layout plan		20 November 2020
Proposed Drawing	Amenity land management plan		20 November 2020
Report/Statement	Preliminary roost assessment (bats)		11 January 2021
Proposed Drawing	2060-P-004		15 January 2021
Proposed Drawing	2060-P-005	C	15 January 2021
Proposed Drawing	2060-P-006		15 January 2021

Proposed Drawing	2060-P-007	A	15 January 2021
Location and block plan	2060-P-001	B	15 January 2021
Proposed Drawing	2060-P-003	A	15 January 2021
Report/Statement	Badger Method Statement		5 October 2020
Report/Statement	Badger Survey Report		9 November 2020
Report/Statement	Noise Impact Assessment		5 October 2020
Report/Statement	Preliminary Ecological Appraisal		9 November 2020

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

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

3. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

4. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One

5. No development shall take place until an ecological design strategy (EDS) addressing protection and buffering of Ovingdean Copse Local Wildlife Site, and enhancement of the site for biodiversity to include the recommendations made in the Preliminary Ecological Appraisal report (The Ecology Consultancy, 19/10/2020) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;

- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

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

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

8. Prior to the commencement of the development hereby approved, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed plants
 - c. a schedule of mitigation planting to offset the loss of trees identified for removal, including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - d. details of all boundary treatments to include type, position, design, dimensions and materials;
 - e. details of revised access paths to the bin and cycle stores

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. 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 TR7 of the Brighton & Hove Local Plan.

10. The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

11. 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 and tiling
- b) samples of all hard surfacing materials
- c) details of the proposed windows, doors, balconies and railings 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 CP12 of the City Plan Part One.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until a 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 use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

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

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

14. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

15. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: 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 and CP15 of the Brighton & Hove City Plan Part One.

16. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

18. 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.

19. The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
20. 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.
21. 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.
22. A bee brick shall be incorporated within the external wall of each of the dwellings hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
23. Eight (8) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works

until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

3. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

2. SITE LOCATION

- 2.1. The application site comprises the rear garden to a chalet bungalow located on the east side of Longhill Road. The garden extends behind the rear gardens of dwellings into a large 59m by 58m parcel of land to the rear of 22, 24 & 26 Longhill Road. The rear part of the site forms woodland on land that falls sharply down to properties on Elvin Crescent to the east. The large rear garden of 34 Longhill Road sits to the north, with a narrow wing of the garden to 22 Longhill Road to the south. Back-land dwellings to the rear of 10 & 50 Longhill Road sit further to the south and north respectively. Longhill Road is formed of a variety of detached dwellings with large front and rear gardens.
- 2.2. The application site sits within a narrow strip of land that falls outside the defined built-up area of the city, the boundary of which runs long the common rear garden lines of Longhill Road and Elvin Crescent. The South Downs National Park sits approximately 150m to the south. The main part of the site falls within Site 43 of the Urban Fringe Assessment and is a designated Nature Improvement Area.

3. RELEVANT HISTORY

- 3.1. **BH2019/00285** Demolition of existing dwelling house (C3), and erection of 5no detached 2 storey dwelling houses (C3), with new vehicle and pedestrian access, parking and landscaping. Withdrawn
- 3.2. **PRE2018/00306** Erection of 4 new dwellings (and rebuild of existing dwelling)
- 3.3. **BH2015/04378** Demolition of existing dwelling at 28 Longhill Road and erection of 2no single dwellings. Approved July 2016
- 3.4. **BH2015/00483** Outline application with some matters reserved for the demolition of 28 Longhill Road and erection of 4no dwelling houses. Refused May 2015

4. APPLICATION DESCRIPTION

- 4.1. The site currently benefits from an extant permission for the construction of two detached dwellings, including the construction of a new vehicular access between No's 28-30 and 26 Longhill Road which has already been constructed. Planning permission is now sought for the erection of four, three-bed detached properties

5. REPRESENTATIONS

- 5.1. **Thirty One (31)** letters of representation have been received objecting to the scheme for the following reasons:
 - The site is a wildlife corridor - loss of habitats and ecosystems, negative impact on woodland to the rear of the site
 - Loss of view
 - Homes need to be affordable
 - Loss of privacy
 - Increased noise and light disturbance
 - Increased traffic and congestion
 - Potential for precedent of further development/increased urbanisation of Ovingdean
 - Local infrastructure is not in place to support village expansion
 - Increased pollution
 - Should build on brownfield land, not garden
 - Impacts on highway safety
 - Disruption during construction
 - Impact on the local skyline by the felling of trees
 - Access road will change the character of the street
 - Additional traffic noise from increased occupation
 - Dwellings have no front gardens
 - Existing permission is more sympathetic, smaller footprint, included acoustic screen and sedum roofs
 - The development offers no protection to the southern side of the proposed driveway and neighbours

- 5.2. A letter of representation has also been received from **Rottingdean Parish Council** which objects to the scheme for the following reasons:
- Overdevelopment of the site
 - The development would impinge on the adjacent wildlife corridor
- 5.3. **Seven (7)** letters of representation have been received supporting the scheme for the following reasons:
- The proposed houses are modern and of high quality
 - The development makes a valuable contribution to the needed housing stock
 - Good use of the site
 - Car parking and cycle parking are incorporated
 - The scheme improves the road
 - The new houses would not look out of place
- 5.4. **Councillor Mary Mears** objects to the proposed development. Please see comments attached.

6. CONSULTATIONS

External

- 6.1. **Brighton and Hove Archaeological Society** Comment. The proposed development is close to the location of several important archaeological finds. The recommendation of the county archaeologist should be sought.
- 6.2. **County Archaeology** No objection subject to conditions to secure a written scheme of investigation and a written records of all archaeological works carried out.
- 6.3. **Ecology**
No objection subject to conditions to secure a Ecological Design Strategy, a Construction Environmental Management Plan (Biodiversity), a landscape and ecological management plan and lighting design.
- 6.4. **Southern Water** No objection

Internal

- 6.5. **Arboriculture**
No objection subject to conditions relating to mitigation planting and a detailed method statement.
- 6.6. **Environmental Health** No objection The noise assessment submitted is thorough and makes detailed reference to standards and guidelines and therefore no disagreement is had with the assessments conclusions.
- 6.7. **Highways**

No objection subject to conditions.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM20	Protection of Amenity - significant weight
DM21	Extensions and alterations - significant weight
DM22	Landscape Design and Trees – significant weight
DM33	Safe, Sustainable and Active Travel – significant weight
DM36	Parking and Servicing – significant weight
DM37	Green Infrastructure and Nature Conservation – limited weight
DM40	Protection of the Environment and Health – Pollution and Nuisance – significant weight

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport

CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP16	Open space
CP19	Housing mix
SA4	Urban Fringe

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

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
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development on the character and appearance of the wider area, the standard of accommodation provided and any potential impact on the amenities of neighbouring properties, in addition to transport and sustainability issues.
- 9.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 9.3. The council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of development

- 9.4. The main part of the site falls within the Urban Fringe, being sandwiched between the defined built up area to the east and west, and by the National Park approximately 150m to the south.

- 9.5. The application site falls within Site 43 of the UFA. Site 43 forms the entire band of urban fringe between Wanderdown Close to the north, the built-up area boundaries to the east and west, and the National Park to the south.
- 9.6. In order to assess the likely impact of development within Urban Fringe sites, the UFA assesses all sites against five constraints: Ecology, Heritage, Open Space, Landscape and Flooding. The key constraints of site 43 are identified by the UFA as Heritage, Landscape and Flooding.
- 9.7. In granting the previous permission on the site (BH2015/04378) it was concluded determined that given the presence of other small back-land developments within Site 43, a low density development of the application site was unlikely to give rise to adverse impacts on heritage, landscape or flood risk, and that some residential development of this part of the urban fringe would not detrimentally impact on the wider downland landscape setting of the city or the setting of the South Downs National Park. The approval of this application established that residential development on this site is acceptable in principle. This permission remains extant as a result of this permission having been implemented. It is not considered that there are material reasons for this conclusion to have changed.
- 9.8. Whilst the current proposals would result in an increase in density to the site, the resultant density is in line with the overall character of the area. The proposed residential development of this part of the urban fringe with four dwellings is considered acceptable in principle in broad compliance with policy SA4 of the Brighton & Hove City Plan Part One and the NPPF.

Design and Appearance

- 9.9. City Plan Part 1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 9.10. The proposed dwellings are considered to form a suitable addition to the site. The four dwellings would be single storey in height when viewed from the rear of the adjacent dwellings on Longhill Road, with a lower floor level facing towards the woodland to the rear/east.
- 9.11. The dwellings would be set on a flat area of land some 10m from the rear boundaries of 22-32 Longhill Road. Consequently, the dwellings would sit comfortably within the plot and be in keeping with the spacious setting of the other principal and back land dwellings that characterise the area.
- 9.12. The development would retain the same distance to shared boundaries to the north and south as the extant scheme, but expanding across more of the site in its centre. The lightwells proposed, particularly between properties B and C would ensure that the spacious character of the site is retained and ensure that a sufficient break in built form is had.
- 9.13. The single storey height would relate appropriately to the main two storey dwellings that front Longhill Road, thereby appearing suitably subservient and

less visually dominant. The proposal includes low profile pitches and brick in the main elevations with dark grey aluminium windows. Given the mix of dwelling forms and finishes along Longhill Road, the contemporary finish to the properties is not out of keeping with the area.

- 9.14. For these reasons the number, layout, form and finish of the proposed dwellings is considered appropriate within its context, in accordance with policies CP12 and SA4 of the Brighton & Hove City Plan Part One.

Standard of accommodation

- 9.15. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm and a double bedroom as measuring 11.5sqm.
- 9.16. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.17. The overall footprint of each property over two floors would provide ample space for a variety of communal uses, which would allow a high standard of accommodation in terms of total floor area, usable circulation space and outlook.
- 9.18. Each unit proposes three bedrooms, all of which would be over 11.5msq, and most have additional built in storage and en-suite bathrooms. The bedrooms would all have a good standard of circulation space and outlook including natural light. The proposals also include a study to the front of each property which could also form a fourth bedroom.
- 9.19. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed development would provide private external amenity space to the rear of each property by way of large rear garden and patio areas, backing onto woodland.
- 9.20. Overall, it is considered that the proposed dwellings would provide a high standard of accommodation for future occupiers and would therefore accord with the aims of policy QD27 of the Brighton and Hove Local Plan.

Impact on Amenity:

- 9.21. No concerns were raised in response to the extant permission regarding to the impact of backland development upon the amenities of neighbouring properties, and this forms the 'fall-back' which could be implemented if the present planning application is not approved.

- 9.22. The properties would be stepped into the sloping land and would therefore appear as single storey above ground level from the properties that front Longhill Road (No's 22 -32). Given the separation distance of approximately 10m to the rear boundary of these neighbouring properties, and a minimum distance of 26m between the dwellings, no significant loss of light, outlook or privacy would result. Furthermore, existing boundary treatment is to be retained which would provide additional screening.
- 9.23. The application proposes an access road that would run parallel with the boundary of No.26, leading to parking and turning facilities for up to 6 vehicles. This application is supported by a Noise Impact Assessment which makes an assessment of the introduction of two additional properties over the extant scheme, which identified no harmful impact to neighbouring properties.
- 9.24. The Noise Impact Assessment considers a worst-case scenario. The report confirms that the predicted vehicle movements beside the side windows which overlook the access road, would with both windows open and closed not exceed recommended noise levels.
- 9.25. Environmental Health Officers have advised that the methodology used and calculations made are recognised techniques and that the information raises no concerns with regards to the impact of the closest residential receptors.
- 9.26. As discussed below, the scheme incorporates traffic calming measures that will reduce the speed of vehicles using this access road. For these reasons the proposed development would have an acceptable impact on the amenities of adjacent occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2.

Trees and landscaping

- 9.27. The proposed plot comprises a large garden with a steep woodland slope leading down to the eastern boundary. The woodland to the rear of the site is partially covered by a Tree Preservation Order (TPO) which includes the entirety of Eley and Elvin Crescent.
- 9.28. The application is supported by an Amenity Land Management Plan, Arboricultural Assessment and Outline Method Statement. These assessments identify 17 individual trees within the site, categorised as C grade (trees of low quality). Fifteen of these trees are identified for removal to facilitate the development. The Arboricultural Officer undertook a site visit and confirmed that individually these trees were of poor quality with visible defects but that as a whole the trees provide a significant canopy coverage and wildlife habitat.
- 9.29. The removal of these trees would have an impact on the surrounding area and therefore it is recommended that substantial mitigation planting be secured through condition to offset this loss at a minimum 1:1 ratio.

- 9.30. Two trees are to be retained fronting Longhill Road. However the access road overlays the root protection area and therefore a detailed method statement is required by condition to ensure they can be retained during construction.
- 9.31. The application also includes a Woodland Management Plan, with the rear woodland divided into 12 areas. The proposal is to coppice 20% of each area on rotation to encourage regeneration and a more diverse ground flora as a significant number of the trees within the woodland are of poor quality. No objection is raised to these proposals.

Ecology

- 9.32. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.33. To the rear boundary of the site lies Ovingdean Copse Local Wildlife Site, therefore it is important that measures are taken to protect, buffer and enhance this site of nature conservation importance. An Ecological Design Strategy is secured by condition which will address the protection of the adjacent wildlife site and further enhancement of the site for biodiversity including those recommendations set out in the preliminary Ecological Appraisal report submitted as part of this application.
- 9.34. Further conditions include a landscape and Ecological Management Plan to ensure the long term management of the woodland and a Construction Environment Management Plan (CEMP) which will set out the protective measures required for retaining habitats and protected species and ensuring that a sensitive lighting scheme is proposed.

Sustainable Transport:

- 9.35. The development is considered acceptable in terms of its impact on the highway network, with the increase in vehicle trips resulting not considered to result in a 'severe' impact on highway capacity sufficient to conflict with the NPPF. Sufficient car and cycle parking would be provided, and a delineated 1.2m pedestrian route is proposed along the vehicle access

Sustainability

- 9.36. Policy CP8 of the Brighton and Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. As such a condition is sought to secure these measures.

Community Infrastructure Levy

- 9.37. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £111,000. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

10. EQUALITIES

- 10.1. Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the dwellings would be capable of complying with lifetime home standards and therefore compliance is sought by condition.

Cllr. Mary Mears
BH2020/02835 - Land To The Rear Of 28-30 Longhill Road

05/11/2020:

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

This planning application for 4 houses is an increase from the previous planning application for 2 houses and in my opinion an even greater over development of the site.

This will impact on Brighton and Hove's first identified wildlife corridor that connects two parts of the South Downs National Park which provides an essential habitat for a large number of species some of which are rare.

This proposed development will have an irreversible impact on flora and fauna in the newly designated Local Wildlife Site (LWS) – Ovingdean Copse, and will ultimately undo all the amazing work undertaken by the council to ensure this site was designated to protect this wildlife corridor.

The destruction of this site will also include the loss of many more trees, which will have a harmful effect on the landscape.

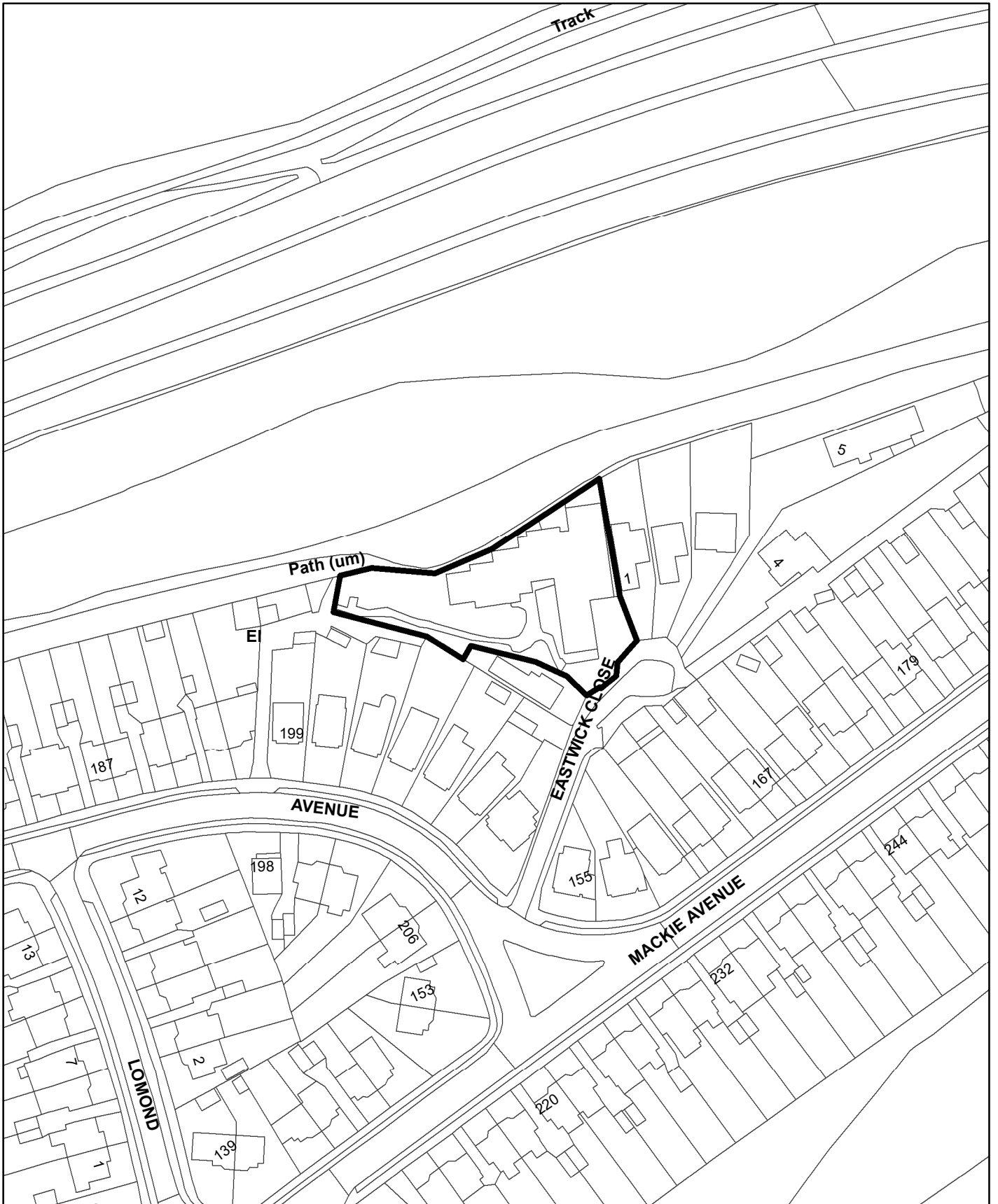
Should the decision be to grant this planning application under delegated powers, I wish this planning application to go to the planning committee and reserve my right to speak.

ITEM L

**Patcham Nursing Home
BH2020/01824
Full Planning**

DATE OF COMMITTEE: 10th March 2021

BH2020 01824 - Patcham Nursing Home



N



Scale: 1:1,250

<u>No:</u>	BH2020/01824	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Patcham Nursing Home, Eastwick Close, Brighton BN1 8SF		
<u>Proposal:</u>	Conversion of existing kitchen and office space to form 4no additional bedroom units (C2) and associated works.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	09.07.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	03.09.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.03.2021
<u>Agent:</u>	Worke & Bussell Architects Ltd 72 Summerlee Avenue East Finchley N2 9QH		
<u>Applicant:</u>	Wren Retirement Living C/O Worke & Bussell Architects Ltd 72 Summerlee Avenue East Finchley London N2 9QH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	09	-	30 November 2020
Proposed Drawing	05A	-	22 February 2021
Proposed Drawing	08A	-	22 February 2021
Location Plan	100	-	9 July 2020

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

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

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the plans hereby approved, 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 existing and proposed cycle parking, car parking, mobility scooter parking and charging, disabled parking, visitor parking, loading bays, ambulance/ taxi pick-up and drop off, service and delivery areas for the management of all forms of parking and stopping as appropriate. 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 all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and SPD14 Parking Standards and CP9 of the City Plan Part One.

5. Prior to the first occupation of the development hereby approved a Parking Strategy & Management Plan, which includes details of management of:
 - Staff and visitor travel and parking;
 - Deliveries and residents' pick-ups including type of vehicle parking and frequency; shall be submitted to and approved in writing by the Local Planning Authority. All parking shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

6. Noise from any plant and machinery incorporated within the development (namely the kitchen extract and exhaust) shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed the existing representative L90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

7. Any odour control required for the kitchen extraction canopy and exhaust system shall comply with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA and the 'Minimum requirements for Discharge Stacks' and 'Odour Arrestment Plant Performance.'

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 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. SITE LOCATION

- 2.1. The application relates to Patcham Nursing Home, which is a converted barn, located on the north side of Eastwick Close. The Nursing Home (planning use class C2) is accessed via a front carpark on Eastwick Close and currently contains 30 bedspaces. The large detached property is surrounded by detached residential dwellings and is located adjacent to the South Downs National Park and designated open space areas.

3. RELEVANT HISTORY

- 3.1. **96/0433/FP-** Conservatory extension on ground floor and 1st floor extension over entrance to form 4 additional bedrooms with laundry room beneath. Approved 25.06.1996.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks consent for the conversion of existing kitchen and office space to form 4no additional bedroom units and associated works. The external works would include infilling the undercroft to facilitate the relocated kitchen/office/laundry room, a change to the fenestration of the building and the installation of an extract flue.
- 4.2. The existing nursing home currently has 30 beds and proposes the additional 4no. bedrooms to address a current demand. It has been confirmed that no additional staff would be required.
- 4.3. During the course of the application revised plans have been provided to detail the extract system and proposed parking and a letter has been submitted from the District Manager.

5. REPRESENTATIONS

- 5.1. Eight (8) letters of representation have been received objecting to the proposal for the following reasons:
- Traffic and parking issues
 - Current insufficient parking
 - Block close with deliveries, ambulance and vehicles
 - Noise nuisance from deliveries
 - Building work disturbance
 - On-going issue with delivery and ambulance vehicles
 - Increasing the capacity of the nursing home will increase problems
 - Not a suitable location for a Nursing Home
 - Access and road not wide enough
 - Infrastructure is already insufficient for the current number of residents
 - Unsuitable for expansion
 - The title of application deceptive
 - Ventilation close to residential properties

- Light and noise pollution
- Conversion works will reduce the level of parking
- The property is already overdeveloped

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection
No objections subject to recommended conditions.
- 6.2. **Environmental Health** No objection
No objections subject to recommended conditions.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM5 Supported Accommodation (Specialist and Vulnerable Needs)-
Significant weight

DM20	Protection of Amenity- Significant weight
DM21	Extensions and alterations- Significant weight
DM22	Landscape Design and Trees- Significant weight
DM33	Safe, Sustainable and Active Travel- Significant Weight
DM36	Parking and Servicing- Significant weight
DM40	Protection of the Environment and Health - Pollution and Nuisance- Significant weight

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA5	The Setting of the South Downs National Park
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP16	Open Space

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
HO11	Residential care and nursing homes

Supplementary Planning Documents

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impacts on the character and appearance of the host building and wider area, as well as on the amenities of local residents.

Design and Appearance:

- 9.2. The external works would include infilling the undercroft to facilitate the relocated kitchen, office and laundry room and a minimal change to the fenestration on the building and the installation of an extract flue. Two windows would be installed within the rear elevation to serve bedroom 1 and 2 and two high level windows within the front elevation to serve the kitchen. The extract flue would be located upon the flat roof section of the roof from the kitchen room and a bin area would be located to the front of the kitchen.
- 9.3. The building would retain the overall form and scale of the existing Nursing Home and the overall appearance of the development would result in no harm to the host property, street scene or to the character of the wider area.

9.4. The addition of the extract flue, given its location, size and projection, would not result in harm to the appearance of the host building or surrounding area.

9.5. The development is therefore acceptable in terms of design and appearance.

Impact on Amenity:

9.6. Policy QD27 of the Brighton & Hove Local Plan and Policy DM40 of CPP2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

9.7. The external works, including additional windows and the reconfiguration of the internal space would not result in amenity harm. The infilling of the undercroft to facilitate the internal works would not result in additional bulk or massing and therefore the proposed alterations would not result in overshadowing, loss of light or loss of outlook. The 2no high level windows serving the kitchen would not result in overlooking and the 2no windows serving bedroom 1 and 2 would face onto boundary treatment/open space to the rear of the site and would not result in overlooking or loss of privacy to neighbouring properties. The provision and location of the bin storage area is considered adequate for the development and is not considered to result in amenity harm.

9.8. The reconfiguration of the internal layout to provide 4no. additional bedrooms would provide adequate bedroom sizes and would a functional layout.

9.9. The flue, positioned away from neighbouring properties, is unlikely to have a significant detrimental impact on neighbouring amenity by way of noise, vibration or odour disturbance. The Environmental Health officer has commented that subject to appropriately worded conditions the kitchen extract would not have an adverse impact in terms of noise or odour.

9.10. Concerns have been raised by residents regarding the existing noise output of the nursing home and that this could be exacerbated by the increased number of residents. It is not considered that an increase of 4no beds would result in increased noise or disturbance to warrant refusal of the application.

Sustainable Transport :

9.11. The provision of four additional bed spaces is not considered to be a significant increase in trip generation from the development particularly given that there would be no increase in staff numbers and no loss of parking on site.

9.12. However, the proposed development is located outside of a controlled Parking Zone (CPZ). The on-site parking is accessed from a residential cul-de-sac and the current parking on site does result in overspill parking on-street. The applicant is proposing to address this problem by marking out specific bays, but the proposed layout and arrangement is not considered satisfactory due to some of the bays creating manoeuvring issues that may cause safety and obstruction

issues. It is, however, considered that this can be overcome and therefore, a revised parking layout condition has been secured via condition.

- 9.13. The applicant has offered to produce a parking strategy document which is welcomed as it would ensure that staff, visitor and deliveries/ ambulances are managed to reduce any on-street impact. A parking strategy/management plan condition has been attached.
- 9.14. No cycle parking is indicated and therefore the provision and detail of this will be secured via condition.

Other Considerations:

- 9.15. Concerns have been raised that the current undercroft is used for the storage of refuse bins and that the relocated bins would reduce the existing parking area. The development is attempting to rectify the parking issues by marking out bays and the size of the bin store would not impact this. The Highways Officer has not raised an objection to this.
- 9.16. Issues have been raised during the consultation process relating to the existing situation at the Nursing Home. This application for the addition of 4no bedspaces (including internal and external alterations) has been fully assessed and subject to conditions is considered acceptable. The LPA consider that the existing situation on the site does not form part of this current application and no concerns are upheld as the application has been assessed on its own merit.

10. EQUALITIES

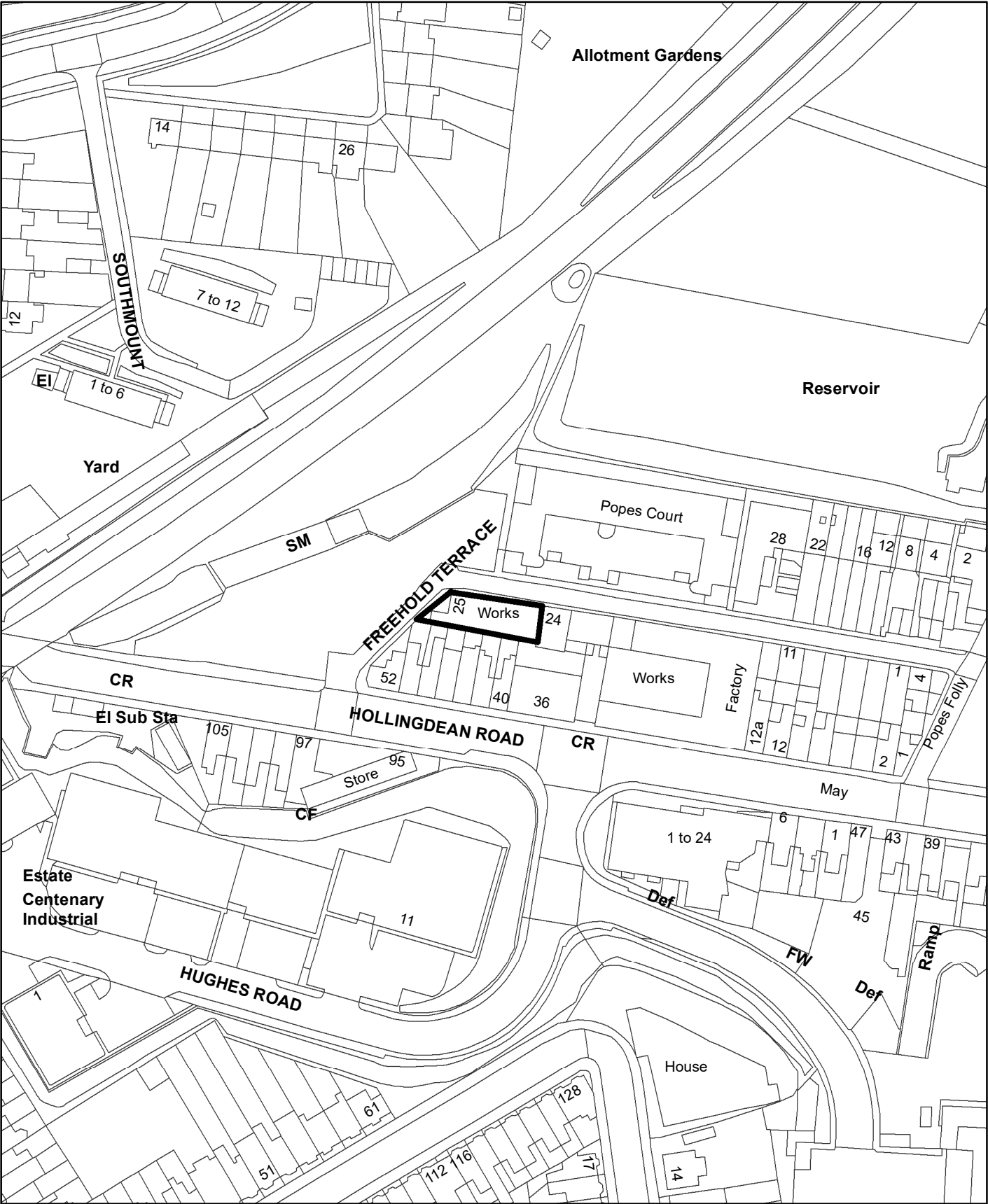
- 10.1. No disabled user parking bay have been provided; details of which have been sought as part of the car park layout plan and parking strategy/ management plan condition.

ITEM M

**25 Freehold Terrace
BH2020/01609
Full Planning**

DATE OF COMMITTEE: 10th March 2021

BH2020 01609 - 25 Freehold Terrace



N



Scale: 1:1,250

<u>No:</u>	BH2020/01609	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Freehold Terrace, Brighton BN2 4AB		
<u>Proposal:</u>	Demolition of existing light industrial building (B8) and erection of a three storey house in multiple occupation (Sui Generis) with 10 rooms incorporating a 2nd floor roof terrace and associated works (AMENDED PLANS AND DESCRIPTION).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	16.06.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	11.08.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.03.2021
<u>Agent:</u>	ABIR Architects Ltd Unit 1, Beta House St Johns Road Hove BN3 2FX		
<u>Applicant:</u>	Mr Edwards 25 Freehold Terrace Brighton BN2 4AB		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Report/Statement	Transport Statement	16.09.202	16 September 2020
Location and block plan	0508.PL.001	C	2 February 2021
Proposed Drawing	0508.PL.002	B	2 February 2021
Proposed Drawing	0508.PL.003	B	2 February 2021
Proposed Drawing	0508.PL.004	B	2 February 2021
Report/Statement	Marketing Activities	-	16 June 2020
Report/Statement	Phase 1 Preliminary Risk Assessment	dated Jan 2020	16 June 2020
Report/Statement	Daylight or Sunlight Assessment	3 dated September 2020	25 September 2020

Report/Statement	Transport Assessment	dated June 2021	16 June 2020
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2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no. 0508.PL.001. Rev C, and shall be retained as such thereafter. The layout of the first floor shall be retained as communal space at all times and shall not be used as bedrooms.
Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The accommodation hereby approved shall only be occupied by a maximum of Eleven (11) persons.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
5.
 - (1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
 - (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless

varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

6. Prior to first occupation of the development hereby permitted, the removal of asbestos containing materials shall be carried out.

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.

7. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall include a minimum of 3 swift bricks/boxes and 3 bee bricks. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

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

8. The one accessible unit hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) and the ground floor unit (B1) hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

9. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

10. None of the new build 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 new build 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.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details/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) details/samples of all brick, external walls and roof material including technical specification and details of the colour/paintwork to be used)
- b) details/samples of all cladding to be used, including details of their treatment to protect against weathering
- c) details/samples of all hard surfacing materials
- d) details/samples of the proposed window, door and balcony treatments
- e) details/samples of all other materials to be used externally

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

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

13. The terrace area hereby permitted shall not be used between the hours of 23:00 and 07:00 on Mondays to Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

14. The development hereby permitted shall not be occupied until details of the acoustic privacy screenings and planting screening to the terrace area have been submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times. The planting screening to the roof terrace hereby shall remain in perpetuity and shall only be replaced with other plant screening of similar size

Reason: To safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

15. The western elevation windows at first and second floor serving bedroom 7 and communal room 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.

16. The western elevation windows at second floor serving bedroom 8 of the development hereby permitted shall be tinted so as to obscure any in-coming views, 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.
17. No development, including demolition and excavation, shall commence until a Site Waste Minimisation Statement and Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
18. The development hereby permitted shall not be occupied until the new/extended crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
19. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the 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 part (b) and part (c) of condition (X) above.
 It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

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 23 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.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
7. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

2. SITE LOCATION

- 2.1. The application site relates to a purpose-built two storey commercial building comprising c.323sqm in total of workshop/warehouse on the ground floor and storage/offices at first floor, located on the south side of Freehold Terrace at its western end.

- 2.2. Freehold Terrace and the immediately surrounding area was historically an area which was mainly industrial in character. The area has been subject to change and redevelopment over the years, with conversions from industrial to residential. To the west of the site is a six storey building containing student accommodation (redevelopment completed in 2019). There are residential properties to the east and south, and to the north two flatted buildings of three and four storey height.

3. RELEVANT HISTORY

- 3.1. Relevant planning permissions within the immediate vicinity of the site:
- 3.2. **BH2014/01637-** (Land 54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road Brighton)- Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (181 cluster bedrooms, 19 studios and 5 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4 storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen. Approved 06.11.2015.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks consent for the demolition of the existing light industrial building (B8) and erection of a three storey building in multiple occupation (Sui Generis) with 10 rooms incorporating a 2nd floor roof terrace and associated works.
- 4.2. During the course of the application the proposal was amended from 13 rooms to 10 rooms to improve the standard of accommodation by increasing the size of the communal spaces. In response to Highways comments amendments have been made to the cycle provision/bin store and disabled parking.

5. REPRESENTATIONS

- 5.1. Five (5) letters of representations have been received objecting to the proposal for the following reasons:
- Building work disruption
 - Overdevelopment
 - Overdevelopment of student accommodation
 - Traffic and parking issues
 - Dust, noise and light pollution
 - Impact on services

- Access tight
 - Increased footfall
 - Road not large enough
 - Freehold Terrace already over occupied
 - Overlooking and noise from roof terrace
 - Overshadowing
- 5.2. **Councillor Hill** has objected to the proposal on the grounds of; loss of employment use, the mix of units, potential to become 'student area', question the 10% threshold, poor standard of accommodation, loss of privacy issues, overdevelopment and requested that the application be heard at Committee if approved (comments attached).
- 5.3. Two (2) (One on behalf of Barry Parker Town Planning Ltd) additional representations have been received following re-consultation objecting to the proposal for the following reasons:
- Overcrowding
 - No more space
 - Parking issues
 - Noise impact
 - Loss of amenity
 - Loss of privacy and overlooking

6. CONSULTATIONS

- 6.1. **Air Quality Officer** No objection
The site is outside the air quality management area and is unlikely to generate sufficient traffic contributions to warrant a detailed air quality assessment.
- 6.2. **Policy:** No objection
No objection subject to consultee responses and consideration of the CP21 tests being met.
- 6.3. **Private Sector Housing:** Comment
The HMO Standards should be adhered to.
- 6.4. **Sustainable Transport:** Awaiting third comment.
Additional comment 29.10.2020 Objection
The applicant has not addressed the concerns raised apart from amending the doors to the refuse store to close inwards and in addition a Road Safety Audit should be submitted.
- Initial comment 08.07.2020 Objection
- 6.5. Issues over pedestrian footway width, disabled parking area, cycle parking, refuse store (including the access doors that open outwards), the assessment of delivery/servicing and car parking analysis on surrounding streets.
- 6.6. **Environment Agency:** No objection subject to risk assessment condition.

6.7. **Southern Water:** No objection subject to recommended conditions.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM1	Housing Quality, Choice and Mix- Significant Weight
DM18	High quality design and places- Limited weight
DM20	Protection of Amenity- Significant weight
DM21	Extensions and alterations- Significant weight
DM22	Landscape Design and Trees- Significant weight
DM33	Safe, Sustainable and Active Travel- Significant Weight
DM36	Parking and Servicing- Significant weight
DM40	Protection of the Environment and Health - Pollution and Nuisance- Significant weight

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
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DA3	Lewes Road Area
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP3	Employment Land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP19	Housing mix
CP20	Affordable housing
CP21	Student Housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes
HO15	Housing for people with special needs

Supplementary Planning Documents

SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the loss of the existing use, the principle of the proposed use, the impact upon neighbouring amenity, the standard of accommodation provided in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.

Principle of Development:

- 9.2. The application is for the demolition of a light industrial building and the erection of a three storey building in multiple occupation (Sui Generis).
- 9.3. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this

minimum housing requirement that the City's five year housing land supply position is assessed annually.

- 9.4. The Council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. The site is situated within Development Area DA3: Lewes Road Area identified in City Plan Part 1 (CPP1). The provision of residential development, and development that meets the needs of local communities is supported in accordance with DA3.3. The site counts as a small benefit of providing additional housing units to the City, and contributes to the City's ongoing five year supply requirements, albeit ten single bed units would be a relatively minor contribution to meeting the five year supply.
- 9.6. The application would result in the loss of employment floorspace and therefore CPP1 policy CP3 applies.
- 9.7. Policy CP3 relates to the protection of employment floorspace and only allows the loss of premises in employment use where it can be demonstrated that the premises are redundant and incapable of meeting alternative employment needs. Where this can be justified, priority is given to alternative employment generating uses or housing. The supporting text paragraph 4.39 sets out various criteria which should be considered to determine whether the site is redundant including requiring submission of marketing evidence.
- 9.8. The applicant has submitted a marketing report which summarises the marketing activities and provides evidence that the site has been suitably marketed in appropriate locations including local newspaper and various online property registers for 18 months since December 2018. The marketing report states that this generated five enquiries, all of which found the premises unsuitable for a range of reasons including configuration, poor access and internal ceiling heights. The marketing report also states that the rent has been reduced over the marketing period from £15/sqft to £12/sqft; this is less than the rents for similar accommodation in the city. The marketing carried out is considered to meet policy requirements.
- 9.9. The application also meets criteria with regards demonstrating redundancy by the quality of the site/layout. The site has poor access for large vehicles in particular: Freehold Terrace is narrow and requires vehicles to mount the pavement to pass parked cars; and access onto Freehold Terrace is via poor access from Pope's Folly, also of narrow width. Various former employment premises on the road have changed to residential uses, and these, in addition to the new development at 54 Hollingdean Road, immediately north of the site, providing 205 purpose-built student rooms, have resulted in the road becoming predominantly residential.

- 9.10. The proposal is therefore in accordance with Policy CP3 of the Brighton & Hove City Plan.
- 9.11. Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation. For the reasons stated within the policy, applications for the change of use to a HMO will not be permitted where more than 10% of dwellings within a radius of 50m of the application site are already in use as a HMO (whether they are Use Class C4, a mix of Use Classes C3 and C4 or Sui Generis). A mapping exercise has taken place which indicates that there are 55 neighbouring properties within a 50m radius of the application property of which 5 properties have been identified as being in HMO use. The percentage of neighbouring properties in HMO use with the radius area is thus 9.09% and the provision of a HMO at the site is acceptable.
- 9.12. As such, the principle of the development is considered acceptable.

Design Scale and Massing:

- 9.13. The proposed building would be three storeys in height and would be contemporary in style, featuring light brown accent brickwork, zinc areas, recessed fenestration constructed in aluminium and a sedum roof. The surrounding area is quite mixed in terms of architectural styles, with traditional brickwork, rendered and clad elevations and the adjacent modern six storey student accommodation development and modern four storey flatted building opposite.
- 9.14. Although the development would be taller than the existing building (approximately 2.2m higher) and that of the neighbouring property adjoining to the east, it would be comparable to the height of other flatted buildings within the vicinity, and is considered appropriate within the context of the adjoining properties, with a stepping up of building heights of the properties from the east to the larger, six storey building to the west. Overall, it is considered that this modern development would not be out of character or scale with its surroundings.
- 9.15. Materials have been secured via condition.

Standard of Accommodation:

- 9.16. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 9.17. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove

City Plan, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight.

- 9.18. Further, criterion 8 of Policy SA6 outlines the need to deliver balanced communities through the requirement for new residential development to provide an appropriate mix of dwelling sizes and tenure types and, through the emerging City Plan Part Two (DM1 - Housing Quality, Choice and Mix), ensure new housing meets optional technical standards for access and the nationally described space standards.
- 9.19. The arrangement of the layout of the development would achieve the necessary provision for disabled parking, refuse and cycle storage, and would utilise the site to its fullest and is considered appropriate given the physical constraints of the site.
- 9.20. The proposal comprises 10 no. bedrooms. Each room would contain an en-suite shower room with adequate circulation space. In terms of the rooms for the HMO, these would exceed 7.5sqm which would be in line with the guideline for a single bedroom and the double bedroom would exceed 11.5sqm in line with the guidance for a double bedroom. The wheelchair accessible unit at ground floor would be adequate in terms of size and circulation space to cater for this provision.
- 9.21. Each of the rooms would have single aspect north, which means that they are more difficult to ventilate naturally, however the windows which would be openable would be adequate to provide natural ventilation, light and adequate outlook to serve the rooms.
- 9.22. The development is "edge of pavement", having habitable room windows facing directly onto the street. This arrangement is considered acceptable in this instance as it is characteristic of other housing in the surrounding area, notably the four-storey flatted development (46 Freehold Terrace) to the north.
- 9.23. The proposed property could be occupied by up to 11 persons, given the double bedroom at second floor level. It is expected that HMO accommodation of this type provides sufficient communal space for residents to prepare food, dine, and socialise away from their bedrooms. There are 2no. shared kitchen/diner rooms with lounge area on the ground and second floor which measure approximately 51sqm and 47sqm. The kitchen spaces would be adequate in their size and provision for the number of proposed occupants and the inclusion of lounge(s) to allow for relaxation/socialising away from the proposed kitchen/dining areas is welcomed. The provision and quality of communal/shared amenity spaces and kitchen/living/dining spaces for the units is adequate in terms of amount, size and layout. A condition has been attached restricting the use of the communal areas to ensure that alterations to the layout are not made at a later date. The provision of 1no. double room and 10no. single rooms would allow for up to 11 people to occupy the accommodation at one time. A condition has been attached restricting the overall property to 11 bed spaces.

- 9.24. 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. One unit has been provided as wheelchair accessible on the ground floor. Step-free access appears to be achievable to the remaining ground floor unit.

Impact on Neighbouring Amenity:

- 9.25. Policy QD27 of the Brighton & Hove Local Plan, as updated by Policy DM20 of CPP2, states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.26. To the rear of the site is the rear gardens of 36-52 Hollingdean Road. To the east of the site is no.24 Freehold Terrace a two storey building with roof accommodation in residential use. To the west of the site is the redeveloped six storey building of student accommodation (54 Hollingdean Road). To the north of the site are two flatted buildings which are three and four storeys in height.
- 9.27. The development would broadly sit upon the footprint of the existing building which is proposed to be demolished. The building would be approximately 2.2m higher than the existing building at its highest point.
- 9.28. The windows to the rear located at second floor level and are proposed to be obscure glazed, so there would be no new opportunities for overlooking to the rear. There would be no window openings to the east elevation. The window openings facing north (front orientation) would not impinge upon the privacy of neighbouring properties. The window openings facing west (side) serving bedrooms at first floor and a small window to the communal area at second floor would offer views toward the six storey building (54 Hollingdean Road) however the windows on this block do appear to have tinted glass. Given the distance of 8m between these windows a condition has been attached to obscure glaze the secondary second floor window and the secondary first floor bedroom window on the west elevation. The first floor large bedroom window has been conditioned to be tinted so that the occupier can see out but there would be no views in, protecting both neighbouring amenity and the amenity of the future occupier.
- 9.29. The terrace area at second floor level would feature acoustic screening to the rear (south) and partial screening to the side (west) which would be adequate to mitigate against overlooking or loss of privacy toward the immediate properties or gardens to the rear. A condition will be attached for details of the privacy screen (ensuring the height) and for the addition of planting screening to the edges of the terrace areas. The addition of the acoustic screening and addition of planting to screen the terrace area would minimise any potential overlooking or noise. A condition has also been attached for the hours of use of the terrace area.

- 9.30. As part of the application a Daylighting Study has been submitted which assesses the impact of the proposal on adjacent properties. The results have determined that there will be no noticeable impact on the daylight received by the windows of 46 Freehold Terrace, Popes Court and 36-52 Hollingdean Road.
- 9.31. The sunlight assessment has shown there will be no noticeable reduction in the amount of sunlight the main living room windows receive.
- 9.32. The overshadowing study to the gardens of 36-52 Hollingdean Road inclusive, has shown the overshadowing will remain relatively unchanged.
- 9.33. On the basis of the above, it is considered that the development is acceptable in terms of impact on the amenity of neighbouring residents, and future residents of the application site.

Sustainable Transport:

- 9.34. The applicant has demonstrated within its transport assessment that the change of use from the existing use industrial use to HMO is unlikely to increase trips and traffic to the site which Transport Officers consider to be reasonable.
- 9.35. The applicant is proposing to provide a disabled carparking space for the disabled unit on the site by formalising an existing, informal parking space on Freehold Terrace. The Highways Officer has raised concern that the proposed disabled parking bay is not adequate in dimensions or design and that there is poor visibility of the footway when vehicles will be accessing the space. However, the applicant has submitted a revised plan which has reconfigured the bin store/bike store and parking space. The revised location of the disabled space would allow the driver to access this safely/easily. Whilst the bin and bike store doors do open outwards they would not impinge upon the highway itself and therefore would not result in a highway safety issue.
- 9.36. The existing footway surrounding the site is very narrow, and well below recommended widths. The Highways Officer has raised concerns that it is too narrow for inclusive mobility and requested a Road Safety Audit. However, this is an existing situation, which the proposed development would not worsen, so this is not considered reasonable, or sufficient grounds to refuse the application on the basis of either road safety or highway capacity.
- 9.37. In addition, the Highways Officer has raised concern that there are no details of how deliveries to individuals would be managed and requested a Delivery and Service Management Plan to assess how this will be carried out conveniently. This is considered excessive for a building housing a maximum of 11 individuals, and as already noted, would not be justified by any increased impact on the highway network.
- 9.38. The site is not located within a Controlled Parking Zone (CPZ). The applicant is not proposing any on-site car parking spaces other than one disabled parking bay for this development. The Highway Officer has requested that an on-street

parking survey in line with the Lambeth Parking Survey Methodology forecasting the availability of parking in the surroundings streets be submitted. It is though acknowledged that on-site parking (other than the disabled parking) could not be accommodated on this site and the previous use would have had a greater demand and the applicant states that a no-car policy will be operated with clauses in occupants' tenancy agreements which provides sufficient mitigation.

- 9.39. The applicant is proposing a cycle store to accommodate 12 cycle spaces which is sufficient to meet policy requirements. It is noted that Highway Officers still have concerns over the size of the store and the stacking system, but it is also acknowledged that the site is physically constrained, and the provision is covered and secure. It is also of note that there is no adopted guidance regarding cycle parking dimensions.
- 9.40. The Highways Officer has requested a Move in Move Out Management Plan however given the relatively low occupancy of the residents it is not considered necessary in this instance.
- 9.41. Overall, the proposal accords with both planning policy and the NPPF which highlights that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. On this basis, the development is considered acceptable in terms of impact on highway capacity and road safety.

Sustainability:

- 9.42. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. A condition has been attached to secure this.
- 9.43. A refuse and recycling store is being provided close to the main entrance of the site which would be adequate for the scale of development. Refuse and recycling provision has been secured via condition.
- 9.44. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. The application has not submitted a Waste Minimisation Statement or Site Waste Management Plan and therefore a condition has been attached to secure this.

Ecology:

- 9.45. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.46. The applicant hasn't submitted a Biodiversity checklist however it is evident that the existing site does not show signs of any protected species being located on site. The proposal will not result in the loss of any mature trees. Overall, the proposal will not have any negative impacts on existing biodiversity on site.

- 9.47. The proposed green roof would have environmental benefits and a condition has been attached to ensure bee bricks/swift boxes would be incorporated within the external wall of the development.

Other Matters

- 9.48. The application has submitted a Preliminary Risk Assessment Phase 1 given the use of the site and the proposed demolition of the current workshop and therefore conditions have been applied in association with contaminated land and asbestos and regards further investigations and risk assessments.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £24,325.00. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

Conclusion

- 10.2. The proposed development would provide ten units of accommodation which would make a contribution to the Council's housing targets. The site is situated in a location where the provision of residential development and development that meets the needs of local communities is supported. The proposal has evolved over the course of the application such that concerns raised have been addressed. There is not considered to be a significant impact on highway capacity or road safety nor neighbouring amenity and the redevelopment of an unused industrial site is considered to be a positive and efficient use of land.
- 10.3. As such it is considered that and in conjunction with appropriate conditions and obligations, the recommendation is to support the application.

11. EQUALITIES

- 11.1. One unit has been provided as wheelchair accessible on the ground floor. Step free access appears to be achievable to the remaining ground floor unit.

Cllr. Tracey Hill
BH2020/01609 – 25 Freehold Terrace

06/07/2020:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Poor design
- Residential Amenity

Comment: I object to this application and would like it to go to committee if the recommendation is to approve.

I question why employment use is considered redundant when there offices and other businesses very nearby, in both Freehold Terrace and Hollingdean Road. There may not be parking but it's very close to the Lewes Road which has excellent transport links.

If the argument for changing use to residential is accepted, I see no reason to think that it's only suitable for small single-occupancy units. The building opposite is 8 units of shared ownership social housing. There are families living elsewhere on Freehold Terrace and Hollingdean Road, and there is also considerable demand in the city for one-bed and two-bed flats - and there are numerous flats like that in the immediate area - so I see no reason why this building in this location should be converted into units of such small size. When the adjacent purpose-built student housing was agreed, I very much hope that it wasn't assumed that this was now going to become a "student area" unsuitable for anyone else. This is a mixed area, different types of residential homes and businesses, and should remain so.

I question the assumptions made in the planning statement about the 10% threshold. There are a lot of HMOs in this area. The fact that they are on Hollingdean Road and not Freehold Terrace as irrelevant as the policy is based on a diameter around the property specifically to include properties in front and behind as well as on the same street.

The standard of accommodation is poor. There isn't very much communal space. The roof terrace for 13 people is smaller than the size of one single room. Habitable rooms have windows directly onto the street. With people living in one room this leads to privacy issues.

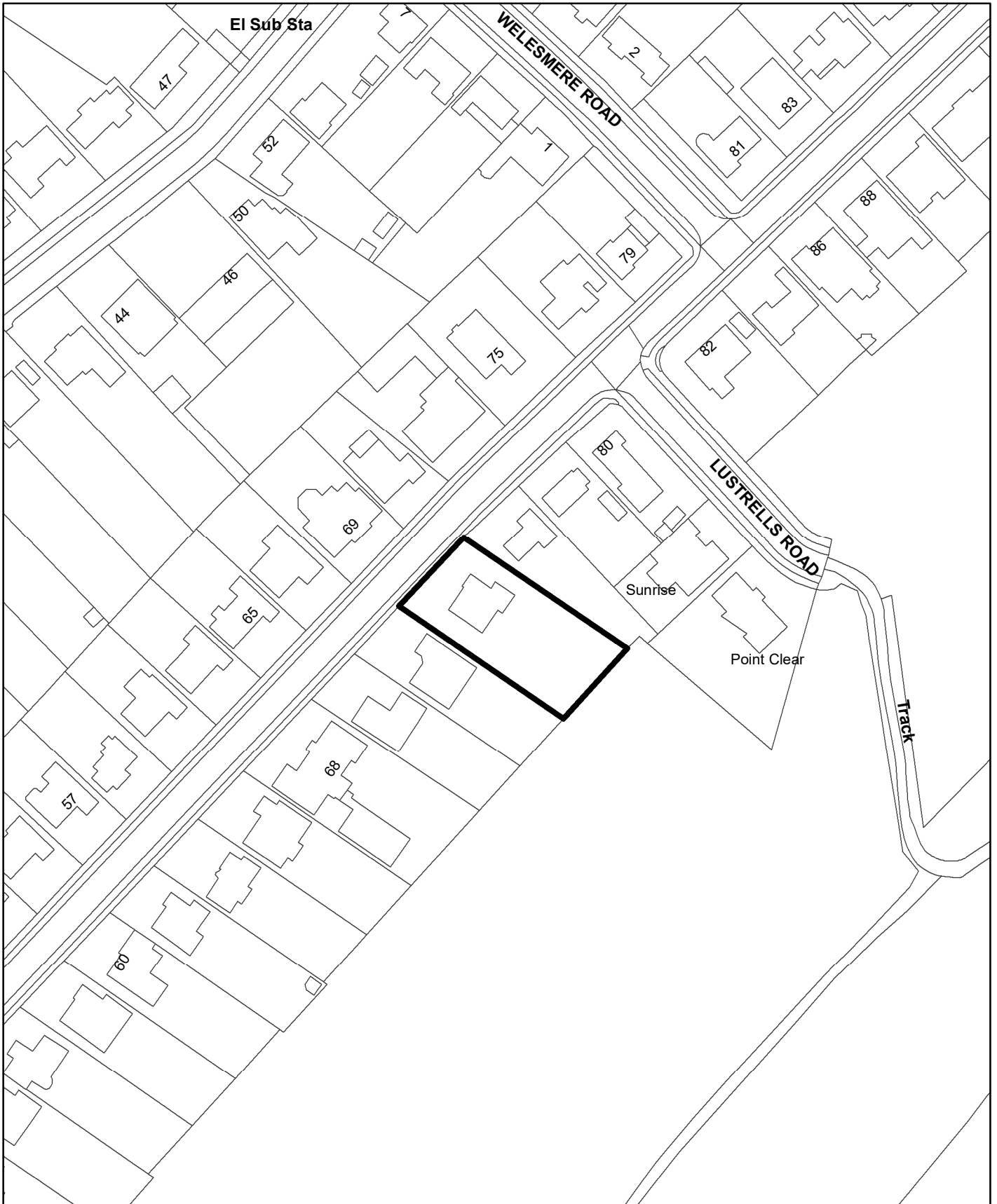
I'm also concerned that other agreed intensive development in the area is thought to set a precedent for even more of the same. That will lead to harmful over-development and should be resisted.

ITEM N

**74 Dean Court Road
BH2020/03127
Householder Planning Consent**

DATE OF COMMITTEE: 10th March 2021

BH2020 03127 - 74 Dean Court Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/03127	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	74 Dean Court Road, Rottingdean, Brighton BN2 7DJ		
<u>Proposal:</u>	Erection of playhouse in rear garden (part retrospective).[Amended Plans]		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	30.10.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	25.12.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	17.03.2021
Agent:			
Applicant:	Simon Beddoe	74 Dean Court Road	Rottingdean Brighton BN2 7DJ

1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	LP-001	A	30 October 2020
Proposed Drawing	PSP-004	B	22 January 2021
Proposed Drawing	PP-006	B	13 December 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The playhouse hereby approved shall only be used for purposes incidental to the main dwelling.
Reason: To ensure the use of the development hereby permitted it appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with policies 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. SITE LOCATION

- 2.1. The application site relates to a two-storey, detached property located on the eastern side of Dean Court Road. The area of the application is at the far end of the rear garden, near to the shared boundary with No.72 Dean Court Road and open land comprising part of the South Downs National Park.

3. RELEVANT HISTORY

- 3.1. **BH2020/02118** - Erection of two storey pitched roof side extension with rooflights, single storey flat roof rear extension, installation of glass balustrade balcony to rear and revised fenestration. Approved
- 3.2. **BH2020/02117** - Certificate of lawfulness for proposed loft conversion incorporating rear rooflights. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a playhouse in the rear garden of a dwelling. The application is part retrospective as the majority of the structure has been erected. The proposed roof and other elements to the elevations remain to be constructed.
- 4.2. The playhouse is located at the end of the rear garden next to the shared southern boundary with No.72. It has stairs providing access on the southern elevation and a slide which faces west towards the host property. It is 4.6 metres wide, has a depth of 2.8 metres and a platform height of 1.75 metres.
- 4.3. The proposed works show it would have a roof that would be single pitch and rise from a height of just over 3 metres on the southern elevation near the shared boundary, to a height of 3.45 metres on the northern elevation. The head heights internally would be restricted due to the low roof and would range from approximately 1.3m on the southern side to 1.7m.
- 4.4. The playhouse is constructed of natural timber and would remain so, with the proposed roof finished with felt.
- 4.5. Due to Officer concerns, the proposal has been amended during the course of the application to accurately reflect the existing and proposed works, and to reduce the amenity impacts. The revised plans reduce the overall bulk and massing, with a substantial reduction in roof height and new side panelling to reduce potential overlooking and noise, while restricting the ability for most adults to stand within the structure.

- 4.6. The amended plans were received and a re-consultation took place on the 2nd February 2021 and responses are required by the 23rd February 2021. Any representations received after production of this report, will be reported on the late list or verbally at the committee meeting.

5. REPRESENTATIONS

- 5.1. Five (5) total letters have been received two (2) of which are repeats .

Original scheme:

- 5.2. One (1) letter has been received objecting to the proposed development on the following grounds:
- Reduction of amenity
 - Setting a precedent
 - Noise
 - Overlooking
 - Potential use for commercial operations
 - Impact on the National Park
 - Plans incorrect

- 5.3. One (1) letter has been received supporting the proposed development on the following grounds:
- Good design

Amended Scheme:

- 5.4. One (1) unique letter and two (2) repeat letters have been received objecting to the amended proposed development on the following grounds:
- Setting a precedent
 - Noise
 - Overlooking
 - Potential use for commercial operations
 - Impact on the National Park
 - Reduction of amenity
 - Setting a precedent
 - Landscaping
 - Scale and massing
- 5.5. **Councillor Mears** has objected to the application, and a copy of this correspondence is attached to this report.

6. CONSULTATIONS

- 6.1. Rottingdean Parish Council - Objection to original scheme. 19/11/2020
- 6.2. Rottingdean Parish Council objects to this retrospective application. The structure appears to be more intrusive than the plans suggested because the height of the boundary fence seems to be higher on the plans. The structure is

therefore adversely affecting the light and the privacy of the neighbouring property

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
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 - Shoreham Harbour Joint Area Action Plan (adopted October 2019);
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM20	Protection of Amenity - Significant weight
DM21	Extensions and alterations - Significant weight

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
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Brighton & Hove Local Plan (retained policies March 2016):

QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider area, and the amenities of adjacent occupiers.
- 9.2. The application has been amended during the course of the application to accurately reflect the existing and proposed works, and to reduce the amenity impacts. The revised plans reduced the overall bulk and massing, with a reduction in roof height and new side panelling which would reduce potential overlooking and noise, while restricting the ability for most adults to stand up straight in the structure.

Design and Appearance

- 9.3. The existing works have been constructed in natural wood and would be completed in the same. The new roof would be single pitch and finished with felt, although the applicant has confirmed they would consider a "living" elements too. No windows or doors are proposed, and the sides would be open balustrade apart from the solid screened areas to protect amenity. The structure has stairs to the southern side and a slide facing west towards the host property. The stated intended use is as a playhouse/area for children.
- 9.4. Concerns have been raised regarding the use and impact on amenity. The playhouse is located at the end of the rear garden next to the shared boundary with No.72 (southern boundary). It is 4.6 metres wide, has a depth of 2.8 metres and a platform height of 1.75 Metres.
- 9.5. The scheme as amended has lowered the proposed roof with a height of just over 3 metres on the southern elevation near the shared boundary, to a height of 3.45 metres on the northern elevation. The internal head height would be approximately 1.3 metres at the staircase entry rising to 1.7metres, to ensure that the use of the structure is for children and the limit opportunities for adult use which have raised concerns. The lowering of the roof is considered to overcome those issues.
- 9.6. The scheme as amended has introduced solid panels to the front and side elevations, that face towards the rear amenity of No.72, to overcome concerns raised regarding noise and overlooking of neighbouring properties. These panels are considered to be acceptable in terms of design and appearance, as are the open stairs.
- 9.7. The structure sits within the built-up residential area of Dean Court Road, which has seen other forms of residential rear extensions and outbuildings which are visible from the South Downs National Park (SDNP). The scheme has been designed with sympathetic natural materials. In context within the surrounding landscape, it is small scale and although visible from the South Downs National

Park is not considered to cause any harm given the residential context and the use of soft materials.

- 9.8. The overall scale and massing of the structure in the context of the rear garden size and that of neighbouring properties is considered appropriate and not out of keeping. It would occupy a small portion of the rear garden and the open structure and natural wood material would limit the visual impact. Similar sized and more visually prominent structures could be built through the exercise of permitted development rights.
- 9.9. Therefore, the completed and proposed works are considered to be a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

Impact on Amenity

- 9.10. 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.
- 9.11. As detailed in the design section above the scheme has been amended to mitigate valid concerns raised in respect of amenity. The lowered roof restricting use, and the solid panels further restricting noise and potential overlooking - are considered to reduce any harm to amenity of neighbouring properties to such an extent that no significant harm is caused.
- 9.12. The stated intended use is as a playhouse for children and this would not be incongruous for the general use of rear amenity areas in a residential area. Some degree of noise and disturbance through normal use of these amenity areas is expected. If at some future point the use structure should be altered or its use change, then express planning permission would be required.
- 9.13. Therefore, it is not considered that the proposed extension and works would cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan.
- 9.14. In view of the ongoing COVID-19 travel restrictions and in lieu of a site visit, photos of the site have been obtained from the applicant.

Conclusion:

- 9.15. The existing and proposed structure is considered an appropriate form of development. No significant harm to neighbouring amenity or South Downs National Park is identified. The structure would not harm the character of the host property or the wider area. Approval is therefore recommended.

10. COMMUNITY INFRASTRUCTURE LEVY:

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £0. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

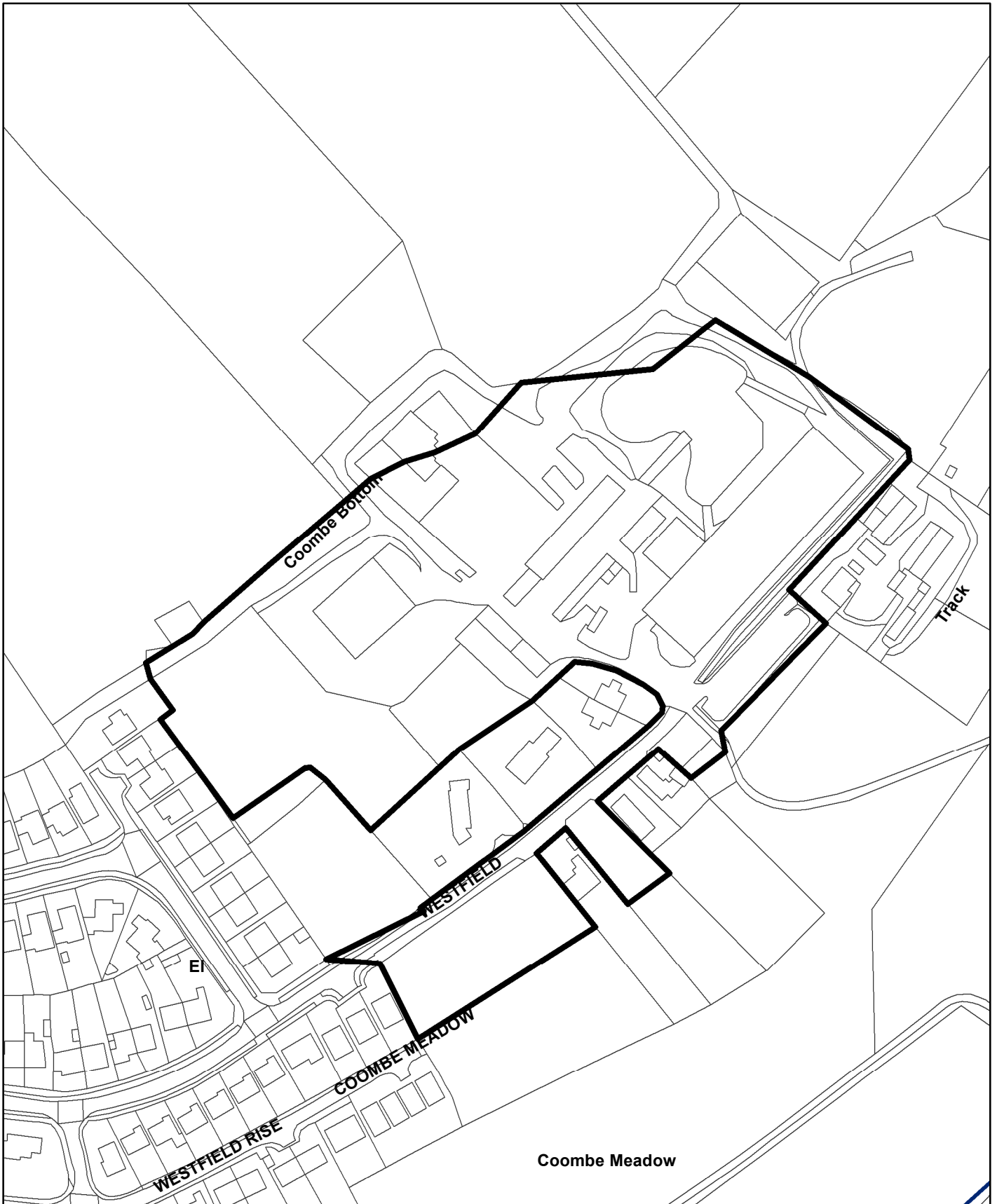
11. EQUALITIES
None identified

ITEM O

**Coombe Farm, Westfield Avenue North,
Saltdean
BH2020/00002
Amend Heads of Terms**

DATE OF COMMITTEE: 10th March 2021

BH2020 00002 - Coombe Farm, Westfield Avenue North



N



Scale: 1:2,000

<u>No:</u>	BH2020/00002	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning Application		
<u>Address:</u>	Coombe Farm Westfield Avenue North Saltdean Brighton BN2 8HP		
<u>Proposal:</u>	Demolition of existing buildings and erection of 72 dwelling houses with associated parking and landscaping.		
<u>Officer:</u>	Jane Moseley	<u>Valid Date:</u>	08.01.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	19.03.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.03.2021
<u>Agent:</u>	Mr Chris Frost	2 Wardrobe Place	London EC4V 5AH
<u>Applicant:</u>	Gold (Saltdean) Ltd	C/o Future PD	2 Wardrobe Place London EC4V 5AH

1. PURPOSE OF THE REPORT

1.1 At the Planning Committee meeting on 2 December 2020, the Committee considered a report on the above application (“the December report”) and resolved they were Minded to Grant planning permission for the redevelopment of a site at Coombe Farm in Saltdean to provide 72 dwellings, with associated parking and landscaping.

1.2 The resolution to be Minded to Grant permission was subject to the completion of a S106 agreement containing Heads of Term relating to public art, employment highway works, a Residential Travel Plan, and affordable housing. The latter Head of Term stated the following:

“Affordable housing:

- Provision of **40%** affordable housing (29 units)
- Unit mix :
 - 4 x 1 bed 14%
 - 7 x 2 bed 24%
 - 18 x 3 bed 62%
- 55% Affordable Rent
- 45% Shared Ownership”

1.3 The applicant is now seeking to amend the Heads of Terms to provide intermediate rent instead of shared ownership, as follows:

- 55% Affordable Rent
- 45% Intermediate Rent

- 1.4 No change is proposed to the level of affordable housing provided (40%) or the unit mix.

2. RECOMMENDATION

- 2.1 That the Committee resolves to be **Minded to Grant** planning permission subject to a s106 Planning Obligation and the Conditions and Informatives all as set out in the December report **SAVE THAT** the 106 Planning Obligation Head of Term for 45% Shared Ownership shall be substituted by a Head of Term for 45% Intermediate Rent and **SAVE FURTHER THAT** should the s106 Planning Obligation not be completed on or before the 24th March 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of the December report.

3.0 BACKGROUND INFORMATION

- 3.1 A detailed description of the proposed development, its location, the background to the application and representations received can be found in the December report accessed via the following link:
[\(Public Pack\)Agenda Document for Planning Committee, 02/12/2020 14:00 \(brighton-hove.gov.uk\)](#)
- 3.2 As noted, a number of Heads of Terms were set out in the Committee Report, including identifying the nature of the affordable housing to be provided. In this case, it was agreed to provide 55% affordable rented units, and 45% shared ownership units.
- 3.3 In the process of negotiating the S106 legal agreement and finalising details to bring the development forward, the applicant has reached the conclusion that intermediate rented accommodation is preferable, so is now seeking to replace the shared ownership units with intermediate rented units. There would be no loss of affordable housing provision on the site.
- 3.4 The glossary at Annex 2 to the National Planning Policy Framework (NPPF) defines 'affordable housing' as "*Housing for sale or rent, for those whose needs are not met by the market*", with four different types listed, namely (a) affordable housing for rent; (b) starter homes; (c) discounted market sales housing; and (d) other affordable routes to home ownership.
- 3.5 The latter is defined as: "*housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent).*" [emphasis added]

- 3.6 Intermediate rent is rent offered at a value above social rent, but below market levels. In this case, the applicant has stated they would provide *“homes for rent at a cost above social rent but below market levels, and capped at no more than 80% of open market rent inclusive of service charges.”* Eligibility for intermediate rent would be the same as shared ownership (household incomes of less than £80,000/annum, and not owning a property or otherwise able to afford market housing), but would be targeted at lower incomes. The applicant has advised that there would be no option to purchase the home on this development. The intention would be that the properties are available to benefit future tenants to have the same opportunity to save towards purchasing a home elsewhere in the city
- 3.7 Because the level of affordable housing provided on the site would remain unchanged, the proposed amendment would still accord with Policy CP20 of City Plan Part 1.
- 3.8 In their response to the application, the Housing Strategy team noted their support for the application, including the comment that:

“Our published Affordable Housing Brief sets out the following broad tenure split as a citywide objective:

55% Social Rent or Affordable Rent

45% Intermediate e.g. Shared Ownership

The proposal here is for 29 affordable housing properties with a split of 55% as affordable rent (16 properties) and 45% (13 properties) for shared ownership sale, which is a compliant tenure split.” (Officer Report to 2 December 2020 Planning Committee, paragraph 6.68).

- 3.9 The proposed amendment would retain 55% affordable rent, and 45% intermediate affordable housing, so would remain a compliant tenure split. Officers from the Housing Strategy team have been involved in discussions with the applicant about the proposed amendment and confirm that they have no concerns.
- 3.10 On this basis, it is considered that the amendment to provide 45% intermediate rented units, rather than shared ownership units, would be acceptable, and remain compliant with planning policy and the Council’s Affordable Housing Brief.

4. CONCLUSION

- 4.1 The applicant is proposing to amend one of the Heads of Terms that the Planning Committee resolved it was Minded to Grant for the redevelopment of Coombe Farm to provide 72 dwellings. While 40% affordable housing will still be provided, the applicant would provide 45% of this as intermediate rent units, rather than shared ownership.

- 4.2 This remains compliant with the Policy CP21 of City Plan Part 1, and with the comments from the Housing Strategy Team about their citywide objective in relation to tenure split, as set out in their Affordable Housing Brief.
- 4.3 On this basis, it is recommended that the proposed amendment to the Heads of Terms which were agreed by Committee on 2 December last is approved. The s106 Heads of Terms to be taken forward would therefore be:

Section 106 Head of Terms:

Affordable housing:

- Provision of **40%** affordable housing (29 units)
- Unit mix :
 - 4 x 1 bed 14%
 - 7 x 2 bed 24%
 - 18 x 3 bed 62%
- 55% Affordable Rent
- 45% Intermediate Rent

Public art

- Commissioning and installation of an Artistic Component to the value of **£53,400** within the development in public view or in the immediate vicinity of the site. This could comprise an 'uplift' for artistic influence in the public realm to incorporate an artistic component, the specification of which shall be agreed with the council prior to being formally commissioned.

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- A financial contribution up to **£32,000** towards the Local Employment Scheme
-

Highway Works

- Alterations to the public highway outside of the site to incorporate the development safely into the highway, including:
- Introduction of new pedestrian crossing on the eastern arm of the junction of Westfield Avenue North and Coombe Vale
- Footway improvements on the north and south side of Westfield Avenue North

Residential Travel Plan

- A Residential Travel Plan document
- Provision of a Travel Pack to each first new resident, which shall include information on local options for sustainable transport and arrangements to get support
- Providing the first resident 2 free bus passes of 12 months duration or a voucher for £200 to be redeemed against the purchase of a bicycle

Background Documents

Planning

Application

BH2020/00002

PLANNING COMMITTEE

Agenda Item 115

Brighton & Hove City Council

NEW APPEALS RECEIVED 14/01/2021 – 10/02/2021

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2020/02306
<u>ADDRESS</u>	18 Colbourne Avenue Brighton BN2 4GE
<u>DEVELOPMENT DESCRIPTION</u>	Variation of condition 2 of application BH2017/02648 (Application for variation of condition 1 of application BH2016/02705 allowed on appeal (Change of use from four bedroom small house in multiple occupation (C4) to six bedroom house in multiple occupation (Sui Generis)) to permit the existing two double occupancy bedrooms on the first floor to be altered to four single occupancy bedrooms, with no change to the level of occupancy of the HMO) to limit occupancy to a maximum of nine persons.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	22/01/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PATCHAM
<u>APPEALAPPNUMBER</u>	BH2020/02335
<u>ADDRESS</u>	167 Ladies Mile Road Brighton BN1 8TF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a two storey lower ground floor/ ground floor rear extension incorporating steps down to rear garden from ground floor level and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	28/01/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2020/01715
<u>ADDRESS</u>	60 Old Shoreham Road Brighton BN1 5DD
<u>DEVELOPMENT DESCRIPTION</u>	Creation of driveway to front with vehicle crossover.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/01/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2020/00964

ADDRESS Glenside Court 37 Marine Parade Brighton BN2 1TR
DEVELOPMENT DESCRIPTION Conversion of basement to form 1no additional 1 bedroom dwelling unit (C3) and associated works incorporating replacement of grated lightwell grills with new glass walk over lightwell coverings.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 28/01/2021
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2020/00989
ADDRESS 19 Bristol Road Brighton BN2 1AP
DEVELOPMENT DESCRIPTION Erection of an additional storey with roof extension above and conversion of first and second floors to create 2no one bedroom flats & 1no three bedroom flat (C3).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 29/01/2021
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2020/02467
ADDRESS 41 Egremont Place Brighton BN2 0GB
DEVELOPMENT DESCRIPTION Erection of single storey rear extensions.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 25/01/2021
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2020/02468
ADDRESS 41 Egremont Place Brighton BN2 0GB
DEVELOPMENT DESCRIPTION Erection of single storey rear extensions and internal alterations to ground floor layout.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 25/01/2021
APPLICATION DECISION LEVEL Delegated

WARD **REGENCY**
APPEALAPPNUMBER BH2020/02621
ADDRESS 20 Montpelier Road Brighton BN1 2LQ
DEVELOPMENT DESCRIPTION Replacement of existing timber framed sash windows with UPVC windows to front elevation.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 04/02/2021

APPLICATION DECISION LEVEL Delegated

WARD

ROTTINGDEAN COASTAL

APPEALAPPNUMBER

BH2020/01418

ADDRESS

Flat 7 And Flat 9 20 - 22 Lewes Crescent Brighton
BN2 1GB

DEVELOPMENT DESCRIPTION

Installation of Passenger Platform Lift linking Flats
7 and 9. Installation of shower room and toilet in
Flat 9, with associated alterations.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

25/01/2021

APPLICATION DECISION LEVEL

Delegated

WARD

SOUTH PORTSLADE

APPEALAPPNUMBER

BH2020/01916

ADDRESS

Former Sub-Station To The Rear Of 59 Lincoln
Road Portslade BN41 1LL

DEVELOPMENT DESCRIPTION

Change of use from electricity substation (Sui
Generis) to office (B1a) including erection of two
storey office building and associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

22/01/2021

APPLICATION DECISION LEVEL

Delegated

WARD

ST. PETER'S AND NORTH LAINE

APPEALAPPNUMBER

BH2020/02041

ADDRESS

54A London Road Brighton BN1 4JE

DEVELOPMENT DESCRIPTION

Conversion of existing three bedroom maisonette
(C3) at first and second floors to create 2no one
bedroom flats (C3).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

27/01/2021

APPLICATION DECISION LEVEL

Delegated



PLANNING COMMITTEE

Agenda Item 116

Brighton & Hove City Council

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

Planning Application No	<i>BH2019/00964</i>
Site Address	<i>Land At Brighton Marina Comprising Outer Harbour, Western Breakwater And Adjoining Land Brighton Marina Brighton</i>
Description	<i>Hybrid planning application for the phased residential-led mixed-use development of Brighton Marina Outer Harbour. Full Planning Permission for Phase Two of the development comprises: 480no residential units (C3) in 3 buildings ranging from 9-28 storeys plus plant levels, 761 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), works to existing cofferdam, undercroft car and cycle parking, servicing, landscaping, public realm works and infrastructure (harbour wall) works. Outline Planning Permission (all matters reserved apart from access) for Phase Three of the development comprises: up to 520no residential units (C3) in 6 buildings ranging from 8-19 storeys, up to 800 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), construction of engineered basement structure to create a raised podium deck over Spending Beach, installation of Navigation Piles, undercroft car and cycle parking, servicing, landscaping and public realm works.</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Public Inquiry</i>
Date Appeal To Be Held:	<i>23.03.2021</i>
Venue of Appeal	<i>Virtual Meeting</i>
Appeal Decision	
Planning Officer	<i>Jane Moseley</i>

APPEAL DECISIONS FOR THE PERIOD BETWEEN 27/01/2021 AND 23/02/2021

<u>WARD</u>	BRUNSWICK AND ADELAIDE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00160
<u>ADDRESS</u>	18 Church Road Hove BN3 2FL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of retractable glazed enclosure to replace existing canopy.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03564
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00179
<u>ADDRESS</u>	1 Bramber Avenue Hove BN3 8GW
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no one bedroom single storey dwelling with basement attached to existing dwelling (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02140
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00149
<u>ADDRESS</u>	55 Hartington Road Brighton BN2 3LJ
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from existing six bedroom small house in multiple occupation (C4) to seven bedroom large house in multiple occupation (Sui generis).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/01136
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HOVE PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00001

<u>ADDRESS</u>	96 Woodland Avenue Hove BN3 6BN
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	WITHDRAWN APPEAL
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00151
<u>ADDRESS</u>	37 Auckland Drive Brighton BN2 4JD
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from single dwellinghouse (C3) to 4no bedroom small house in multiple occupation (C4) with associated works including alterations to fenestration (Part Retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/01258
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00167
<u>ADDRESS</u>	112 Coombe Road Brighton BN2 4EE
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for existing use as a 4no bedroom small house in multiple occupation (C4).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03639
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00177
<u>ADDRESS</u>	33 Hillside Brighton BN2 4TF
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from six bedroom small house in multiple occupation (C4) to nine bedroom large house in multiple occupation (Sui Generis).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/01689
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PRESTON PARK

APPEAL APPLICATION NUMBER APL2020/00138
ADDRESS 51 Ditchling Rise Brighton BN1 4QN
DEVELOPMENT DESCRIPTION Certificate of lawfulness for existing use of property as a 10no bedroom large house in multiple occupation (Sui generis).
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2019/00999
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEAL APPLICATION NUMBER APL2020/00144
ADDRESS 12 Stafford Road Brighton BN1 5PF
DEVELOPMENT DESCRIPTION Change of use from six bedroom small house in multiple occupation (C4) to eight bedroom large house in multiple occupation (Sui Generis)
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2020/00940
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEAL APPLICATION NUMBER APL2020/00076
ADDRESS 23 Freshfield Street Brighton BN2 9ZG
DEVELOPMENT DESCRIPTION Appeal against
APPEAL TYPE Against Enforcement Notice
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL Not Assigned

WARD **QUEEN'S PARK**
APPEAL APPLICATION NUMBER APL2020/00131
ADDRESS 138 Edward Street Brighton BN2 0JL
DEVELOPMENT DESCRIPTION Change of use from retail (A1) and residential 3no bedroom maisonette (C3) to 5no bedroom house in multiple occupation (C4).
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2019/01249
APPLICATION DECISION LEVEL Delegated

<u>WARD</u>	QUEEN'S PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00162
<u>ADDRESS</u>	Land At 12 Sussex Place Brighton BN2 9QN
<u>DEVELOPMENT DESCRIPTION</u>	Outline application for erection of 9no houses (C3) with all but the matter of access reserved.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00679
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	REGENCY
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00184
<u>ADDRESS</u>	57 Regency Square Brighton BN1 2FF
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for an existing use of basement flat (C3), ground floor ancillary use (sui generis) and 1st - 4th floors as large House of Multiple Occupancy (Sui Generis).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	WITHDRAWN APPEAL
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00586
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00187
<u>ADDRESS</u>	70 Greenways Brighton BN2 7BL
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of bungalow to two storey house with the erection of single storey front and rear extensions, addition of first floor, roof alterations and extensions, revised fenestration and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02044
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WISH
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00111
<u>ADDRESS</u>	18 Glebe Villas Hove BN3 5SN

<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and associated alterations to existing dwelling including revised fenestration. Erection of detached two bedroom dwelling on ground and lower ground floors with landscaping associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03667
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WISH
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00123
<u>ADDRESS</u>	Shermond House 58 - 59 Boundary Road Hove BN3 5TD
<u>DEVELOPMENT DESCRIPTION</u>	Extension to the roof of existing building to create new office space (B1), installation of external lift tower at rear of building, increased vehicle and cycle parking and new bin storage to the ground floor car park.

<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01352
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WISH
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00126
<u>ADDRESS</u>	Shermond House 58 - 59 Boundary Road Hove BN3 5TD
<u>DEVELOPMENT DESCRIPTION</u>	Erection of additional storey to create new office space (B1), installation of external lift shaft at rear, revisions to vehicle and cycle parking.

<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00905
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WISH
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00178
<u>ADDRESS</u>	Avon Court 12 Dallington Road Hove BN3 5HS
<u>DEVELOPMENT DESCRIPTION</u>	Proposed raising of ridge height involving new roof construction, together with 2no front dormers and 2no rear dormers to form 1no one bedroom flat (C3) and 1no studio flat (C3).

<u>APPEAL TYPE</u>	Against Refusal
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APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/02060

APPLICATION DECISION LEVEL

Delegated
