

Planning Committee

Date: **7 April 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

118 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.

119 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 10 March 2021 to be circulated separately.

120 CHAIR'S COMMUNICATIONS

121 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on Thursday 1 April 2021.

122 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.

123 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 | BH2020/03745 - Sussex County Cricket Ground, Eaton Road, Hove BN3 3AN - Variation of Condition | 1 - 32 |
| B | BH2017/01108 - Site of Sackville Hotel, 189 Kingsway, Hove BN3 4GU - Deed of Variation | 33 - 42 |

MINOR APPLICATIONS

- | | | |
|---|---|------------------|
| C | BH2020/03276 - 1A to 2B Whitehawk Road, Brighton BN2 5FA - Full Planning | 43 - 60 |
| D | BH2020/02762 - 46-48 West Street, Brighton BN1 2RA - Full Planning | 61 - 76 |
| E | BH2021/00282 - Unit 3, Goldstone Retail Park, Newtown Road, Hove BN3 7PN - Variation of Condition | 77 - 94 |
| F | BH2020/03549 - 74A Hollingbury Road, Brighton BN1 7JA - Full Planning | 95 - 116 |
| G | BH2020/03272 - 24 Holland Road, Hove BN3 1JJ - Full Planning | 117 - 132 |
| H | BH2021/00119 - 11 Arundel Drive West, Saltdean, Brighton BN2 8SJ - Householder Planning Consent | 133 - 144 |

124 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

125 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 145 - 148

(copy attached).

126 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

127 APPEAL DECISIONS 149 - 152

(copy attached).

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

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

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the 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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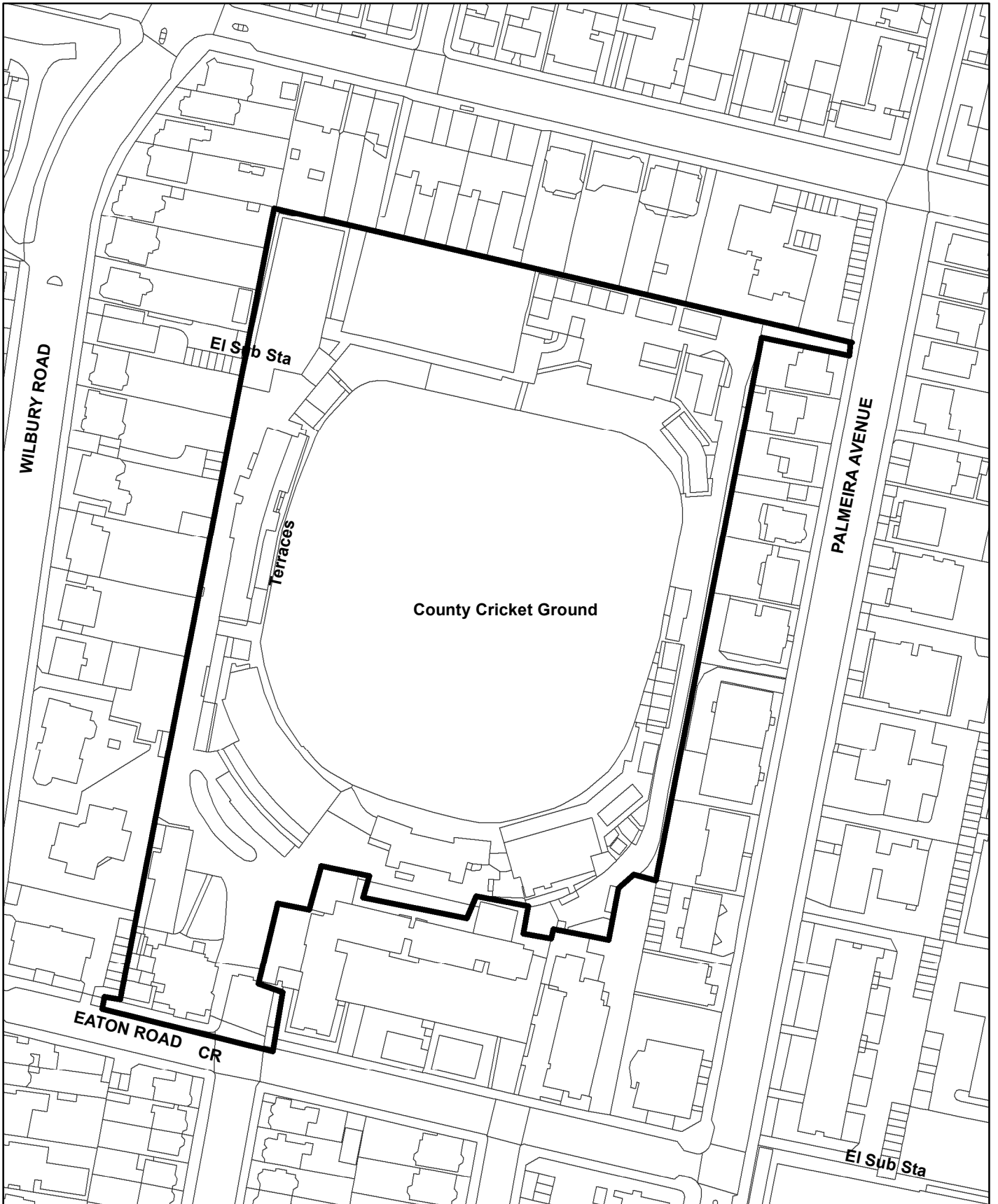
- You should proceed calmly; do not run and do not use the lifts;
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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

ITEM A

**Sussex County Cricket Ground
BH2020/03745
Removal or Variation of Condition**

DATE OF COMMITTEE: 7th April 2021

BH2020 03745 - Sussex County Cricket Ground



N



Scale: 1:1,750

<u>No:</u>	BH2020/03745	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Sussex County Cricket Ground Eaton Road Hove BN3 3AN		
<u>Proposal:</u>	Application for variation of condition 29 of application BH2019/02948 (see original description) to amend the wording of condition 29 to the following 'No customer in the public house shall remain on the premises outside the hours of 09:00 - 00:30 on Mondays to Sundays, including Bank or Public Holidays'.		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	18.12.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.03.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	ECE Planning Limited Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road
<u>Applicant:</u>	Sussex Cricket Estates Ltd Chambers 11 Goring Road Worthing BN12 4AP	C/o Agent ECE Planning	Brooklyn Chambers 11 Goring Road Worthing BN12 4AP

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	6616-PL-Z0-03	P2	19 February 2020
Proposed Drawing	6616-PL-Z0-04	P2	19 February 2020
Proposed Drawing	6616-PL-Z0-05	P2	19 February 2020
Proposed Drawing	6616-PL-Z0-06	P2	19 February 2020
Proposed Drawing	6616-PL-Z3-03	P2	19 February 2020
Proposed Drawing	6616-PL-Z3-01	P2	19 February 2020
Proposed Drawing	6616-PL-Z3-02	P2	19 February 2020
Block Plan	6616-PL-Z0-02	P2	19 February 2020
Proposed Drawing	PL-Z4-02	P1	1 October 2019
Proposed Drawing	PL-Z4-03	P1	1 October 2019
Proposed Drawing	1369-HED-XX-XX-DR-L-1004	P01	1 October 2019
Proposed Drawing	1369-HED-SW-P1/P2-DR-L-1002	P01	1 October 2019
Proposed Drawing	1369-HED-XX-XX-DR-L-1001	P01	1 October 2019

Proposed Drawing	1369-HED-XX-XX-DR-L-1003	P01	1 October 2019
Proposed Drawing	1369-HED-XX-XX-DR-L-1005	P01	1 October 2019
Proposed Drawing	6350		1 October 2019
Proposed Drawing	1369-HED-XX-XX-DR-L-1006	P01	1 October 2019
Proposed Drawing	1369-HED-XX-XX-L-DR-2001	P01	1 October 2019
Proposed Drawing	1369-HED-XX-XX-L-DR-2002	P01	1 October 2019
Proposed Drawing	6351	P01	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-001	03	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-002	03	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-003	03	1 October 2019
Proposed Drawing	PL-Z1-02		1 October 2019
Proposed Drawing	PL-Z1-03	P4	21 November 2019
Proposed Drawing	PL-Z1-04	P4	21 November 2019
Proposed Drawing	PL-Z1-05	P4	28 February 2020
Proposed Drawing	PL-Z1-06	P4	28 February 2020
Proposed Drawing	PL-Z1-07	P4	28 February 2020
Proposed Drawing	PL-Z1-08	P2	1 October 2019
Proposed Drawing	PL-Z1-09	P2	1 October 2019
Proposed Drawing	PL-Z1-10	P3	28 February 2020
Proposed Drawing	PL-Z1-11	P3	28 February 2020
Proposed Drawing	PL-Z1-12	P3	28 February 2020
Proposed Drawing	PL-Z1-13	P2	28 February 2020
Proposed Drawing	PL-Z1-14	P1	1 October 2019
Proposed Drawing	PL-Z1-15	P2	28 February 2020
Proposed Drawing	PL-Z1-16	P1	1 October 2019
Proposed Drawing	PL-Z1-17	P2	2 March 2020
Proposed Drawing	PL-Z1-18	P1	1 October 2019
Proposed Drawing	PL-Z1-19	P1	1 October 2019
Proposed Drawing	PL-Z1-20	P1	1 October 2019
Proposed Drawing	PL-Z1-21	P2	1 October 2019
Proposed Drawing	PL-Z1-22	P1	1 October 2019
Proposed Drawing	PL-Z1-23	P3	28 February 2020
Proposed Drawing	PL-Z1-24	P1	1 October 2019
Proposed Drawing	PL-Z1-25	P1	1 October 2019
Proposed Drawing	PL-Z1-26	P1	1 October 2019
Proposed Drawing	PL-Z1-27	P1	1 October 2019
Proposed Drawing	PL-Z2-02	P1	1 October 2019
Proposed Drawing	PL-Z2-03	P1	1 October 2019
Proposed Drawing	PL-Z2-04	P1	1 October 2019
Proposed Drawing	PL-Z2-05	P1	1 October 2019
Proposed Drawing	PL-Z2-06	P1	1 October 2019

Proposed Drawing	PL-Z2-07	P1	1 October 2019
Proposed Drawing	PL-Z2-08	P1	1 October 2019
Proposed Drawing	PL-Z2-09	P1	1 October 2019
Proposed Drawing	PL-Z2-10	P1	1 October 2019
Proposed Drawing	PL-Z2-11	P1	1 October 2019
Proposed Drawing	PL-Z2-12	P1	1 October 2019
Proposed Drawing	PL-Z2-13	P1	1 October 2019
Proposed Drawing	PL-Z2-14	P1	1 October 2019
Proposed Drawing	PL-Z2-15	P1	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-004	01	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-005	01	1 October 2019
Location Plan	PL-Z0-01	P2	18 December 2020
Proposed Drawing	PL-Z1-04	P4	18 December 2020
Other		Cover Letter	18 December 2020

2. Not used.
3. The development hereby permitted must be begun not later than the expiration of five 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.
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping.
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
5. The works shall be carried out in strict accordance with the contaminated land details approved under application BH2020/02795.
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.
6. No works pursuant to this permission in respect of Phase 2 (other than demolition works and enabling works, and works to trees) shall commence on

the respective phases, until there has been submitted to and approved in writing by the Local Planning Authority:

- a) 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,
- b) 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 (a remediation method statement) shall include nomination of a competent person to oversee the implementation of the works.

AND

- c) The phase 2 part of the scheme shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (1)c that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - i. built drawings of the implemented scheme;
 - ii. photographs of the remediation works in progress;
 - iii. certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

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

8. The works shall be carried out in strict accordance with the ground level details approved under application BH2020/002795.

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 and Hove City Plan Part One.

9. The Phase 2 development hereby permitted shall not commence (other than demolition works and works to trees) until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections,

proposed siting and finished floor levels of all buildings and structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict 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 and Hove City Plan Part One.

10. Five per cent of the dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

11. Notwithstanding the approved plans, prior to occupation of Phase 1, a scheme for the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented and made available for use in accordance with the approved details. The refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

12. Notwithstanding the approved plans, prior to occupation of Phase 2, a scheme for the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented and made available for use in accordance with the approved details. The refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

13. None of the residential units hereby approved shall be occupied until each unit as 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 and Hove City Plan Part One.

14. None of the residential units hereby approved shall be occupied until each new build 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 and to comply with policy CP8 of the Brighton and Hove City Plan Part One.
15. Prior to their installation, details of the photovoltaic panels on the roof of Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panels shall be installed in accordance with the agreed details and made available for use prior to occupation of Phase 1. The photovoltaic panels shall be maintained thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water, materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton and Hove City Plan Part One.
16. Within 6 months of first occupation of the non-residential development in the Phase 1 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One
17. Within 6 months of first occupation of Phase 2 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
18. Details of any external lighting of the site within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed prior to first occupation of Phase 1 and maintained and operated in accordance with the approved details thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.
19. Details of any external lighting of the site within Phase 2 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type,

mounting height, aiming angles and luminaire profiles). The lighting shall be installed prior to first occupation/use of Phase 2 and maintained and operated in accordance with the approved details thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.

20. No development above ground floor slab level of any part of the development hereby permitted on Phase 1 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, mortar, grouting, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) details of the proposed window and door treatments
- e) samples of balcony treatments
- f) details of all other materials to be used externally

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

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

21. No development above ground floor slab level of any part of the development hereby permitted on Phase 2 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, mortar, grouting, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) details of the proposed window and door treatments
- e) details of all other materials to be used externally

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

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

22. No development above ground floor slab for Phase 1 of the development, shall take place until an example bay study showing full details of window(s) and their reveals and cills for the Phase 1 development, including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

23. The works shall be carried out in strict accordance with the drainage details approved under application BH2020/02795.
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.
24. The development hereby permitted on Phase 2 shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for Phase 2 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.
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.
25. Within 6 months of commencement of development of Phase 1, a timetable for delivery of the public realm upgrade works in Phase 2 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed timetable.
Reason: To ensure the satisfactory appearance of the development and to mitigate the Heritage harm identified in Phase 1 and to comply with policies HE6 of the Brighton and Hove Local Plan and policies CP12 and CP15 of the Brighton and Hove City Plan Part One.
26. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external façade except for those as shown on drawings and details of these shall be submitted to the Local Planning Authority for approval by the Local Planning Authority in writing for each respective phase of the development. The agreed measures shall be implemented.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
27. With the exception of the space shown as A3/A4 at ground floor level, the commercial premises hereby permitted in Phase 1 shall be used as flexible B1/D1 space only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.

28. The use of the offices/D1 space within Phase 1 hereby permitted shall not be carried out except between the hours of 06:30 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
29. No customers in the public house shall remain on the premises outside the hours of 09.00 to 00.30 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 and Hove Local Plan.
30. The terrace attached to the public house shall not be in use between the hours of 22.30 and 09.30 on Mondays to Sundays, including Bank or Public Holidays. The doors onto the external terrace must be closed and locked during those hours when the terrace is not in use.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
31. No music speakers are to be installed on the external terrace or amplified music played on the external terrace.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
32. Music or other audio equipment after 10.30pm, measured on the terrace of the flat above against the glazing line, should be no more than an average of 50db over 30 minutes. During the day, music from speakers as recorded on the terrace of the flat above against the glazing line should be no more than an average of 55db over 30 minutes.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
33. All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB greater than that required by Approved Document E of the building regulations performance standard for airborne sound insulation for purpose built dwelling-houses and flats.
Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.
Reason: To safeguard the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
34. No development above ground floor slab level of Phase 1 of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery in Phase 1 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 future occupiers of the development and adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

35. No development above ground floor slab level of Phase 2 of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery in Phase 2 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 future occupiers of the development and adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

36. Notwithstanding the plans submitted, within 6 months of the commencement of development of Phase 1 hereby permitted, a scheme for landscaping and external cycle store details shall be submitted to and approved in writing by the Local Planning Authority for the Phase 1 development. The approved landscaping scheme 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:

- (i) hard and soft surfacing and external structures (including steps, seating area, cycle stores to include type, position, design, dimensions, materials, durability and maintenance strategy and any sustainable drainage system used;
- (ii) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, underground modular systems, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- (iii) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

37. Notwithstanding the plans submitted, within 6 months of the commencement of development of Phase 2 hereby permitted, a scheme for landscaping and external cycle store details shall be submitted to and approved in writing by the Local Planning Authority for the Phase 2 development. The approved

landscaping scheme 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:

- (i) hard and soft surfacing and external structures (including steps, seating area, cycle stores to include type, position, design, dimensions, materials, durability and maintenance strategy and any sustainable drainage system used;
- (ii) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, underground modular systems, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- (iii) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

38. Prior to the occupation of Phase 1, details of the perimeter gates and fencing and any other boundary treatments at scale 1:20, including their height, design, materials and durability, including lockable gates and designed to inhibit climbing and graffiti where it adjoining a highway, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented and installed in accordance with the approved details prior to the occupation of Phase 1 of the development.

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

39. Prior to the occupation of Phase 2, details of the perimeter gates and fencing and any other boundary treatments (including Tate Gates) at scale 1:20, including their height, design, materials and durability, including lockable gates and designed to inhibit climbing and graffiti where it adjoining a highway, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented and installed in accordance with the approved details prior to the occupation of Phase 2 of the development.

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

40. The works shall be carried out in strict accordance with the Site Waste Management details approved under application BH2020/02457.

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 and Hove Waste and Minerals Local Plan.

41. No development, including demolition and excavation, shall commence until a Site Waste Management Plan for Phase 2, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The development in Phase 2 shall be carried out in accordance with the approved plan.
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 and Hove Waste and Minerals Local Plan.
42. Access to the flat roofs in Phases 1 and 2 other than those expressively approved as roof terraces/amenity space, shall be for maintenance or emergency purposes only and the flat roof shall not be used as an amenity area.
Reason: To protect neighbouring amenity and to comply with policy QD27 of the Brighton and Hove Local Plan
43. Notwithstanding the approved plans, prior to first occupation of the residential development hereby approved full details of privacy screens to the balconies serving flats 2, 9, 10, 16, 22 and 27 shall be submitted to and approved in writing by the Local Planning Authority. The approved screening shall prevent overlooking westwards and shall be carried out in full as approved prior to first occupation of the development and thereafter permanently retained as such.
Reason: To protect the privacy of neighbouring occupiers in accordance with policy QD27 of the Brighton and Hove Local Plan.
44. The Phase 1 development hereby permitted shall not be occupied until a scheme for the fitting of odour control equipment to the building 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 Phase 1 and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton and Hove Local Plan.
45. The Phase 2 development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building 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 Phase 2 and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
46. The Phase 2 development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building 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 Phase 2 and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

47. The works shall be carried out in strict accordance with the sustainability measures approved under application BH2020/02873. The agreed energy centre/plant rooms and connections and metering shall be implemented before first occupation of each phase.
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.
48. The works shall be carried out in strict accordance with the access road details approved under application BH2020/02872. The works shall be implemented prior to the first occupation of the development and retained as such thereafter.
Reason: In the interests of highway safety and for the benefit of the public and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.
49. Within 6 months of the commencement of Phase 2, a Noise and Site Management Plan in respect of Phase 2 shall be submitted to and approved in writing by the Local Planning Authority, which shall include:
- restrictions on plant and equipment operation
 - restrictions on events and the use of amplified music or public address systems (within the buildings and the open space)
 - restrictions on the fire alarm and the life safety plant testing
 - the opening times of the café/restaurant
 - details of the management and monitoring of the open space when open and closed, and
 - How people will be managed and removed from the open space at closing times.
 - The aim of the plan should be to provide security and avoid noise nuisance within and around the site and should provide that during opening hours of the open space, security staff will patrol the public open space and take steps to minimise noise nuisance and anti-social behaviour. The approved Plan shall be implemented, maintained and the site operated in accordance with the agreed details.
- Reason:** To protect neighbouring amenity and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
50. Notwithstanding the approved plans, the windows in the western elevation at first and second floor level serving commercial space 03 and commercial space 05 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 QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
51. The works shall be carried out in strict accordance with the Demolition Environmental Management Plan approved under application BH2020/02457.
Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One

52. The works shall be carried out in strict accordance with the Construction Environmental Management Plan approved under application BH2020/02797.
Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.
53. Notwithstanding the submitted details, prior to the commencement of Phase 2 a Demolition Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:
- i) The control of noise and dust during the development process;
 - ii) Traffic management and signage during demolition;
 - iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the demolition period;
 - iv) Arrangements during the demolition period to minimise the deposit of mud and other debris on to the adjacent highway;
 - v) The safe means of access of demolition traffic to the site;
 - vi) Routing agreement for demolition traffic; and
 - vii) The hours in which deliveries and demolition works would take place.
- Reason:** In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One
54. Notwithstanding the submitted details, prior to the commencement of Phase 2 a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:
- i) The control of noise and dust during the development process;
 - ii) Traffic management and signage during construction;
 - iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
 - iv) Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
 - v) The safe means of access of construction traffic to the site;
 - vi) Routing agreement for construction traffic; and
 - vii) The hours in which deliveries and construction works would take place.
- Reason:** In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.
55. At least 12 car parking spaces shall be fitted with Electric Vehicle Charging points from the outset and these shall be retained for the lifetime of the development. In addition, the remaining car parking spaces should have the infrastructure arrangements provided to enable points to be installed retrospectively.
Reason: In the interest of promoting sustainable modes of transport, to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.

56. Notwithstanding the approved plan, within six months of the commencement of Phase 1, the provision and layout of the disabled car parking spaces shall be agreed in writing with the Local Planning Authority. The spaces shall be implemented on site in accordance with the approved details prior to occupation of the development and shall be retained for the lifetime of the development.
Reason: To ensure the availability and appropriate layout of the disabled car parking spaces and to minimise any impact on the operation of the local highway network and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
57. No development above ground floor slab level of Phase 1 shall commence on site until a scheme of management of the vehicle parking in respect of Phase 1 has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:
- Details of how each car parking space will be allocated;
 - Details of how each car parking space will be managed to ensure there is maximum flexibility of the use of spaces within the parking layout;
 - Details of measures to ensure that there is no overspill parking onto the local highway.
- The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.
Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
58. No development above ground floor slab level of Phase 2 shall commence on site until a scheme of management of the vehicle parking in respect of Phase 2 has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:
- Details of how each car parking space will be allocated;
 - Details of how each car parking space will be managed to ensure there is maximum flexibility of the use of spaces within the parking layout;
 - Details of measures to ensure that there is no overspill parking onto the local highway.
- The above works must be implemented prior to the occupation of the building and hereafter be maintained as such.
Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
59. Notwithstanding the plans hereby permitted, prior to first occupation of Phase 1 the development details of secure and safe cycle parking facilities and access for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of Phase 1 and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities and safe access to 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.

60. Notwithstanding the plans hereby permitted, prior to first occupation of Phase 2 the development details of secure and safe cycle parking facilities and access for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of Phase 2 and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities and safe access to 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.
61. Prior to the occupation of Phase 1, a Travel Plan, to encourage sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be in accordance with appropriate best practice guidance. The Travel Plan shall be implemented fully in accordance with the details approved pursuant to this condition prior to occupation of the development and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the Travel Plan and any replacement to it.
Reason: To encourage sustainable modes of transport and reduce reliance on the car amongst all occupants, residents and visitors and to comply with policy CP9 of the Brighton and Hove City Plan Part One
62. Prior to the occupation of Phase 2, a Travel Plan, to encourage sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be in accordance with appropriate best practice guidance. The Travel Plan shall be implemented fully in accordance with the details approved pursuant to this condition prior to occupation of the development and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the Travel Plan and any replacement to it.
Reason: To encourage sustainable modes of transport and reduce reliance on the car amongst all occupants, residents and visitors and to comply with policy CP9 of the Brighton and Hove City Plan Part One
63. No part of Phase 1 the development shall be first occupied until such time as a Delivery and Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, provision of management measures to ensure all loading and unloading can take place safely on-site and all vehicles can manoeuvre such that they arrive / depart in a forward gear, and shall set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.
Reason: In order to ensure that the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton and Hove Local Plan.
64. The B1(a) office element of Phase 1 shall not be occupied until the changing room/shower and locker facilities have been provided for employees at the development.

Reason: To encourage sustainable modes of transport and reduce reliance on the car amongst all occupants, residents and visitors and to comply with policy CP9 of the Brighton and Hove City Plan Part One

65. Not used.
66. Notwithstanding the approved plans, the vehicle parking areas in the basement of Phase 1 shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the residential development/commercial floorspace in Phases 1 hereby approved. No parking, waiting or loading shall take place in the external areas of the street except for the purposes of delivering and servicing the development.
Reason: To ensure that adequate parking provision is retained, to ensure the safety of people accessing the site and to comply with policy CP9 of the City Plan Part One and retained policy TR7 of the Brighton & Hove Local Plan.
67. No part of Phase 2 the development shall be first occupied until such time as a Delivery and Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, provision of management measures to ensure all loading and unloading can take place safely on-site and all vehicles can manoeuvre such that they arrive / depart in a forward gear, and shall set out arrangements for the collection of refuse. The Phase 2 Delivery and Servicing Management Plan shall consider the Phase 1 Delivery and Servicing Management Plan. Once occupied the use shall be carried out only in accordance with the approved Plan.
Reason: In order to ensure that the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
68. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment, Lizard Landscape Design and Ecology dated 11/09/19 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 Policy CP10 of Brighton & Hove City Council's City Plan Part One.
69. No development above ground floor slab level on Phase 1 hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird/bee/bat boxes or bricks have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and

enhancement features in accordance with policies QD18 of the Brighton and Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.

70. No development above ground floor slab level on Phase 2 hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird/bee/bat boxes or bricks have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

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

71.

- A) No development (except demolition) of any part of the development hereby permitted shall take place until an overarching Drainage Strategy for the whole site with regard to the proposed means of foul water disposal, and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker.

- B) No development of each respective phase shall take place until details of foul water disposal for that phase which accord with the general principles outlined in the overarching Drainage Strategy agreed under Part A above have been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker.

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

72. The works shall be carried out in strict accordance with the tree protection measures approved under application BH2020/02457.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

73. The stands in Phase 3 and 4 of the development shall not exceed the following heights in each of the following positions within the site:

a) The terrace in Phase 3 shall not exceed 5.5 metres in height

b) The terrace in Phase 4 shall not exceed 6 metres in height

Reason: To ensure the development integrates effectively with its surroundings and to comply with policy CP12 of the Brighton and Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan.

74. Prior to the commencement of the development of Phases 3 and 4 (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. Specific issues to be dealt with in the TPP and AMS include:

- Details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) for the duration of the development within Phase 1 and Phase 2.
- Location and installation of services/ utilities/ drainage.
- Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- Details of construction or demolition within the RPA or that may impact on the retained trees.
- A full specification for the installation of boundary treatment works.
- A full specification for the construction parking areas including details of the nodig specification and extent of the areas of the parking areas to be constructed using a no-dig specification where possible. Details shall include relevant sections through them. Methodology and detailed assessment of root pruning should also be submitted, if required.
- A specification and plan for protective fencing to safeguard trees during both demolition and construction

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.

75. No development to Phase 3 and Phase 4 (including demolition and excavation), shall commence until a Site Waste Management Plan for each respective Phase, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan

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 and Hove Waste and Minerals Local Plan.

76.

- (1) No works pursuant to this permission in respect of Phases 3 and 4 shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

- (a) 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,
- (b) 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.

77. The development hereby permitted on Phase 3 and Phase 4 shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the relevant Phase using sustainable drainage methods as per the recommendations of the Sustainable Drainage and Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in accordance with the approved detailed design and management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

78. Prior to the occupation of Phase 3 and Phase 4, a Noise and Site Management Plan for each respective Phase shall be submitted to and approved in writing by the Local Planning Authority, which shall include:

- restrictions on plant and equipment operation
- restrictions on events and the use of amplified music or public address systems (within the buildings and the open space)
- restrictions on the fire alarm and the life safety plant testing
- the opening times of the café/restaurant
- details of the management and monitoring of the open space when open and closed, and
- How people will be managed and removed from the open space at closing times.
- The aim of the plan should be to provide security and avoid noise nuisance within and around the site and should provide that during opening hours of the open space, security staff will patrol the public open space and take steps to minimise noise nuisance and anti-social behaviour. The approved Plan shall be implemented, maintained and the site operated in accordance with the agreed details.

Reason: To protect neighbouring amenity and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

79. Prior to the commencement of Phase 3 and 4, a scheme in respect of the following matters will be submitted in respect to Phase 3 and 4:
- details for the secure cycle parking facilities for Phases 3 and 4 visitors have been submitted to and approved in writing by the Local Planning Authority
 - details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority
 - the provision and layout of the disabled car parking spaces shall be agreed in writing with the Local Planning Authority
 - management plan for the surface car parking spaces (updated following implementation of Phases 1 and 2 and to take into account phases 3 and 4. These facilities shall be fully implemented and made available for use prior to the use of the stands hereby permitted and shall thereafter be retained for use at all times.
- Reason:** To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to ensure adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
80. Phases 3 and 4 of the development shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.
- Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
81. No development beyond Phase 2 shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The works will include:
- Creation of a new vehicle crossover to the south west of the site from Eaton Road. Works will include the installation of new textured concrete edging, tactile paving and repairs/reinstatement of existing flagged paving
 - Repairs and reinstatement of the existing flagged paving on the existing footway that runs between the entrance to the ground and the Ashdown building and Wilbury Lodge
 - Repairs to the tarmac paving adjacent to the side of the Ashdown building and reinstatement with matching flag paving
 - Refurbish and upgrade the existing access off Eaton Road to include new tactile paving, textured concrete edging and new block paving. The works will also include new brick wall planters and planting along the side of the new apartment block
 - Where applicable indicating proposals for:
 - Existing levels of the finished highway tying into building threshold levels
 - Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
 - Signing, street furniture, street trees and pits

- Structures on or adjacent to the highway
- Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order. Prior to first use of Phase 4 of the proposals these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

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 & APPLICATION DESCRIPTION

- 2.1. The site is located on the north side of Eaton Road, Hove and includes the Sussex County Cricket Ground, the former Cricketers Public House (now demolished), No.1 Eaton Road (now demolished), and a chalet-type commercial building to the south of the site. The site covers an area of approximately 3.8 hectares and although generally flat, there is a clear and notable difference in ground levels on various locations as evidenced by the levels of adjacent properties and roads. The main access for pedestrians and vehicles is to the east side of the Cricketers Public House, part of the approach being shared with access to 'Ashdown' an L-shaped flatted block. A secondary access, referred to as 'Gate 2', is located to the north east of the site, adjacent to the access to Cromwell Court and north of the detached dwelling at No.66 Palmeira Avenue. It is understood this also services business uses located in the north eastern section of the site.
- 2.2. Works on site began on 01/12/2020.
- 2.3. This application seeks variation of Condition 29 which, as approved, stated;
- 2.4. No customers in the public house shall remain on the premises outside the hours of 09.00 to 23.30 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 and Hove Local Plan.

It is proposed to vary the opening hours to enable the premises to open between 09:00 and 00:30 on Mondays to Sundays including Bank or Public Holidays.

3. RELEVANT HISTORY

- 3.1. **BH2019/02948** Hybrid Planning Application comprising: (Phase 1) Full Planning application for the demolition of existing public house, single dwellinghouse & single storey commercial building and the construction of a 9-storey (over basement) mixed use building comprising re-provision of public house/restaurant (A3/A4), 37no. residential apartments (C3) and approximately 1,200sqm flexible commercial space (B1/ D1) together with ground & basement parking; (Phase 2) Full Planning application for demolition of Club offices and partial demolition of southwest stand and the construction of new build extension and adaptation of southwest stand to include club shop, reception area; bar and café, hospitality area together with enhancements to the public realm; (Phase 3) Outline Planning application for provision of two stands of permanent seating to replace informal seating areas, together with improvements to spectator hospitality facilities including works to existing single storey buildings; (Phase 4) Outline Planning application for demolition of existing hospitality area and construction of new stand to replace displaced seating. Approved 24 August 2020.
- 3.2. **BH2018/00055** Change of use of hospitality suites to south of main scoreboard to allow for hospitality use on match days and office use outside of match days. Approved 10 May 2018.
- 3.3. **BH2014/03701** Erection of single storey buildings and conversion of existing kiosk to create 6no office units (B1) in North- East corner of ground.
- 3.4. **BH2010/02011** Erection of new South West stand incorporating approximately 1700 seats, a club reception and shop, bar and food facilities, public WCs, plant and store rooms.
- 3.5. **BH2009/02276** Redevelopment of the County Cricket Ground consisting of demolition of Gilligan Stand and replacement with new South Stand and demolition of Wilbury and South West Stands and replacement with new South West Stand. Provision of new hospitality buildings, extension to indoor cricket school and refurbishment of the Members' Pavilion.
- 3.6. **BH2007/00215** Construction of two storey hospitality building and stand on site of existing Gilligan Building. Construction of 6 storey mixed use development on site existing southwest stand, comprising of new partially covered 12296 seat stand, offices, food outlets, toilets, storage and plant room at ground level. Two floors of office accommodation with 3 floors of residential accommodation above, comprising of 9 dual aspect flats. Demolition of part of bat factory building and re-landscaping of main entrance area.

4. REPRESENTATIONS

- 4.1. Twenty (20) letters have been received objecting to the proposed development for the following reasons:
 - Increased noise and disturbance

- Opening hours are inappropriate for a residential area
- Increase in traffic flow late at night
- Anti social behaviour

- 4.2. One (1) letter has been received supporting the proposed development for the following reasons:
- They would be the same as the opening hours of the original pub on the site
 - The longer opening hours prevents everybody leaving at the earlier closing time and would allow a staggered exit
 - The outdoor terrace would still be restricted

5. CONSULTATIONS

- 5.1. **Environmental Health:** No objection
No objection to proposed change of hours. The proposed hours will align with other nearby licensed premises and the closing time of the previous licensed premises on the site.
- 5.2. **Sussex Police:** No objection
No concerns regarding the proposed opening hours.

6. MATERIAL CONSIDERATIONS

- 6.1. 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
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 6.3. 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
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
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO8	Retaining Housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 pubs and clubs)
HE3	Development affecting the setting of a listed building
HE6	Development within or affective the setting of conservation areas
HE10	Buildings of local interest
SU3	Water resources and their quality
SU5	Surface water and foul sewerage disposal infrastructure

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 relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM10	Public Houses
DM11	New Business Floorspace
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Guidance:

SPGBH15 Tall Buildings

Supplementary Planning Document:

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

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the acceptability varying conditions 29 of application BH2019/02948 in order to extend the opening hours of the approved public house on the site to the hours of 09:00 - 00:30 on Mondays to Sundays.

Impact on Amenity:

8.2. Application BH2019/02948 granted permission for the demolition of the Sussex Cricketers Public House and a replacement public house to be incorporated in the approved development. The opening hours are conditioned as 09:00 - 23:30 Mondays to Sundays including bank or public holidays. This current application proposes to extend the opening hours by an hour. It is noted that the proposed opening hours match that of the pre-existing public house on the site.

8.3. The site is in close proximity to neighbouring residential properties including the proposed residential flats approved on the site, some of which would be located directly above the public house. No concerns were raised on the 2019 application regarding the impact of the proposed public house on residential

amenity. Objections have been raised raising concerns that the increased opening hours would result in increased noise and disturbance.

- 8.4. Whilst it is acknowledged that an increase could result in additional impact, the Environmental Health Officer has reviewed the proposed opening hours and raises no objections, given they were the opening hours of the previous public house and that the hours would align with other nearby licensed premises.
- 8.5. It is therefore considered that the variation of the opening hours would not have a material impact on the previously approved scheme or significantly impact on neighbouring properties.

Other Considerations:

- 8.6. The other conditions previously applied must be revised and updated where necessary:
- Condition 1 is not used as works to Phase 1 have commenced
 - Condition 2 is updated to include new plans
 - Conditions 5, 8, 23, 40, 47, 48, 51, 52 and 72 have been re-worded to ensure that details submitted under Approval of Details applications are implemented.
 - Condition 65 of application BH2019/02948 relates to Car Free development. It is no longer considered appropriate for the LPA to impose the car free condition because parking in the local area and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone. Condition 65 will therefore be removed on this current permission.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. 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 original application was granted planning permission prior to the introduction of charging on CIL liable applications. Since the proposal does not increase the amount of floorspace permitted and relate to a condition, the scheme is not CIL liable.

10. EQUALITIES

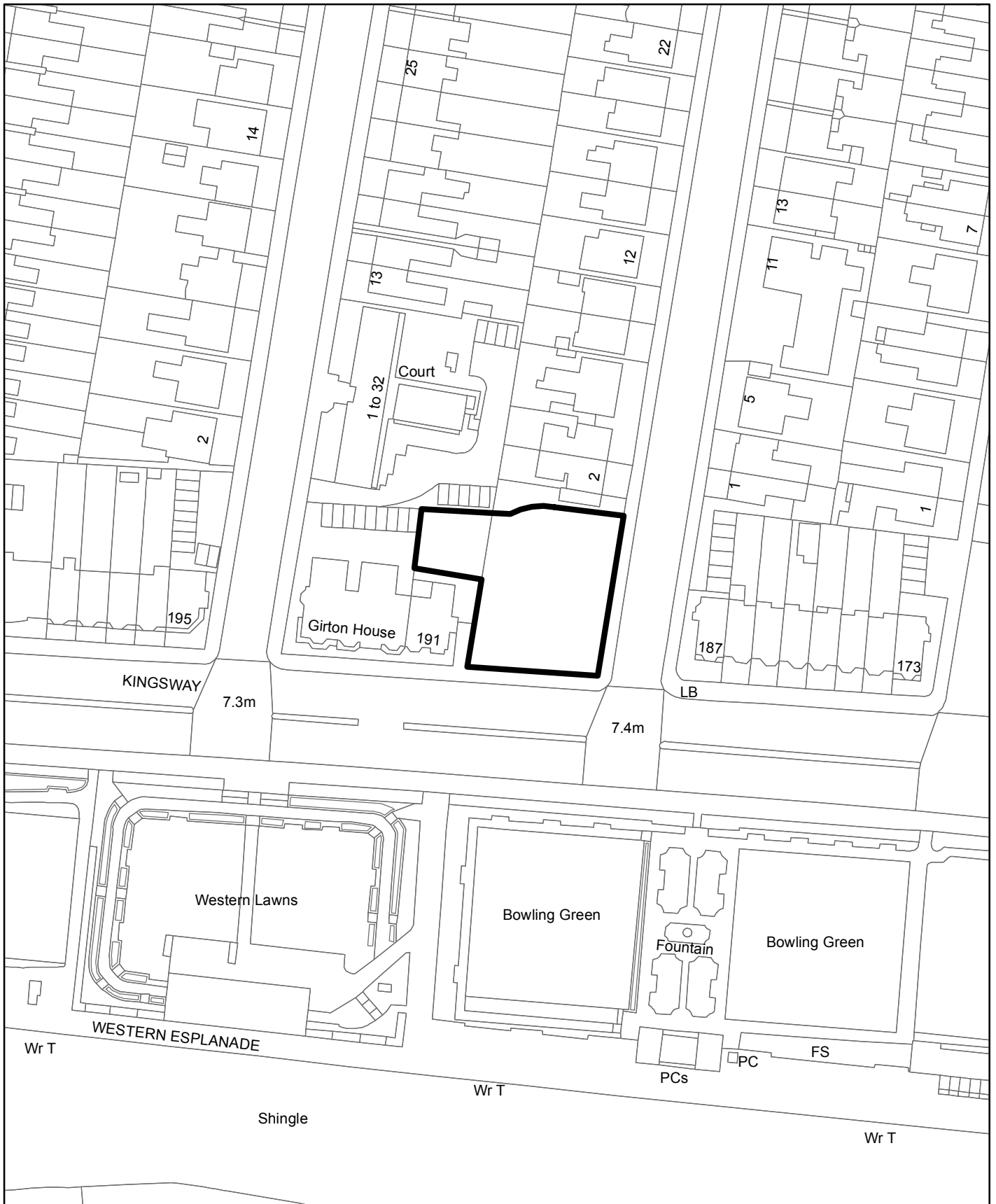
- 10.1. None identified in addition to those identified in the original application.

ITEM B

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

DATE OF COMMITTEE: 7th April 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:	07 April 2021
Report of:	Executive Director Economy, Environment and Culture
Contact Officer:	Name: Russell Brown Tel: 07394414471 E-mail: Russell.Brown@brighton-hove.gov.uk
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.

- 3.6 This proposal was originally taken to the 10th March 2021 meeting of the Planning Committee, but it was deferred for clarification on whether the review mechanism could capture the difference between the cost of the Affordable Rented and the Shared Ownership / Shared Equity Housing units, and whether this would be money paid to the Council.

- 3.7 A more detailed response was therefore sought with input from the Legal and Housing Strategy teams, as set out in Section 6 below.

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
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- 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 The legal agreement accompanying this proposal secures the submission of an Updated Viability Analysis either 5 years from commencement or 6 months after completion, which would capture any surplus in the sales values generated by the development based on values achieved and costs incurred. If the Council and the applicant don't agree on its findings then this would be the subject of an independent review. The Updated Viability Analysis shall include:
- (i) Predicted gross sales values for the remaining un-sold private dwellings within the proposed development at the agreed date;
 - (ii) Actual sales values achieved for all the private dwellings sold as confirmed by a solicitor experienced in legal conveyancing;
 - (iii) Confirmation of the amount of the development surplus (if any); and
 - (iv) Confirmation of the amount of affordable housing contribution.
- 6.4 The Updated Viability Appraisal carried out post-construction will be in substantial accordance with the Viability Assessment carried out in 2020 to support the change from five Affordable Rented Housing units and five Shared Ownership Housing units to three of the former and four of the latter. Although a difference in the tenure of affordable housing may make a difference in the original viability assessment prior to the involvement of a RP, the actual price paid for the affordable housing and the actual total cost of the development are taken into account and therefore any difference between the values as a result of the tenure changing should be captured at the time the Updated Viability Appraisal is carried out.
- 6.5 The Council would receive 60% of the development surplus if any is available after the Updated Viability Appraisal. At this stage, there is no way of knowing whether this would be enough to provide an additional affordable housing unit. Whilst account can be taken of delivering an increased amount of affordable housing on-site with a development surplus generated by the late stage review process, the practical implications of this means that a commuted sum contribution towards off-site affordable housing provision would be acceptable. Therefore, in summary, that the difference between the cost of the Affordable Rented and the Shared Ownership / Shared Equity Housing units would be captured through the legal agreement.
- 6.6 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.

- 6.7 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.
- 6.8 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)
- 6.9 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.
- 6.10 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

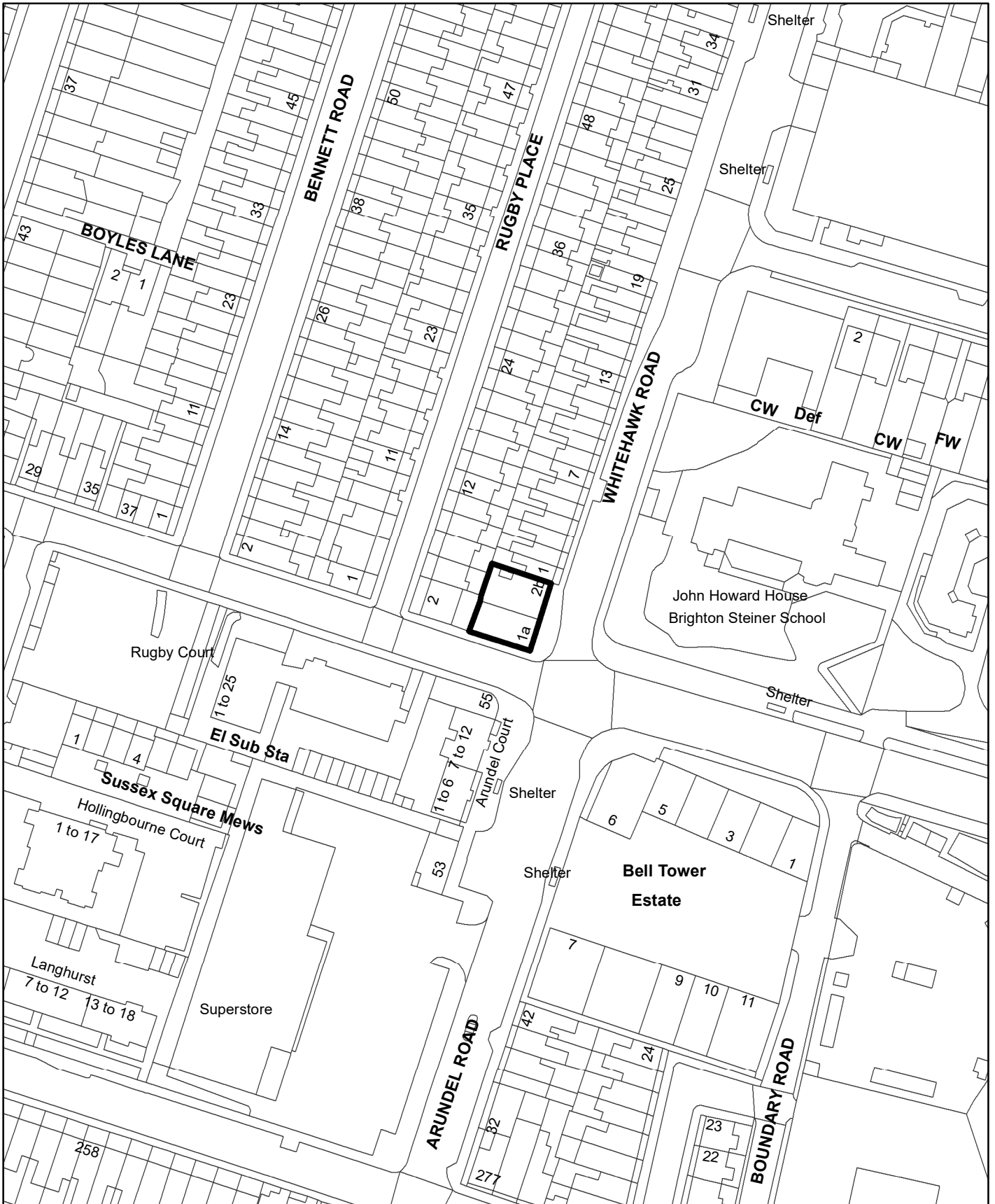
Planning Application BH2020/00355

ITEM C

**1A to 2B Whitehawk Road
BH2020/03276
Full Planning**

DATE OF COMMITTEE: 7th April 2021

BH2020 03276 - 1A To 2B Whitehawk Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/03276	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1A to 2B Whitehawk Road Brighton BN2 5FA		
<u>Proposal:</u>	Demolition of flat at 1A and the consequent erection of 3no. flats (C3) at 1st, 2nd and 3rd floor levels, resulting in a 4 storey building. Incorporated are; alterations to the 2no. existing ground level commercial units to create access points, the installation of 2no. rooflights and rear dormer in flat 2B, and associated works.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	20.11.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15.01.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	03.03.2021
<u>Agent:</u>	Jacob Chadwick Architects 49 Richmond Street Brighton BN2 9PD		
<u>Applicant:</u>	Mr Vijeyaratnam Thivakaran Post Office 1B-2B Whitehawk Road Brighton BN2 5FA		

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	0058/07	H	20 January 2021
Location Plan	0058/09	B	20 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. 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):

- I. Details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- II. Details of all cladding to be used, including details of their treatment to protect against weathering
- III. Details of the proposed window, door and balcony treatments

IV. 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.

4. The windows in the north elevation, and the first floor window on the west elevation (servicing the communal hallway) of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with 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.
6. Access to the living flat roof hereby approved shall be for maintenance or emergency purposes only and the living flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
7. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
8. 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.

9. 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 Brighton & Hove City Plan Part One.
10. None of the new build 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.
11. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.
12. Two or more bee bricks 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.
13. Two or more swift bricks or swift boxes 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. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

3. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.
4. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
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 10 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
8. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

2. SITE LOCATION

- 2.1. The application site is a corner plot on the north side of Bristol Gardens and west side of Whitehawk Road. It is currently occupied by a flat-roofed two-storey building; and a pitched roofed building that merges into the older terrace to which it is adjoined. Both buildings are currently in commercial use at ground floor level, with residential uses at first floor level.
- 2.2. The site is just across the road from the grade II listed boundary stone on the corner with Roedean Road.

3. RELEVANT HISTORY

None relevant

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to replace these two linked buildings with a part two, part three-storey building (with habitable roof-space) which would retain commercial uses at ground floor and residential above.
- 4.2. Pre-Application advise was given regarding this scheme in August 2020.

5. CONSULTATIONS

External

- 5.1. Southern Water
No objection subject to appropriate considerations being given to the protection of public assets during the construction phase of development.

Internal

- 5.2. Planning Policy:
No Comment
- 5.3. Private Sector Housing:
All bedrooms should be a minimum of 6.51m² in terms of area if for a single occupant.
- 5.4. Sustainable Transport:
No objection, subject to any permission granted being subject to conditions requiring that the scheme be made car-free and for further details being submitted and approved regarding secure cycle parking.
- 5.5. Urban Design:
The overall scale of development appears acceptable, especially with regard to adjacent buildings to the west and south of the site, which are a scale of three storeys plus roof. Additional sunlight shading diagrams have demonstrated that the impact of proposed massing on daylight provision in gardens to the north is limited. Previous concern regarding elevational composition and fenestration design has been positively addressed. Proposals now appear more cohesive in their appearance, and the omission of incongruous roof and window elements from the western volume allows the proposed appearance to marry with the strength of form, generating a calm and simplified architecture which is appropriate to context.
- 5.6. The site benefits from a triple southerly aspect and as such has great potential to utilise passive design solutions to reduce reliance on mechanical heating, cooling and ventilation systems. All proposed units are at least dual aspect, which is indicative of a high-quality internal space. The lack of passenger lifts is a concern but is not considered to warrant refusal of the proposal.

6. REPRESENTATIONS

- 6.1. **Six (6)** letters have been received, objecting to the proposal on the following grounds:

- Increased parking stress
- Increase in traffic pollution
- The proposed building is too tall
- Loss of sunlight/overshadowing
- Loss of view
- Loss of privacy
- Noise nuisance from additional residential units
- Noise and odour issues from extraction fan
- Detrimental impact on property values

6.2. **One (1)** letter has been received, supporting the proposal for the following reasons:

- The proposal is an improvement over the existing building
- Additional housing

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
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
CP15	Heritage
CP19	Housing mix

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

TR7	Safe development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD5	Design - street frontages
QD10	Shop Fronts
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building

Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission 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 23rd 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, Accommodation and Community
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM23	Shop Fronts
DM29	The Setting of Heritage Assets
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; and the impacts of the development on the amenities of local residents and business users; on the adopted public highway; and on the historic significance of the listed boundary stone.

Principle of Development

- 9.2. The CPP1 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 currently provides two, three-bedroom flats, as existing the standard of accommodation creates a cramped form of accommodation in both units.
- 9.5. The proposal includes the demolition of the upper floor of no.1a and erection of a building that would include a total of four residential units; two at first floor level, one at second floor, and one at third floor. Two of these flats would be considered suitable for family accommodation and would contribute towards making up a shortfall in the housing market, in accordance with policy CP1 of the CPP1.
- 9.6. The proposal would retain both commercial ground floor units in accordance with policy CP2 of the CPP1.

Design and Appearance

- 9.7. The existing building, no.1a, is somewhat incongruous in the streetscene as a simple flat-roof structure sitting on the corner of Whitehawk Road and Bristol Gardens; it does not contribute positively to the character of the area and there is no objection to the remodelling of this building.
- 9.8. The additional height of the building will greatly increase its visual impact on the streetscene, however, it will be viewed in the context of views from the east and south, where there is a cluster of three storey buildings to the south of the site. The stepped approach would ensure a transition between the taller building on the corner to the 2 storey buildings to the north of the application site. The development complements the style of local terraces with a pitched roof and gable end, while the contemporary features will ensure a modern influence that is considered to make a positive contribution to the streetscene.
- 9.9. The Urban Design officer has commented on the application and has advised that the proposal is considered to be high quality and supports the proposal. Although concerns have been raised by local residents over the scale of the development, for the reasons above it is considered that the proposal would not appear out of character in the area.

- 9.10. Further details of all external materials is recommended to be secured by condition in order to ensure a high quality finish to the development.

Impact on Heritage Assets

- 9.11. It is considered that the proposal would represent a high-quality development and be a general improvement over the existing site. Although it incorporates more contemporary design features than many of the local buildings, it is complementary to the wider character of the area and thus it is considered that it would preserve the setting of the grade II listed boundary stone opposite the site.

Impact on Amenity

- 9.12. Due to the additional scale of the development and its proximity with neighbouring dwellings, it has the potential to impact on the amenities of local residents in terms of causing a loss of daylight and privacy.
- 9.13. New window openings on the north elevation have the potential to provide compromising views of private garden space; it is noted that these windows all service communal hallways. Not only does this limit the likelihood of them being used to look out of for any significant length of time, but it also means they could be fitted with obscure glazing and fixed shut without it impinging on the standard of accommodation for future residents.
- 9.14. The new west-facing dormer window may provide some views into neighbouring gardens; however, it is recognised that dormer windows are present just north of the application site and it is indicative of the kind of development that can be considered acceptable in terms of the impact it may have on residential amenity.
- 9.15. Other proposed west-facing fenestration includes a small window and a rooflight. Both are annotated as being obscure-glazed, and it is not considered that they would cause any harm to residential amenities. The window services the communal stairwell, whilst the rooflight services a hallway.
- 9.16. Windows and balconies on the east and south elevations of the property overlook public areas and are not considered to cause any harm to the amenities of local residents or business-users.
- 9.17. With regards to loss of daylight, the application is supported by thorough daylight studies that demonstrate that although the development would result in some loss of light, this would not be across any specific area of land for a significant length of time, mitigating much of the harm.
- 9.18. Given the site is at the south end of a terrace, with a second terrace running parallel directly to the west, it is considered that additional overshadowing would occur during the morning hours. The more desirable afternoon or early evening sunlight would not be affected since the shadow of the development would then be falling across Whitehawk Road rather than residential gardens. However, the resultant impact of the additional scale compared to the existing arrangement is not considered to result in such a harm that would warrant refusal of the application.

- 9.19. A condition is recommended restricting access to areas of flat roof for anything other than maintenance or in the event of an emergency. It is considered that access to these areas for use as an amenity space would cause a harmful sense of overlooking for neighbours in adjoining properties.

Standard of Accommodation

- 9.20. 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 CPP2 proposes to adopt them and can now be given significant weight.
- 9.21. Unit 1, which takes up the majority of the first floor level, has a Gross Internal Area (GIA) of approximately 82.5m². It is laid out as a two-bedroom, four bed-space property, requiring a GIA of at least 70m², which it exceeds. The unit benefits from good circulation and provision of natural light, and large bedrooms.
- 9.22. Unit 2 is made up of the existing first floor flat at no.2b Whitehawk Road, minus the loft-level bedroom with the poor natural light. The proposed layout has retained Bedroom 2 which has an area of under 5m²; it is considered that this is unsuitable as a bedroom and the flat as a whole has been assessed as a one-bedroom, two bed-space property. The unit provides a GIA of approximately 52m², which is acceptable. There are no other issues or concerns with regards to this flat.
- 9.23. Unit 3 takes up the whole of the second floor (with the exception of communal hallways) and has a GIA of approximately 106m². It is laid out as a three-bedroom, six bed-space property which is required to have a minimum GIA of 95m², which it exceeds. The unit benefits from good circulation and provision of natural light, and large bedrooms.
- 9.24. Unit 4 is set within the loft-space and has a GIA of approximately 42m². It is laid out as a one-bedroom, two bed-space flat on the submitted plans, showing a double-bed, but given the size of the bedroom is approximately 9.5m² it is considered more appropriate to assess the scheme as a single occupancy flat. The slope of the roof would compromise some of the usable floorspace, however, the plans show that 34.5 sq metres of the layout is with 2.3 metres which is considered suitable. The GIA exceeds what the NDSS requires for a one-person flat, and it is considered that the layout would provide a decent standard of accommodation in terms of circulation space, outlook and natural light.
- 9.25. Concerns have been raised about the proposal causing a loss of a view. Views are not protected by the planning system; moreover, it is not considered that the additional bulk of the development would cause any harmful loss of outlook from existing windows on nearby dwellings. It is considered that the provision of a large green roof would be of greater visual interest than the existing building for those viewing the development from the west.

- 9.26. Further concerns have been raised that the proposal would lead to a harmful increase in noise output. The development would remain commercial at ground floor level with residential above; it is not considered that the additional residential units would cause noise disproportionate to what can reasonably be expected from a property in residential use and does not warrant refusal of the application. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received. Noise and odours from machinery associated with the commercial units are also a matter for investigation under this Act.

Impact on the Adopted Public Highway

- 9.27. The proposal would involve a net increase in two additional dwellings on the site; it is not considered that it would lead to a significant uplift in trip generation and the potential impact on the adopted public highway is considered to be acceptable.
- 9.28. The increase in the number of residential units and lack of off-street parking has the potential to exacerbate existing reported parking stress in the area. It is not considered appropriate to impose the car-free condition requested by the Local Highway Authority because parking in the local area and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone.
- 9.29. Notwithstanding the above, regarding the CPZ, it is not considered that the private vehicles associated with a net increase of only two residential units would cause such additional air pollution that it would warrant refusal of the scheme.
- 9.30. Cycle parking is provided at ground floor level; it is considered necessary to secure its implementation and retention in order to encourage sustainable transport to and from the site in the future.

Other Considerations

- 9.31. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably-worded condition will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.
- 9.32. Planning Practice Guidance states that the Courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material consideration.
- 9.33. The seed mix for the areas of green roof will need to be secured by condition in order to guarantee improved biodiversity for the site.

- 9.34. Some details of refuse and recycling facilities accessed from Bristol Gardens have been shown on the submitted plans, but it has been agreed for that further details can be secured by condition.

Conclusion

- 9.35. The proposal would replace two existing, suboptimal residential flats with four improved units; two of which would be suitable for family accommodation, whilst retaining the two commercial units. The creation of additional dwellings is given greater weight given that the LPA cannot currently demonstrate a five year housing land supply. Furthermore, it is considered that the proposal would provide visual interest to the streetscene and is a significant improvement over the current appearance of the site.
- 9.36. It is considered that the impacts on the amenities of local residents, and on the smooth running of the adopted public highway will be acceptable or are controlled through alternative regimes and do not warrant refusal of the scheme.
- 9.37. Each unit would provide acceptable standard of accommodation; however, the failure in the design to include level access to any of the units reduces the desirability of these units for persons with a mobility-related difficulty.
- 9.38. On balance, the benefits of the scheme are considered to outweigh the negative elements and the proposal is in accordance with policies TR14, QD5, QD10, QD14, QD27, HO5 and HE3 of the Brighton and Hove Local Plan; SA6, CP1, CP2, CP8, CP9, CP10, CP12, CP13, CP15 and CP19 of the City Plan Part One; and DM1, DM18, DM20, DM23, DM29, DM36 and DM44 of the City Plan Part Two.

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 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £27,212.47. 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

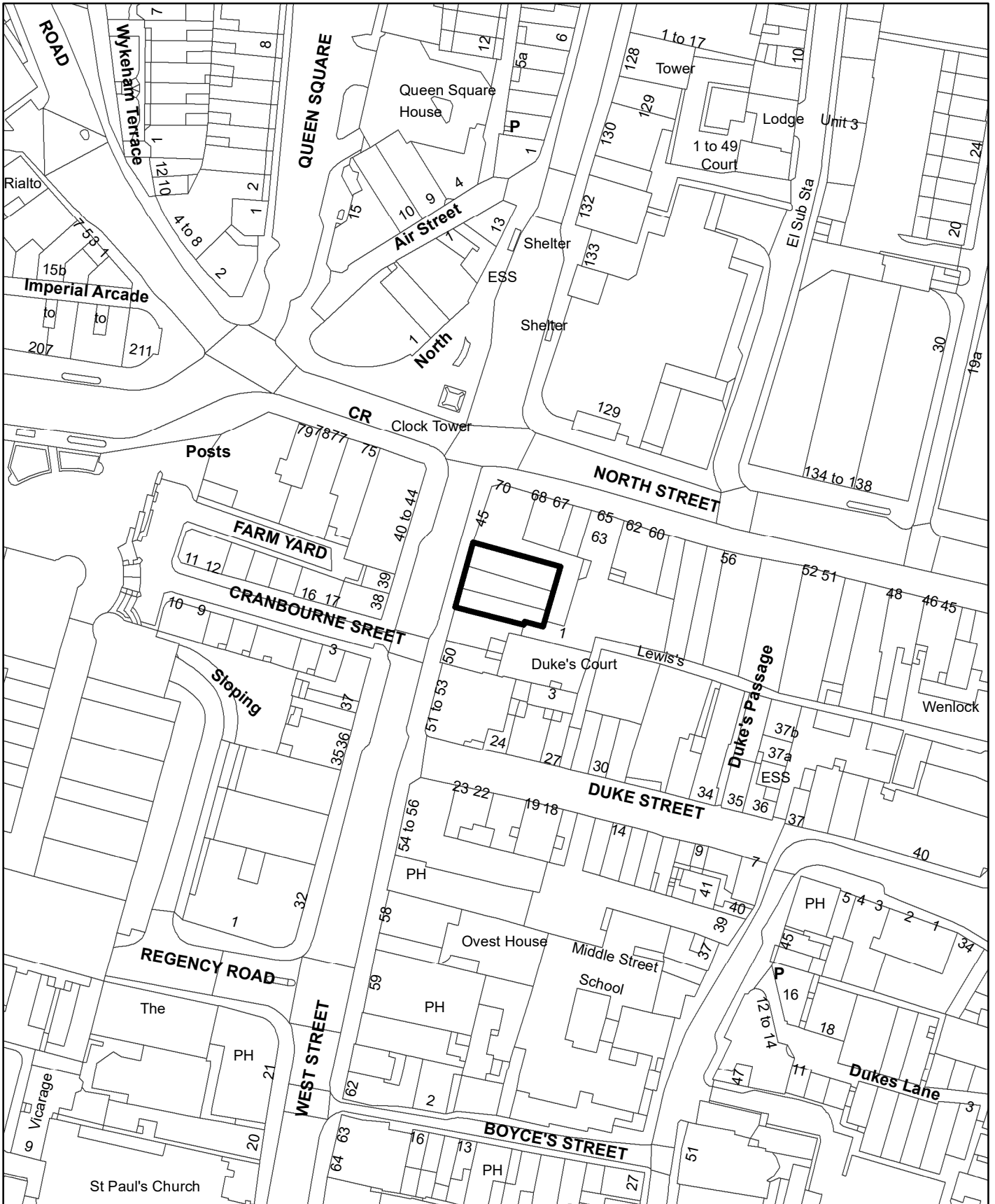
- 11.1. There is objection to the scheme given that it fails to offer level access to any of the residential units and would therefore fail to provide suitable accommodation to those with a mobility-related difficulty. It has been requested that a lift be incorporated to overcome this issue, but the agent has put forward the case that this would threaten the viability of the scheme.

ITEM D

**46-48 West Street
BH2020/02762
Full Planning**

DATE OF COMMITTEE: 7th April 2021

BH2020 02762 - 46-48 West Street



Scale: 1:1,250

<u>No:</u>	BH2020/02762	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	46 - 48 West Street Brighton BN1 2RA		
<u>Proposal:</u>	Erection of additional storey to form 3no. additional one bedroom residential units (C3), with associated works.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	09.10.2020
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	04.12.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Clive Hawkins Architects Ltd 114 Mackie Avenue Brighton BN1 8RD		
<u>Applicant:</u>	Mr Essy Sharanizadeh 8 Overhill Way Brighton BN1 8WP		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan		A	09 October 2020
Proposed Drawing	12	b	24 March 2021
Proposed Drawing	13	b	24 March 2021
Proposed Drawing	14	b	24 March 2021
Proposed Drawing	15		09 October 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 of the scheme 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:

- a) physical samples of the slate tiles, lead and render (including details of the colour of render to be used);
- b) 1:20 elevation and section drawings of the new sliding sash windows and their reveals and sills plus 1:1 scale joinery sections;
- c) 1:20 elevation and section drawings of the front dormers; and
- d) 1:20 scale plan and section drawings of the sedum green roof, including depth of substrate and seeding mix

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

Reason: To ensure a satisfactory appearance to the development, to enhance the biodiversity of the site, to tackle local air quality and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and SA2, CP8, CP10, CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. Six swift boxes shall be incorporated within the external walls of the flats 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 SPD11.

5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway. All new and replacement rainwater goods, soil and other waste pipes shall be (painted) black and retained as such thereafter.

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

6. Details of the soundproofing of the party walls, ceilings and between the second and third floors of 46, 47 and 48 West Street, and of the mechanical ventilation to the windows and doors shall be submitted to the Local Planning Authority for approval as part of an acoustic report prior to the first occupation of the development. The approved details shall be implemented and be retained thereafter.

Reason: To safeguard the amenities of the occupiers of the development 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. The applicant should be aware that whilst the requisite planning permission is granted, this does not preclude the Environmental Protection department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. Swift 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.

2. SITE LOCATION

- 2.1. The application site is comprised of 3, three storey terraced buildings with no. 46 (the western-most building) being slightly taller due to the distance between the second floor window heads and the parapet, and the parapet itself, being higher. They all feature low pitched roofs with front and rear gables and rear additions of various sizes. The buildings are on the east side of West Street, north of the junction with Duke Street and south of the junction with North Street. All have commercial units on the ground floor with shopfronts and it is understood that there are residential flats on the first and second floors of no. 47 and the second floor of no. 48. No. 46 is in sole commercial use.
- 2.2. The application site is within the Old Town Conservation Area, Prime Retail Frontage, an Archaeological Notification Area and Controlled Parking Zone (CPZ) Z. The Grade II listed Clock Tower and the attached railings on the North Street Quadrant are nearby, but the application site is not considered to be within its setting.

3. RELEVANT HISTORY

- 3.1. Pre-application advice (PRE2020/00143) was sought for the addition of mansard roof to form 6no studios and 1no one bed flat at 46-50 West Street and advice was issued on 17 August 2020 as follows:
- The provision of six studios and a one bed flat is not considered an appropriate unit mix;
 - An affordable housing financial contribution would be payable;
 - The extension to no. 46 would be too high and the two additional floors to nos. 49 and 50 would be inappropriate, thereby failing to preserve or enhance the special character and appearance of the Old Town Conservation Area;
 - A biodiversity net gain and air quality improvements / mitigation are required to be provided on site; and
 - Adequate sound proofing and mechanical ventilation are required to the new dwellings.
- 3.2. **BH2003/00294/FP**: Variation of Condition 2 application BH2002/01157/FP to allow opening of premises 0300hrs. Refused 24 March 2003
- 3.3. **BH2002/01157/FP**: Change of use of No. 46 from shop (A1) to food and drink (A3) and of No. 47 from food and drink (A3) to retail (A1) (Retrospective). Approved 27 August 2002
- 3.4. **BH2001/02483/FP**: Change of use A1 shop to A3 sandwich bar with internal seating area (retrospective). Refused 25 February 2002
- 49-50 West Street
- 3.5. **BH2020/01132**: Erection of mansard roof extension forming new third floor to accommodate 4no additional dwellings (C3). Approved 16 June 2020
- 3.6. **BH2019/02076**: Conversion and extension of existing retail storage (A1) into 4no studio flats (C3) incorporating part two storey extension with first floor infill and

second floor extension onto floor below and revised rear fenestration. Approved 27 August 2019

49 West Street

- 3.7. **BH2016/05116:** Change of use from financial and professional services (A2) to retail (A1) with new shopfront. (Retrospective). Approved 4 November 2020
- 3.8. **BH2015/01438:** Change of use from bank (A2) to ground floor shop (A1) and 4no flats (C3) on first and second floor, incorporating new shopfront, first and second floor rear extensions with balconies and associated alterations. Approved 4 November 2015

4. APPLICATION DESCRIPTION

- 4.1. The current application seeks the erection of additional storey to form 3no. additional one bedroom residential units (Use Class C3), with associated works.
- 4.2. Changes were made during the course of the application to set back the additional storey from the southern elevation and to feature a mansard-style front façade. Clarity was also sought on the retention of the large front chimney stack.

5. REPRESENTATIONS

5.1. Conservation Advisory Group (CAG):

The Conservation Advisory Group (CAG) recommends refusal and requests that the application be determined at Planning Committee if recommended for approval. The following comments were provided:

- The proposed “mansard” roof would obscure the separate character of the two buildings below (no. 46 and the pair nos. 47 and 48).
- Such a roof would be visible from Cranbourne Street and the Clock Tower especially and would fail to preserve the interest which the existing roofscape with its three original “pyramid” roofs provides on this western edge of the Old Town CA.

6. CONSULTATIONS

Internal

6.1. **Environmental Health:** No comment

6.2. **Heritage:**

The proposal would result in the loss of the original pitched roofs, which have historic interest, and this would cause some harm but the harm would be limited in this case. Policy HE6 refers to impact on roofscape and SPD09 states that “*where a roof is visible from the street, its form and shape must not be altered. Where a roof has a group or street value its ridge height must not be raised*”. As these roofs very largely cannot be seen from the street at all and do not form

part of a group value, there would be no objection in principle to mansard-style roof extensions to each property, particularly given the height of the adjoining building to the north. As proposed the new roofs of 46 and 47/48 would be appropriately distinguished by a step down in height, following the topography of the street. The proposed windows would align with those below and the chimney stacks would be retained and extended but further detail would be required by condition.

- 6.3. However, as proposed the 'mansard' extension to numbers 47/48 would have an awkward and uncomfortable relationship with the much lower building at numbers 49/50, creating a large expanse of blank wall in the key view from the junction of West Street and Cranbourne Street, from where the buildings are most prominent. It is therefore suggested that to mitigate this, the new storey should be set back slightly from the southern elevation and have a sloped, mansarded face similar to the front elevation. A southern elevation should also be provided to clarify this and the retention of the large front chimney stack, as the submitted drawings are somewhat conflicting and ambiguous in this respect (e.g. the 3rd floor plan) and there is no roof plan for clarity.
- 6.4. Amendments have been received during the course of the application to address the Heritage comments.
- 6.5. **Transport:** Recommended approval subject to the inclusion of the necessary condition

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.3. The development plan is:
 - Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove 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).
- 7.4. 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 One

SA2	Central Brighton
SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP19	Housing mix

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

SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

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 relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM40	Protection of the Environment and Health – Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD09	Architectural Features
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 principle of development, design and heritage, the impact on neighbouring amenity, the proposed standard of accommodation and the impact on highways.

- 9.2. Due to COVID restrictions, Officers did not undertake a site visit in relation to the present application, but it is considered that the context of the development and the planning considerations relating to this are well understood from the information that is available including aerial imagery and streetview.

Principle of development

- 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 proposal provides three additional housing units to the City, although this would only be a relatively minor contribution to the City's ongoing five year supply requirements. Whilst this contribution is noted, this should not be to the detriment of the surrounding area. The impact of the proposal on the character and appearance of the area, the impact on heritage assets, neighbouring amenity and on highways, and the proposed standard of accommodation are discussed below.
- 9.6. Whilst all of the dwellings would have one bedroom, the constraints of the site and the adverse impact on the conservation area of building higher restrict the amount of residential floorspace that can be created, and therefore the lack of a unit mix is considered to be acceptable in the circumstances.

Design and Heritage

- 9.7. 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.
- 9.8. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.9. The proposed extension would result in the loss of the original roof forms, which are relatively low pitched roofs covered in tiles with front and rear gables set behind a high front parapet, which prevents them being visible in angled views from Cranbourne Street. SPD09 applies, outlining that "*Where a roof has a group or street value its ridge height must not be raised*". In this case, whilst nos. 47 and 48 are a pair, the buildings do not form part of a group value and, as such, there is no in-principle objection to additional storey to each of these buildings. Whilst there would be less than substantial harm caused by the removal of roof

forms with historic interest, this is outweighed by public benefits in the form of three new residential units.

- 9.10. The adjoining building to the north, no. 45, is four storeys high and in this context nos. 46-48 would still step down from it towards the south. Additionally, nos. 47-48 would step down from no. 46 following the topography of the street. It is noted that nos. 49-50 have been granted permission (ref. BH2020/01132) for an additional storey, which would just sit above the bottom of the parapet of no. 48. Although there is no guarantee that this permission would be implemented, the proposed additional storey would relate well to those properties, whether extended or not.
- 9.11. During the course of the application and to address the concerns raised by the Heritage team, amended plans were sought to introduce a slight pitch to the mansard roof on the southern elevation. As a result of the amendment to provide a mansard-style front façade and the degree of sloped set back from the southern elevation. In the event that BH2020/01132 was not implemented, the latter amendment would reduce the expanse of blank wall in the important view from the junction of West Street and Cranbourne Street.
- 9.12. The use of a mansard-style roof form, at least to the front elevation, would fit in with the mansards at 38 and 39 Duke Street as well as the more historic part of 36 Ship Street, as well as the eclectic roofscape of the immediate surrounds. As such, the introduction of this roof form is considered acceptable. The set back from the front parapet of 40cm and degree of front and side roof pitches are considered to be acceptable in order so the addition would be adequately subordinate to the host building. The rear elevation would project directly upwards from the rear building line, but is not visible from any publicly accessible areas and therefore this design approach, as opposed to a pitched roofslope, is considered acceptable.
- 9.13. The additional storeys would feature seven front dormers (three to no. 46 and two each to nos. 47-48) to line up with the windows below, and which avoids it appearing overly top heavy. The addition would be clad in natural slate tiles with lead dormers and sash windows to the front elevation and white render to the rear to help tie it in with the existing building. A condition is recommended to secure details of the slate tiles, lead, sedum green roof, render and windows as well as detailed elevations at 1:20 scale showing the exact design of the dormers and therefore securing a high quality finish. This also applies to the altered and extended chimney stacks, shown as retained on the drawings.
- 9.14. Therefore, the additional storeys are considered acceptable in design terms and would preserve the appearance and character of the Old Town Conservation Area. As previously mentioned, the harm to the significance of designated heritage assets is considered to be less than substantial and is outweighed by the public benefits of the proposal in the form of three new residential units and the biodiversity measures. As such, the application is considered to be compliant with Policies CP12 and CP15 of the City Plan Part One and QD14 and HE6 of the Local Plan.

Biodiversity

- 9.15. In compliance with City Plan Part One Policy CP10 the provision of swift boxes and bee bricks would be conditioned. The proposed green roof is supported, although details are recommended to be secured by condition to ensure that it would successfully contribute to biodiversity, sustainable drainage and environmental objectives.
- 9.16. Strategic Area SA2 outlines that new development proposals take into account impact on local air quality and that improvements and / or mitigation are sought wherever possible. In this case, the proposal would not have a detrimental impact on local air quality, and therefore no mitigation is required. However, Central Brighton is designated within an Air Quality Management Area (AQMA) with North Street, Queen's Road and Western Road exceeding the annual nitrogen dioxide air quality objectives. New development proposals within the AQMA should minimise increased exposure to existing poor air quality, and improvements / mitigation are sought wherever possible. As such, the seeding mix for the sedum green roof should include plant species for their benefits in this respect.
- 9.17. As such, this development has the potential to achieve the requisite criteria in City Plan Part One Policy CP8 in that it helps to address climate change mitigation, reduces heat island effect and surface water run-off, enhances biodiversity and reduces air pollution.

Impact on Neighbouring Amenity

- 9.18. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.19. It is not considered that there would be an impact in terms of loss of outlook, sunlight or an increase in overshadowing or enclosure from the extensions due to the building to the south (no. 51-53) being significantly taller even with the proposed extensions in place. Any overlooking from the new dormer windows would be to the street and the new rear windows would be to Duke's Court.
- 9.20. There would be a potential for an increased level of noise to be generated from the upper floors as a result of the introduction of three new dwellings. As such, sound proofing will need to be considered, which will be discussed in the next section.
- 9.21. As such, the proposal is considered to be in accordance with Policies SU10 and QD27 of the Brighton and Hove Local Plan.

Standard of Accommodation

- 9.22. 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.

- 9.23. 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.
- 9.24. All of the new dwellings meet or exceed the Gross Internal Areas (GIAs) outlined in the NDSS of 50m² for a one bed, two person flat. The bedroom sizes exceed the GIA figures in the NDSS, which is welcomed. The internal headroom height on the third floor is 2.35m, which is considered acceptable.
- 9.25. Given the east - west orientation of the building, all units would be served by front and rear windows to provide adequate levels of natural light, outlook and ventilation.
- 9.26. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. It is not considered that it is necessary for one bed flats to have external amenity area so its non-provision is considered acceptable. It is noted that the site is a four minute walk to the beach and six minutes to St. Nicholas Church Green Space.
- 9.27. Given the commercial nature of the very busy West Street and the numerous late night establishments, adequate sound proofing will be required. It is recognised that the opening of windows to provide ventilation could allow significant levels of noise into the dwellings at anti-social hours. As such, trickle vents and mechanical ventilation will also be needed, and to ensure the latter operates at 5dB below background levels. On the application to discharge Condition 8 of BH2019/02076 (an application to convert retail storage on the first and second floors into four studios through extensions) regarding soundproofing and mechanical ventilation, it was accepted by Officers that historical noise data can be used in lieu of a current test for background noise given the current restrictions as a result of the Covid-19 pandemic.
- 9.28. It is therefore recommended that an acoustic report covering sound reduction measures should be secured by a condition to include compliance with its recommendations and details of the soundproofing to the party walls, ceilings and floors. This is considered to necessary to ensure that the occupiers of the dwellings would not be subject to excessive levels of noise if their windows are closed and that all the studios have access to fresh air through mechanical ventilation when windows are closed.
- 9.29. As such, the proposal is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and SU10.

Highways:

- 9.30. It is anticipated that the creation of three new dwellings would lead to insignificant trip generation and parking stress on surrounding street, particularly

since no car parking spaces are proposed, which is considered acceptable in light of the site's central location within the city, and that residents would be unlikely to have their own vehicle. It is not considered that the use would lead to overspill car parking given that residents would be unlikely to have their own vehicle. It is not considered appropriate to impose the car-free condition requested by the Local Highways Authority (LHA) because parking in the local area and limiting the issue of parking permits is already covered through the management of Controlled Parking Zone (CPZ) Z. Furthermore, the buildings are located less than half a mile from Brighton train station and a few minutes' walk from several bus stops, and is therefore considered to be in a sustainable location.

- 9.31. No cycle spaces have been proposed to be provided, but in this instance Officers accept that the site is too constrained and there exists secure on-street cycle parking and a Bike Share facility nearby.

Sustainability:

- 9.32. It is recognised that both maximum indoor water consumption and CO2 improvement over Building Regulations requirements are only applicable to new build dwellings and therefore cannot be added as conditions. However, a sustainability checklist has been submitted and there is a commitment to a water efficiency standard of 110litres per person per day as well as a reduction in carbon emissions of 19% against 2013 Part L Building Regulations. Furthermore, triple glazing would be installed and the materials would be derived from sources within 50km of the site, which is welcomed.

10. CONCLUSION

- 10.1. This application is considered acceptable since the additional storeys would preserve the character and appearance of the conservation area and would be a subordinate, well-designed addition to the host buildings providing three new good quality dwellings. The extensions would not cause harm to neighbouring amenity or to the highways network but would provide an acceptable standard of accommodation. As such, this application is recommended for approval.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £28,125.54. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

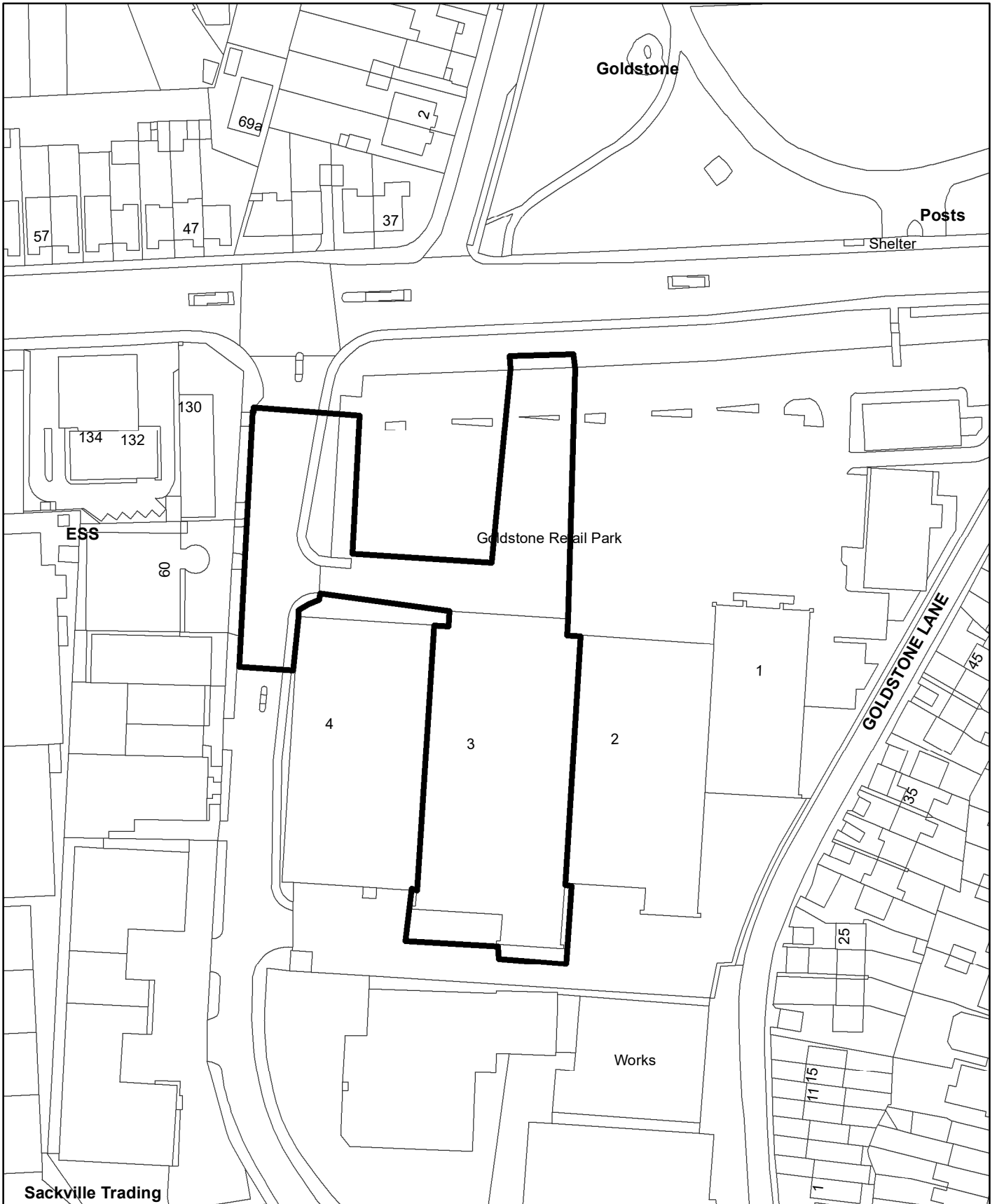
- 12.1. These dwellings would not be suitable for wheelchair users given their location on the third floor and no lift exists, nor is one proposed since it is considered unreasonable to provide one given the scale of the application.

ITEM E

**Unit 3, Goldstone Retail Park
BH2021/00282
Removal or Variation of Condition**

DATE OF COMMITTEE: 7th April 2021

BH2021 00282 - Unit 3, Goldstone Retail Park



N



Scale: 1:1,250

<u>No:</u>	BH2021/00282	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Variation of Condition		
<u>Address:</u>	Unit 3 Goldstone Retail Park Newtown Road Hove BN3 7PN		
<u>Proposal:</u>	Variation of Condition 13 of application BH2020/00549 (External alterations to front and rear elevations including installation of new plant. Alterations to part of customer car park to provide trolley storage, covered cycle parking and car parking for disabled and parents. Use of Unit 3 for retail (A1)) to change the servicing hours to 07:00-21:00 Monday to Saturday and 08:00-18:00 on Sunday.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	26.01.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27.04.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	RPS Planning & Development Mrs Emma Fortune 2 Callaghan Square Cardiff CF10 5AZ		
<u>Applicant:</u>	Lidl Great Britain Ltd Mr Robert Stubbings Northfleet Property Office Crete Hall Road Gravesend DA11 9BU		

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	Technical Note: Retail Impact	v1	30 July 2020
Proposed Drawing	AD_112	A	7 May 2020
Proposed Drawing	AD_105		20 February 2020
Proposed Drawing	AD_110	A	23 June 2020
Proposed Drawing	AD_111	A	7 May 2020
Location Plan	AD_100	A	23 June 2020
Report/Statement	Air Quality Assessment	Rev 2	20 February 2020
Report/Statement	Noise Impact Assessment	7.0	04 March 2021

2. The development hereby permitted shall be commenced before 08.09.2023.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The works of making good and infilling of openings hereby permitted to the external facade of the building shall match in material, colour, style 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 Policy CP12 of the Brighton & Hove City Plan Part One.
4. The external lighting shall be installed, operated and maintained in accordance with the details approved by BH2020/03561 and thereafter retained.
Reason: To safeguard the amenities of the occupiers of adjoining properties, those accessing the site and to comply with Policies QD25 and QD27 of the Brighton & Hove Local Plan.
5. No customers shall be on the premises outside the hours of 08:00 to 22:00 Monday to Saturdays, plus Bank and Public Holidays, and 11:00 to 17:00 on Sundays.
Reason: To safeguard the amenities of neighbouring occupiers, reduce traffic on the local highways and to comply with Policies TR7, SU10 and QD27 of the Brighton & Hove Local Plan.
6. Four electric vehicle charging spaces served by charging points with a minimum power output of 7.5kW shall be provided in accordance with approved drawing no. AD_110_REV A and Transport Assessment Addendum 2 (Mayer Brown, June 2020). These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with Policy CP9 of the Brighton & Hove City Plan Part One and SPD14.
7. The secure and covered cycle parking for customers and two Sheffield style stands for staff shall be installed, made available for use prior to the first occupation of the development and maintained in accordance with the details approved by BH2020/03561 and approved drawing no. AD_111_REV A, and thereafter 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.
8. The pedestrian pathway to the northern side of the Newtown Road access to the Goldstone Retail Park shall be widened to a minimum of 2m prior to the first occupation of the development hereby permitted and at no time shall it be obstructed by any temporary or fixed street furniture.
Reason: In order to ensure that safe and suitable pedestrian access continues to be provided into the site in compliance with Policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Local Plan.
9. The development hereby permitted shall not be occupied until the new disabled and parent & child car parking spaces, the trolley bay and pedestrian / zebra

crossings have been made available for use and they shall be retained in perpetuity thereafter.

Reason: To ensure the development provides for the needs of all staff and visitors to the site, in the interests of highway safety and to comply with Policy TR7 of the Brighton & Hove Local Plan and SPD14.

10. 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 CP9 of the Brighton & Hove City Plan Part One and TR4 of the Local Plan.

11. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- the types of vehicles undertaking movements to and from the site for different purposes;
- how, when and to where movements will take place and packages/receptacles will be stored and transferred on site;
- swept path analysis to demonstrate that vehicles can safely obtain access to and from loading/unloading points;
- the number; and frequency of those movements over the course of different days;
- related management measures.

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 to protection of the amenities of nearby residents, in accordance with Policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

12. Unless otherwise agreed in writing by the Local Planning Authority, the net sales area of the proposed retail food store in Unit 3 of Goldstone Retail Park shall be no more than 1,727m², of which a maximum of 1382m² may be given over to the sale of convenience goods.

Reason: The Local Planning Authority wishes to retain control over any subsequent change to the net sales area in the interests of mitigating any potential impact on defined centres within the city in compliance with Policy CP4 of Brighton & Hove City Plan Part One.

13. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07:00-21:00 Monday to Saturday and 08:00-18:00 on Sunday.

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.

14. The premises hereby permitted shall be used for food retail (Planning Use Class A1 / USO Class E) only and for no other purpose (including any other purpose in Class E of the Use Classes Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or

without modification). No change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of the impact on Brighton & Hove's defined shopping centres, on highways and to safeguard the amenities of the area in compliance with Policies TR7, SU10 and QD27 of the Brighton & Hove Local Plan and CP4 and CP9 of 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 be aware that whilst the requisite planning permission is granted, this does not preclude the Environmental Protection department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

2. SITE LOCATION

- 2.1. The application relates to Unit 3 within Goldstone Retail Park on Newtown Road, one of five units over ground and mezzanine floor levels. The retail park also comprises two other buildings of single storey in height containing A3/A5 uses to the western edge adjacent to Goldstone Lane. To the north of the large 302-space car park associated with the buildings is the Old Shoreham Road (A270) and beyond that, the locally listed Hove Park. The unit the subject of this application was most recently in use as Toys R Us until its closure on 19 April 2018, although conversion works associated with the recent planning permission are under way on site.
- 2.2. The building is not within a Conservation Area, nor is it a listed building or in the vicinity of one. The site is also outside Controlled Parking Zone (CPZ), but CPZ T runs along Goldstone Lane to the west, and is within Source Protection Zone 1 and partially within an Archaeological Notification Area.

3. RELEVANT HISTORY

- 3.1. **BH2021/00317:** Approval of Details reserved by Condition 11 (Delivery & Service Management Plan) of application BH2020/00549. Under consideration
- 3.2. **BH2021/00574:** Non-Material Amendment to Condition 5 of application BH2020/00549 to change customer opening hours to 11:00 to 17:00 on Sunday. Approved 11 March 2021
- 3.3. **BH2020/03711:** Approval of Details reserved by Condition 7 (Cycle Parking) of application BH2020/00549. Approved 27 January 2021

- 3.4. **BH2020/03561**: Approval of Details reserved by Condition 4 (External Lighting) of application BH2020/00549. Approved 14 January 2021
- 3.5. **BH2020/03559**: Removal of Condition 13 of BH2020/00549 which restricts the hours of deliveries to the store. Withdrawn 27 January 2021
- 3.6. **BH2020/00549**: External alterations to front and rear elevations including installation of new plant. Alterations to part of customer car park to provide trolley storage, covered cycle parking and car parking for disabled and parents. Use of Unit 3 for retail (A1). Approved 8 September 2020
- 3.7. **3/96/0634 (RM)9/PA**: Reserved matters for siting, surfacing and landscaping, design and external appearance of the proposed building, means of access and arrangements for the disposal of surface water. Approved 20 January 1997
- 3.8. **95/0748(OL)**: The demolition of the Goldstone football ground and ancillary buildings and construction of non-food retail units with associated car parking, servicing and landscaping. Approved April 1996
- Kap Ltd, Newtown Road
- 3.9. **BH2018/03356**: Demolition of existing buildings in association with car dealership (sui generis) to facilitate the erection of a mixed use redevelopment to provide 148 dwellings (Class C3), 954sqm of office floorspace (Class B1), within a scheme of 3no Blocks ranging from 4 to 11 storeys in height with associated underground car parking, cycle parking and landscaping and 22 sqm of cafe floorspace (Class A3). Approved 29 September 2020

4. APPLICATION DESCRIPTION

- 4.1. The current application seeks the variation of Condition 13 of application BH2020/00549 to change the servicing hours to 07:00-21:00 Monday to Saturday and 08:00-18:00 on Sunday from 07:00-18:00 Monday to Saturday.
- 4.2. Changes were made during the course of the application to the Noise Impact Assessment (NIA) following comments from Officers on the delivery hours applied for and more information on the impact on the approved Kap development.

5. REPRESENTATIONS

- 5.1. **Thirty one (31) objections** were received (nine of which were received outside the consultation period), raising the following concerns:
- The proposal would definitely disturb sleep and bedtimes for children.
 - The only respite from the noise and comings and goings in the retail park is on Sundays.
 - This would create a precedent for Sunday deliveries.

- Lidl would have considerably more deliveries than any of the non-food retailers.
- The existing noises are very loud even with the double-glazed windows of the new build dwellings closed.
- Lidl should be able to plan their two deliveries within the hours approved.
- Convenience to the applicant at the expense of noise pollution to the local residents is not a good enough reason to approve this application.
- The hours proposed are anti-social.
- The additional delivery times would have a detrimental effect on mental health and wellbeing.
- The new 148 flats to be built on the site of the former Kap-Peugeot car showroom will be very near to the rear of the Lidl store and would be severely affected by deliveries.
- The proposal would increase the heavy goods traffic and pollution in the area.

5.2. **Two** objections have been received from **Councillors Allcock and Ebel**. Copies of their objection are attached to this report.

6. CONSULTATIONS

External

6.1. **Designing Out Crime Officer (Sussex Police)**: To protect the amenity of the occupiers of neighbouring properties and to comply with Local Plan Policies SU10 and QD27 of the Brighton & Hove whilst providing flexibility to the application, a compromise in the opening hours to be conditioned is suggested of Monday to Saturday 07:00-19:30 and Sunday 10:00-13:00. The application would be supported from a crime prevention perspective subject to that recommendation.

Internal

6.2. **Environmental Health**: No comment received.

6.3. **Transport**: Following the submission of information as to whether the total number of deliveries are expected to increase with the extension of delivery hours, it has been confirmed that there will be a maximum of 2 deliveries by day and that the extended delivery hours are to allow for greater flexibility in delivery timings and will not result in an increase in deliveries. The extension of hours are outside of normal peak traffic conditions and therefore they are not expected to have an impact on the local highway network. Therefore, approval is recommended.

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 One:

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport

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

SU9	Pollution and nuisance control
SU10	Noise nuisance
QD27	Protection of amenity

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 relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20 -	Protection of Amenity
DM40 -	Protection of the Environment and Health – Pollution and Nuisance

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact on neighbouring amenity and on highways.
- 9.2. Due to COVID restrictions, Officers did not undertake a site visit in relation to the present application, but it is considered that the context of the development and

the planning considerations relating to this are well understood from the information that is available.

Impact on Neighbouring Amenity

- 9.3. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.4. The closest existing residential properties are those within the new terrace on Goldstone Lane, nos. 4-14, of which the latter is the nearest at just over 35m from the delivery bay to the rear in a south easterly direction. However, new dwellings are proposed directly to the rear of the site as part of the 'Kap' development just over 16m away.
- 9.5. Version 7.0 of the Noise Impact Assessment (NIA) provides a noise assessment of activities associated with the food store, specifically noise from deliveries. It is noted that the NIA submitted with the original application did not consider the impact upon the approved dwellings directly to the rear, which was why the delivery hours were retained as existing, but the latest version of the NIA does take them into consideration.
- 9.6. The variation of the condition is sought in order that the applicant's logistics department is provided with maximum flexibility given that the approved food store will be trading seven days a week and their requirement to keep it properly stocked with fresh produce.
- 9.7. The National Planning Policy Guidance (NPPG) on noise identifies that there are three observed effect levels:
 - Significant observed adverse effect level (SOAEL): where noise causes a material change in health, quality of life and behaviour e.g. keeping windows closed for most of the time or avoiding certain activities during periods when the noise occurs. The planning process should be used to avoid this effect occurring e.g. altering the design and layout of the development or site.
 - Lowest observed adverse effect level (LOAEL): where noise starts to cause small changes in behaviour and attitude e.g. having to turn up the volume on the tv. It therefore starts to have an adverse effect on health and quality of life and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits from the activity causing the noise).
 - No observed effect level (NOEL): where noise has no adverse effect so long as it does not cause any change in behaviour or attitude of those affected by it. The noise may slightly affect the acoustic character of an area, but not to the extent there is a change in quality of life. No mitigation measures are required if noise is at this level.
- 9.8. The typical background sound levels for the site during daytime hours (07:00-23:00) are 48 dB Monday to Saturday and 47 dB on Sundays, which are accepted as being lower. There is no need to consider night-time hours.

9.9. In terms of the noise emanating from the deliveries to the proposed food store, the entire duration of the vehicles arriving (5 minutes), unloading (60 minutes) and departing (2 minutes) would take 1 hour seven minutes in total.

9.10. The predicted delivery noise caused by unloading and vehicle movement has been shown on a 'noise map' in the NIA, which shows the proposed KAP development and 4-14 Goldstone Lane as well as 1-15 (odds) Goldstone Lane, which are not considered to be materially affected given the distance involved. The results are as follows:

	4-14 Goldstone Lane	Rear part of KAP	Front part of KAP
HGV Arriving	28 dB	36 dB	40 dB
HGV Unloading	27 dB	51 dB	51 dB
HGV Departing	29 dB	36 dB	41 dB

9.11. As the highest noise levels would be at the front part of the proposed KAP development, this is used as the worst case scenario to determine the noise produced by the sound source over a given reference time interval (in this case, one hour as is standard). The loudest noise (51 dB) would be created by unloading deliveries. Given that delivery noise is normally impulsive in nature, a character correction of 5 dB has been added. This should be added if the noise produced by the sound source exhibits any tonality, impulsivity, other sound characteristics and / or intermittency at the assessment location. Therefore, this equals 56 dB, which is 8 dB above the background sound level.

9.12. Officers usually advise that noise should be below and / or should not exceed background sound level at 1m from the nearest noise sensitive premises during the times it occurs. 8 dB above would therefore be considered unacceptable. However, taking into consideration that the nearest dwelling within the proposed KAP development would be 16m away, the Predicted External Level would be 33 dB, which is 15 dB below the background sound level. Moreover, an Open Window Correction of 15 dB(A) must be subtracted from the Predicted External Level figure to give the Predicted Internal Level. As such, the Predicted Internal Level would be 18 dB. This is less than the British Standard (BS)8233:2014 Internal Noise Criteria for resting (35 dB), dining (40 dB) and sleeping (35 dB), as indicated in Table 3 of the NIA.

9.13. BS4142 correlates the amount of dB difference between the background sound level and the predicted level with the observed effect levels, as provided for in Table 2 of the NIA. Given that both the Predicted External and Internal Levels would be 10 dB less than the background sound level, this corresponds to NOEL. As such, it is considered that the noise predicted to be created would have no adverse effect on the behaviour or attitude of those affected by it, and that no mitigation would be necessary.

9.14. For reference, the nearest existing dwelling is 14 Goldstone Lane at 35m away, and although the Predicted External and Internal Levels for this dwelling have not been calculated, they would be much less than the nearest dwelling within the proposed KAP development.

- 9.15. It is noted that noise mitigation measures are proposed as part of the approved Kap development (as secured by Condition 24 of BH2018/03356 of the Kap approval). For the reasons explained within this report, this application is considered acceptable and it is not reliant on the mitigation measures to be implemented with the Kap development in order for the extended delivery hours not to have an adverse impact on future neighbouring residents. Nevertheless, it is worth noting that the proposed delivery hours fall within the daytime (0700 – 2300) no greater mitigation would need to be applied to the approved development (Kap) than has been secured by condition and it is worth noting that these measures would also cover the additional delivery hours sought by Lidl.
- 9.16. As such, the proposal is considered to be compliant with Local Plan Policies SU9, SU10 and QD27.

Impact on Highways

- 9.17. This application proposes an additional 13 hours per week of delivery hours. However, the food store would have a maximum of 2 deliveries per day apart from busier seasonal periods, such as Christmas, where there would be approx. 1 additional delivery per day on average. There would never be more than one delivery vehicle onsite at any one time.
- 9.18. The rationale behind the extended delivery hours is to allow for greater flexibility in delivery timings, although it is noted that the report for the original report considered that up to three deliveries per day would not have a severe impact on the highway and surrounding transport network. This is still considered to be the case even with the extension of the delivery hours, especially as deliveries will take place outside of the busiest local highway peak periods.
- 9.19. A delivery & service management plan is required by Condition 11 of the planning permission and an application has been submitted to discharge that condition. It is currently under consideration, but the Local Highways Authority consider it acceptable.
- 9.20. In summary, the extension of hours are not anticipated to have an impact on the local highway network. Therefore, the application is acceptable on highways grounds.

10. CONCLUSION

- 10.1. This application is considered acceptable since it has been demonstrated that Condition 13 of BH2020/00549 regarding delivery hours would not have an adverse impact on the residential amenity of neighbouring occupiers in terms of noise and disturbance, or on the local highways network. As such, it is recommended that Condition 13 is varied.

11. EQUALITIES

None identified

Cllr. John Allcock
BH2021/00282 - Unit 3, Goldstone Retail Park

19th February 2021:

I have reviewed application BH2021/00282, Variation of Condition 13 of application BH2020/00549 - External alterations to front and rear elevations including installation of new plant. Alterations to part of customer car park to provide trolley storage, covered cycle parking and car parking for disabled and parents. Use of Unit 3 for retail (A1) to change the servicing hours to 07:00-21:00 Monday to Saturday and 08:00-18:00 on Sunday. Unit 3 Goldstone Retail Park Newtown Road Hove BN3 7PN

I wish to register an objection to the change in servicing hours in this application. I would support the alterations to car parking.

The development of the Lidl store in this area is welcomed by many residents in Goldsmid Ward as it will provide improved local access to groceries and has the potential to reduce car usage for many residents. However the impact of the noise during late evening and all day Sunday created by deliveries requested in this application will cause unreasonable disturbance to local residents due to reversing HGVs and machinery unloading heavy goods packages.

Loud noise in the Goldstone Retail Park is amplified by the low bowl like nature of the ex-stadium site and impacts on residents currently living in Goldstone Lane, Fonthill Road and Newtown Road. Loud noise caused by vehicles and machinery on the retail site will also be amplified further by the new tower block developments that are planned in the immediate area and this will have an even greater impact on the new residents.

A more positive way forward would have been for Lidl to have opened dialogue with local residents and the Hove Station Neighbourhood Forum about their plans prior to submitting this application. I believe that officers suggested this to Lidl, but unfortunately they did not pursue this.

I would suggest that a reasonable variation going forward could be 07:00 – 19:00 Mondays to Saturdays and a contained slot of 11:00 - 13:00 on Sundays should Lidl wish to reapply.

Please note that I would wish to speak on this application should it be considered by the to the Planning Committee.

Cllr. Marianna Ebel
BH2021/00282 - Unit 3, Goldstone Retail Park

25th February 2021:

I am objecting to planning application BH2021/00282, which is a variation to the recently approved planning application BH2020/00549, based on the issues outlined below.

The site itself is situated just outside the Goldsmid ward and I would usually not object to planning applications for sites not based in the Goldsmid ward. However, in this particular case I feel I have to make an exception as the site is bordering properties within the Goldsmid ward, whose residents will be extremely negatively affected should the proposed variation be approved.

Under the recently approved planning application BH2020/00549 the Lidl Superstore would be allowed to receive deliveries between the hours of **07:00 - 18:00 between Monday to Saturday**. This is detailed in condition 13 of the approved planning application BH2020/00549. This condition was attached to the planning application to *“safeguard the amenities of the occupiers of neighbouring properties and to comply with Policies SU 10 and QD27 of the Brighton & Hove Local Plan”*.

Lidl Superstore are now applying for an extension to **07:00 - 21:00 Monday to Saturday and 08:00 - 18:00 on Sunday**.

Residents of Goldstone Lane have raised valid concerns that an extension of the delivery hours would impact their daily life very negatively.

The noise levels already pose a strain on nearby residents' lives. Residents have informed me that the noise from the retail park over many years has been very stressful. Residents are having to wear earplugs in order to not be woken up by the lorry noise and noise caused by the working environment (e.g. people shouting across the car park / delivery bay whilst lorries are unloaded). Currently, Sundays are the only days where residents in Goldstone Lane can rest and enjoy some peace and quiet in their homes and gardens.

Whilst the existing residents in Goldstone Lane already report a negative impact on their daily lives, the impact for the future residents of the planned Kap scheme (approved planning application BH2018/03356) will be even worse. This fact has even been admitted by the applicant, who writes in their covering letter:

*“The closest existing residential properties to the Lidl deliver bay are those within the new terrace on Goldstone Lane, nos. 4-14, of which the latter is the nearest at just over 35m from the delivery bay to the rear in a south-easterly direction. However planning permission for a mixed-use residential development directly to the rear of the site (part of the ‘Kap’ scheme) was granted planning permission on 29th September 2020 under planning ref: BH2018/03356. **Once build, a number of those units will be positioned just over 16m away from the Lidl foodstore***

delivery bay and it is those units that will potentially suffer the greatest noise impact.”

The Kap scheme has not yet been completed, therefore any future occupants of the Kap scheme are not able to object to the variation of the opening times. However, as you can see in the many objections submitted, the existing residents in Goldstone Lane are already testifying that the noise level at the current hours are a big strain on their everyday lives. How much worse would this be for the future residents of the Kap scheme, especially if the delivery hours were extended?

I ask you to refuse planning application BH2021/00282 so that existing and future residents in the area can at least enjoy their evenings and Sundays without noise disturbances.

ITEM F

**74A Hollingbury Road
BH2020/03549
Full Planning**

DATE OF COMMITTEE: 7th April 2021

BH2020 03549 - 74A Hollingbury Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/03549	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	74A Hollingbury Road Brighton BN1 7JA		
<u>Proposal:</u>	Demolition of the existing dwelling and double garage and erection of 4no four bedroom split-level houses (C3) and associated works. (Amended drawings).		
<u>Officer:</u>	Emily Stanbridge, tel: 293311	<u>Valid Date:</u>	02.12.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27.01.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Boxleaf Ltd C/o 4 Gloucester Passage Brighton BN1 4AS		

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	20030-P-012D		15 March 2021
Proposed Drawing	20030-P-110D		15 March 2021
Proposed Drawing	20030-P-111C		15 March 2021
Proposed Drawing	20030-P-112		2 December 2021
Proposed Drawing	20030-P-001C		15 March 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. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A and B 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. 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.
6. 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 render (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externallyDevelopment shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 7.. 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.

8. 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.

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.

10. Prior to first occupation signage shall be installed at the exit of the access road by way of an A4 sign stating 'Warning Pedestrians crossing'.

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

11. 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

12. 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.
13. 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.
14. 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.
15. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 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 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.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. 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.

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

2. SITE LOCATION

- 2.1. This application relates to a site located on land between Hollingbury Road and Hollingbury Terrace. As existing the site comprises a chalet style bungalow. The site is currently accessed from an existing vehicle route between No's 72 and 74 Hollingbury Road.
- 2.2. The site is located within a residential area which is typified by a mixture of semi-detached and terraced properties which are two storeys in height. The surrounding area features a variety of property styles with no uniform appearance.
- 2.3. The property is not located within a conservation area.

3. RELEVANT HISTORY

- 3.1. PRE2020/00155: Demolition of existing single dwelling and garage and construct four new, four-bedroom, terraced homes. The proposal includes parking for four vehicles and private gardens. Written response provided 16th October 2020.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing property on the site and the erection for 4 terraced properties which respond to the topography of the site.
- 4.2. The original application description included the demolition of an existing boundary however this feature was part of an earlier design and as such this application no longer proposes any change to the existing perimeter boundaries
- 4.3. The applicant engaged in pre-application advice. It is considered that the current proposals successfully address the issues raised in the pre-application response with regards to design and neighbouring amenity impact.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters of representation have been received objecting to the proposed development for the following reasons:
- Overdevelopment
 - Overlooking
 - Loss of sunlight to Hollingdean Terrace
 - Overshadowing
 - Increased parking pressure on surrounding roads
 - Location of bins is not appropriate
 - Increased traffic using access route
 - Increase in noise disturbance from access route
 - Additional noise created from 4 households
 - Problems with traffic emerging onto Hollingbury Road
 - Impact on trees
- 5.2. **Councillor Tracey Hill** objects to the proposed development. A copy of the correspondence is attached to the report.

6. CONSULTATIONS

External

- 6.1. **Southern Water** No objection subject to condition to secure further information in relation to surface water drainage.

Internal

- 6.2. **Arboriculture** No objection subject to conditions to secure a method statement and protection plan for retained trees.
- 6.3. **Environmental Health** No comment
- 6.4. **Highways** Objection due to the proposed vehicle and pedestrian access, potential overspill car parking and concerns over the servicing including refuse collection of the properties.
- 6.5. **Private sector housing** Comments regarding the means of escape in case of a fire from the lower ground floor bedroom.

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 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

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

Brighton & Hove City Plan Part 2 (Proposed submission October 2020)

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 and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

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 site and 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. This application seeks to demolish an existing property and erect 4no. new dwellings. As a principle of development, residential development on a residential site would be appropriate, however the specific impacts of additional dwellings on this plot must be considered as to whether the development is appropriate on the land and whether visual harm and/or harm to neighbouring amenity would occur. This detailed assessment is set out below.

Design and Appearance

- 9.5. City Plan 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.
- 9.6. In addition, policy CP14 encourages an increased density and therefore any development would not necessarily have to maintain a strict adherence to the prevailing plot sizes or coverage ratio.
- 9.7. The site as existing comprises a chalet bungalow which covers much of the northern end of the plot, extending towards Hollingdean Terrace with a detached

double garage to the southern end of the site, a large area of raised hardstanding and terraced garden areas towards Hollingdean Terrace

- 9.8. The existing site forms back land development located to the rear of No's 72-76 Hollingbury Road. The site also lies adjacent to the rear gardens of No's 79-85 Hollingdean Terrace. Existing vehicle access to the site is located between No's 72 and 74 Hollingbury Road whilst a pedestrian pathway links the site to Hollingbury Terrace. Other examples of back land development can be seen to the south of the site.
- 9.9. Whilst it is acknowledged that the size of the proposed plots would be smaller than those typical to Hollingbury Road, the plots size would however be in keeping with the properties on Hollingbury Terrace to the rear. The plots would be comparable to No's 81 and 83 Hollingbury Terrace immediately to the rear of the site. It is therefore not considered that the proposed plots would be out of character with the wider area. Following pre-application advice, the proposal was amended to provide increased spacing to the northern and southern boundaries allowing the development to sit more comfortably within the overall plot. The development is therefore considered to comply with policy DM18 of the City Plan Part two, which carries significant weight in the determination of planning applications, in terms of the site and its local context.
- 9.10. Owing to the topography of the area, Hollingbury Road is set on a much higher land level than Hollingbury Terrace to the rear. As a result of this steep change in land levels, the proposal for four new terraced dwellings has been designed in response to this.
- 9.11. The proposed dwellings would be single storey in height when viewed from the front/Hollingbury Road as a result, only limited views of the dwellings would be had at the top of the existing access road or from private views of those properties fronting Hollingbury Road. As the land levels drop, the properties comprise two-storey to the rear/ facing Hollingdean Terrace with a small set back to the first floor.
- 9.12. In response to the feedback given at pre-application stage the proposed dwellings have been lowered in height, resulting from a reduction of the main ridge height, and so as proposed would be lower than the lowest ridge of the existing building. The proposed dwellings would be lower than the ridge height of the existing dwelling by between 1.4 and 0.2m. The proposal would not be visible from within Hollingdean Terrace although views of the highest part of the roof may be achieved in long views from Dudley Road to the east. However, these views are not considered harmful owing to the height of existing back land developments adjacent and existing to the application site and that owing to the topography of the area it is not uncommon to see the rooflines of properties beyond.
- 9.13. In addition, following pre-application advice the properties have been situated further from the eastern boundary with Hollingbury Terrace and the rear elevation has been re-thought to reduce the impact of the development to properties at the rear.

- 9.14. The properties are of a contemporary design with an asymmetric roof form. This design is considered to reduce to overall height of the properties but also reduces the bulk of the scheme at roof level when viewed from the rear. The design approach of the roof also allows for the use of solar panels, the inclusion of which is considered beneficial.
- 9.15. For these reasons the number, layout, form and finish of the proposed dwellings is considered appropriate within its context, in accordance with policies CP12 & CP14 of the Brighton & Hove City Plan Part One and Policy DM18 of the Brighton and Hove City Plan Part Two.

Impact on Amenity:

- 9.16. 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.
- 9.17. The properties most likely to be affected by the proposals are No.'s 72-76 Hollingbury Road to the west, and No.'s 79-85 Hollingdean Terrace to the east. The impact on these adjacent properties has been fully considered in terms of daylight, sunlight, outlook, overlooking (actual and perceived) and privacy, and no significant harm has been identified.
- 9.18. It is noted that a site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans provided and from recently taken aerial imagery of the site. In addition, site photos were provided throughout the course of the application.
- 9.19. Given the single storey height of the proposed dwellings when viewed from the rear of No's 72-76 Hollingbury Road it is considered that, due to topography levels, limited additional views of these neighbours could be had from the proposed new dwellings. Further, because of the relatively limited scale from this perspective, the buildings would not appear to be overbearing. Any views of the new dwellings from properties on Hollingbury Road would be further obscured from existing shared boundary treatments.
- 9.20. Following pre-application advice, the proposed dwellings have been set further away from the eastern boundary. The distances recommended by BRE state that dwellings should have a minimum separation distance of 18m to avoid direct overlooking. This is considered to be appropriate when balanced within what is characteristic for surrounding development.
- 9.21. The proposed terrace has been arranged so that the private rear elevations of both the proposed and the existing properties fronting Hollingdean Terrace are fronting one another with private rear garden areas abutting.
- 9.22. The proposed dwellings would allow for an 18m separation distance between the first floor windows of the application site and the first floor rear facing windows of Hollingdean Terrace. In order to further prevent direct overlooking

the windows within the proposed rear two bedrooms have been set at an angle so any views obtained from these rooms would not be directly towards the rear elevations or gardens of properties located opposite. The rear elevations have been designed so to reduce both actual and perceived overlooking through the careful placing of the fenestration to the upper floors.

- 9.23. Furthermore, the accommodation at upper floor level comprises bedrooms which has a lesser level of activity than a main living area. The window openings of the primary living accommodation are located at lower ground floor level and would be screened from the rear of Hollingdean Terrace by a retained brick boundary wall.
- 9.24. Also, there are existing mature trees to the eastern boundary, with properties on Hollingdean Terrace which are to be retained. These further screen the new dwellings and reduce any potential views to neighbouring properties.
- 9.25. It is considered prudent to condition that the Permitted Development Rights of each of these dwellings is restricted in order to prevent the insertion of any additional windows or any enlargement to these new dwellings without the submission of a planning application in order to continue to protect neighbouring amenity.
- 9.26. It is not considered that the development will cause significant harm by overshadowing or having an overbearing affect due to the separation distances between the proposed and existing neighbouring dwellings. The roofs of the properties have also been designed to have an asymmetric roof form to limit the height of the properties.
- 9.27. The proposals would utilise an existing vehicle access between No's 72 and 74 Hollingbury Road. This access currently serves 74A Hollingbury Road. As a result of the development, which would provide parking for two vehicles, there would be a small increase in the intensity of vehicle movements and manoeuvres to the rear of No's 72 and 74. Given the small increase in intensity of residents vehicles and the likely infrequent nature of delivery vehicles it is considered any activity beyond the current situation would not be significant. The site includes a designated pedestrian route to the east onto Hollingbury Terrace and therefore the level of activity occurring on the access route is not considered to cause significant noise disturbance in this instance.
- 9.28. The proposed development is therefore considered to be in accordance with Policy QD27 of the Local Plan and Policy DM20 of the City Plan Part 2 which is given significant weight.

Standard of accommodation

- 9.29. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.30. The proposed development comprises of four terraced properties which are identical to one another in terms of their layout.

- 9.31. The accommodation of each unit is laid out over two floors providing approximately 107sqm of internal living space. Each dwelling proposed comprises 3 bedrooms and a study. It is considered that the study has the potential to form a fourth bedroom and therefore an assessment has been made on the basis that the properties form four bedroom units. These units would exceed the minimum requirements set out in the NDSS for a 6 person, four-bedroom property.
- 9.32. 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.
- 9.33. The proposed lower ground floor comprises the main living area, incorporating open plan living accommodation with direct access onto the rear garden. This level also provides a front facing double bedroom and en-suite. The bedroom proposed measures approximately 11.8sqm and exceeds that the standards within the NDSS.
- 9.34. Private sector housing has raised concerns regarding the means of escape in case of a fire from this bedroom. The applicant has advised that a sprinkler system would be fitted within the property to address these concerns. In any case this falls under the remit of building regulations and does not impact upon the ability to determine this application.
- 9.35. It is acknowledged that the outlook received from this bedroom would be reduced owing to the front lightwell, however given the size of the window opening proposed, the distance of 1.6m to the face of the lightwell and that a further three bedrooms would be provided on the upper ground floor, this is on balance considered acceptable.
- 9.36. The main entrance to each property, which would face Hollingbury Road, leads to the upper ground floor. This level would provide the bedroom accommodation for each property in addition to a central family bathroom. A rear study is proposed to the rear of the dwellings, it is considered that this room could reasonably be used as a bedroom and has been considered as such. Bedrooms 1 and 4 (study) both measure approximately 9sqm and exceed the minimum standards for a single bedspace. Bedroom 2, to the rear of the property measures 11.8sqm and would exceed the standards for a double bedroom as per the space standards.
- 9.37. Each habitable room within the property features sufficient light, outlook and ventilation. The proposed dwellings provide a good standard of accommodation with sufficient circulation space and useable floor area after the placing of likely furniture items required by future occupiers.
- 9.38. The proposed dwellings provide a good standard of accommodation in compliance with policy QD27 of the Brighton and Hove Local Plan.

- 9.39. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed development provides private external amenity space to the rear of this property by way of a patio area and rear garden beyond.

Sustainable Transport:

Pedestrian access

- 9.40. The application proposes pedestrian access to the rear of the site towards the north. It is noted that the transport team have raised an objection to this pedestrian route owing to the number of steps and the width of the path proposed. Amendments have since been made to the design of this route down to Hollingdean Terrace. The width of the pathway has now been increased to over 1.2m inside the handrails. The stepped access proposed allows for half the width of the existing ramp to be retained. The pedestrian access also leads to a 1.2m wide path in front of the dwellings which opens up at the entry to each property.
- 9.41. Whilst it is acknowledged that the transport team advise that the step free vehicle access proposed is not suitable for pedestrian movement, given only the small increase in intensity of the site for vehicle access purposes this is not considered to warrant the refusal of this application, particularly considering the tilted balance in favour of additional units of residential accommodation.

Vehicle access

- 9.42. The design of the access road is to remain as existing. Whilst the application increases the number of dwellings on the site from 1 to 4 the number of off-street parking space proposed is only 2. It is noted that the highways officer considers that an analysis of visibility of the footway should be undertaken however the small increase in intensity, of one vehicle, from the existing site is not considered a significant increase to warrant this information. It is instead considered that a signage scheme be secured via a condition, at the exit of the site to warn of pedestrians crossing.
- 9.43. A swept path analysis has been submitted as part of this application which demonstrates that there is sufficient turning space on site for potential vehicles to be able to enter and exit in a forward gear.
- 9.44. It is acknowledged that the increase in properties on the site could result in an increase in vehicle movements from servicing and deliveries. It is considered that from the information submitted it is evident that there is sufficient room for vehicles to be able to enter and exit the site in a forward gear.

Car Parking

- 9.45. The submitted site plans shows two off street parking bays. This is within the maximum parking allowances as per SPD14. However, the transport team consider that this is unlikely to adequately accommodate the likely parking demand of this development and may lead to overspill parking.

- 9.46. The site benefits from two on-site parking spaces. No further spaces are provided on site to allow sufficient space for the proposed turning head. Furthermore the existing vehicle access is not wide enough to accommodate additional parking. The limited space within the site will prevent additional cars parking off site as this would lead to an obstruction. It should be noted that any increase in parking pressure would be managed through the controlled parking zone. It is also noted that at present permit uptake in Zone G is not at capacity.

Trip generation

- 9.47. It is not deemed that the increase in trips associated with four dwellings or additional cumulative impact from these could be deemed to amount to a severe impact on the surrounding highway network in this instance.

Cycle Parking

- 9.48. For the proposed four 4-bedroom residential units a minimum of 2 cycle parking spaces per unit are required. The applicant is proposing communal cycle parking store at the front. This is acceptable subject to there being safe step-free access. Full details of the proposed cycle parking are sought by condition.

Refuse and recycling

- 9.49. Amendments have been made to the location of the proposed bin store; this is now provided at the bottom of the pedestrian access which faces onto Hollingdean Terrace.

Sustainability

- 9.50. 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.

- 9.51. It is noted that the design of the dwellings incorporates an asymmetrical roof to maximise the area and orientation for the placing of solar panels. This is a welcomed addition to the scheme.

Arboriculture and Ecology

- 9.52. 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.

- 9.53. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species. A condition requiring bee bricks and swift bricks/boxes is sought 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.

- 9.54. The arboricultural officer has advised that no trees on the site appear to be of high amenity value or worthy of preservation status and as such no objection is

had to the removal of trees on the site. A method statement and protection plan are sought by condition for the retained trees on site.

- 9.55. A full landscaping condition is also secured by condition to demonstrate the location of the retained trees and areas of planting in addition to information regarding all proposed boundary treatments.

10. CONCLUSION & PLANNING BALANCE

- 10.1. The proposed development would result in a net gain of 3 additional residential units where the Local Planning Authority is unable to demonstrate a 5 year housing land supply. Whilst it is acknowledged that concerns have been raised by neighbouring occupiers regarding the potential impact of amenity, it is considered that the design of the scheme, together with compliance with attached conditions would not result in a detrimental impact that would warrant refusal of the application. The proposed development would provide a suitable standard of accommodation. The objection from the transport team is noted, however, on balance, considering the creation of 3 additional residential units of accommodation, the application is recommended for approval.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £36,041.77. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

- 12.1. Due to the topography of the site which falls away from the highway on Hollingbury Road and is significantly raised above the adjacent highway to Hollingdean Terrace, the primary pedestrian access route to the site requires stepped access. However level access to the properties can be achieved when accessed via Hollingbury Road. A pedestrian access is proposed in front of the buildings which opens up at each entry. As such compliance with Building Regulations M4(2) is sought.

Cllr. Tracey Hill
BH2020/03549 - 74A Hollingbury Road

14th December 2020:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Traffic or Highways

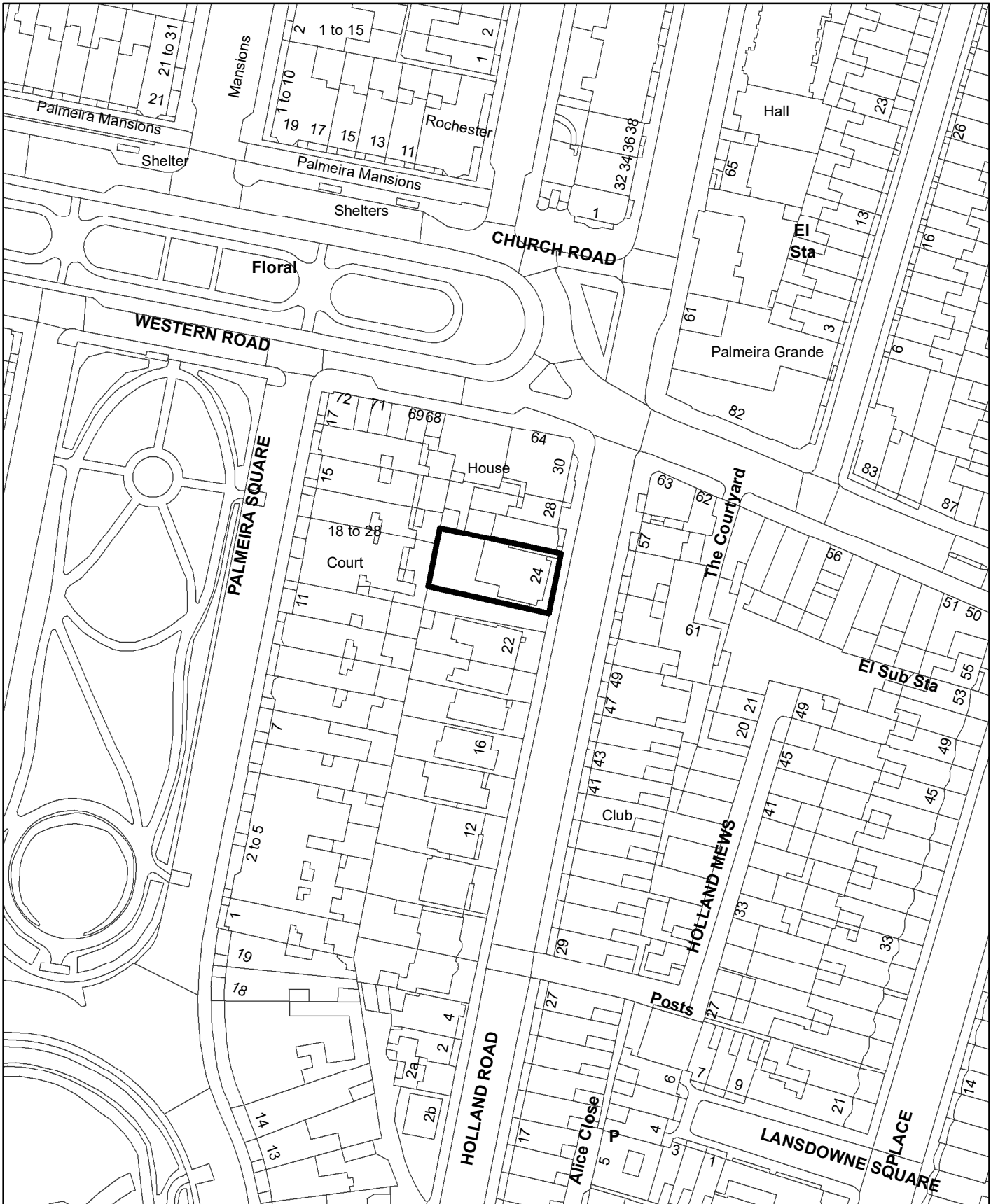
Comment: The space might well take some further development but seems inadequate for four houses with four bedrooms each. Car access will be incredibly problematic with the single-lane access and very limited space outside. Very limited garden area for this level of occupancy.

ITEM G

**24 Holland Road
BH2020/03272
Full Planning**

DATE OF COMMITTEE: 7th April 2021

BH2020 03272 - 24 Holland Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/03272	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	24 Holland Road Hove BN3 1JJ		
<u>Proposal:</u>	Change of use from existing language school (F.1) to 10no bedroom visitor accommodation (sui generis). External alterations comprising of new access to kitchen at the rear, two juliette balconies to first floor rear elevation, new railings and gate to front elevation and the removal of the existing fire escape stairs & door on the north elevation.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	08.12.2020
<u>Con Area:</u>	BRUNSWICK TOWN	<u>Expiry Date:</u>	02.02.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	N/A
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Avante Ltd C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **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	YO426 - 061		12 November 2020
Proposed Drawing	YO426 - 062		12 November 2020
Location Plan	YO426 - 001		12 November 2020
Block Plan	YO426 - 002		12 November 2020
Proposed Drawing	YO426 - 050	A	8 February 2021
Proposed Drawing	YO426 - 051		12 November 2020
Proposed Drawing	YO426 - 052		12 November 2020
Proposed Drawing	YO426 - 060		12 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. All new windows and doors indicated on the approved plans shall be constructed of timber and shall have a painted finish to match the existing windows.
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 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
4. The visitor accommodation hereby approved shall be used for the purpose of short-term accommodation only and occupation by a person or persons shall be limited to less than 7 consecutive days and nights and shall be so maintained.
Reason: The accommodation is unsuitable for long term occupation contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing nos YO426-50A, YO426-51 and YO426-52 and shall be retained as such thereafter. The communal areas 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.
6. The visitor accommodation hereby approved shall only be occupied by a maximum of Twenty (20) persons.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to prevent an unacceptable harmful impact upon neighbouring properties, and to comply with policy QD27 of the Brighton & Hove Local Plan.
7. The development hereby permitted shall not be first occupied until a noise management plan to control the hours of use of the terrace and preclude its use as an outdoor event space with amplified sound 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 to comply with policy QD27 of the Brighton & Hove Local Plan.
8. The development hereby permitted shall not be occupied until the railings shown on the approved plans have been painted black and shall thereafter be retained as such.
Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
9. Notwithstanding the approved drawings, 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.

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 two-storey detached property on the western side of Holland Road, near to the junction with Western Road. The property is unlisted but is located within the Brunswick Town Conservation Area. The site is located on the boundary of the Central Brighton area designated in policy SA2 of the City Plan Part One (CPP1). The building was in use as a language school, however following the onset of the COVID-19 pandemic this use has ceased.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a change of use to 10-bedroom visitor accommodation (sui generis). The application also includes external alterations including new access to kitchen at the rear, two Juliette balconies to first floor rear elevation, new railings and gate to front elevation and the removal of the existing fire escape stairs & door on the north elevation.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters have been received, objecting to the proposal for the following reasons:
 - Loss of property value
 - Severe noise disturbance for neighbours
 - Application is vague/misleading
 - Application understates likely occupancy
 - Proposal is for a large party house for stag/hen groups
 - Increased amenity impact compared to language school use
 - Inappropriate location in a residential area
 - Loss of language school

- Marketing insufficient
- Planning conditions cannot mitigate for the likely disturbance

5.2. **Councillor Clare** has objected to the application. A copy of this correspondence is attached to this report.

6. CONSULTATIONS

6.1. **Children and Young Peoples Trust:** No comment received

6.2. **City Parks:** No comment received

6.3. **Environmental Health:** No objection

A Noise Management Plan should be secured by condition, to control the hours of use of the garden space and preclude its use as an outdoor event space with amplified sound.

6.4. **Heritage:** No comment

6.5. **Housing:** No comment received

6.6. **Planning Policy:** Not supported

It has been demonstrated that the site is not needed for its current use or for an alternative community use, and exception criteria of Local Plan Policy HO20 therefore applies. However, the policy goes on to state that where an exception (a-d) applies, a priority will be attached to residential and mixed-use schemes. The proposed use for sui generis visitor accommodation is not in accordance with this policy requirement.

6.7. The proposal also represents new visitor accommodation outside of the central Brighton area, raising concerns with regard to City Plan Policy CP6.

6.8. **Private Sector Housing:** No comment

6.9. **Southern Water:** No comment

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

6.10. **Sports Facilities:** No comment received

6.11. **Sustainable Transport:** Comment

The proposed pedestrian access should be redesigned so that the front gates open flat against the inside of the boundary walls, and ramps should be installed.

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 One

SS1	Presumption in Favour of Sustainable Development
CP5	Culture and tourism
CP6	Visitor accommodation
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

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.

DM1	Housing Quality, Choice and Mix
-----	---------------------------------

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed external alterations and the impact on neighbouring amenity. The standard of accommodation to be provided and sustainable transport matters are also material considerations.

Principle of Development:

Loss of language school

- 9.2. The existing language school use ceased operation at the onset of the COVID-19 pandemic, and the building is currently empty.
- 9.3. Policy HO20 of the Brighton and Hove Local Plan states that planning permission will not be granted for development proposals that involve the loss of community facilities. Exceptions apply to the policy. Evidence accompanying the application includes a marketing campaign covering a 12-month period in order to attract alternative community uses. It is therefore considered that the applicant has demonstrated that the community use is redundant, and the proposal complies with criterion D of policy HO20.
- 9.4. As such no objection is raised in principle to the loss of the language school and this aspect of the scheme is supported by the policy team.

Proposed visitor accommodation

- 9.5. The proposed Sui Generis visitor accommodation would be for short-term visitors, with a maximum stay of 7 days. The accommodation would be self-catered with no on-site management. The proposed accommodation does not comply with policy HO20, which states that where an exception to policy HO20 is made, preference is given to residential and mixed-use schemes. The proposal for visitor accommodation does not comply with this. Whilst the policy requirements are noted, weight is given to other policies in the development plan which are explained below.
- 9.6. Policy CP6 of the Brighton & Hove City Plan Part One seeks to ensure the provision of a sufficient and wide-ranging type of visitor accommodation, and specifically directs new hotel accommodation into the Central Brighton Area.

- 9.7. The application site is located just outside of the Central Brighton area and so would not comply in this regard.
- 9.8. However, it is recognised that the proposed Sui Generis visitor accommodation is not strictly a hotel use, which would come under a separate C1 use class.
- 9.9. Accordingly, it is considered that a more flexible approach can be taken in this case. The site is well served by public transport and allows easy access to other facilities and attractions in Central Brighton and would therefore align with the aims of policy CP6 as set out in the supporting text p.4.62. Moreover, the proposal would not prejudice existing hotels or guest houses due to the different nature of accommodation provided.
- 9.10. The proposal would also accord with the aims of Policy CP5 (Culture and Tourism) of the Brighton & Hove City Plan to maintain the cultural offer of the City.
- 9.11. The proposal is for short term let accommodation and therefore a condition has been attached to ensure the accommodation is used for short term accommodation only as this matter is fundamental to the acceptability of the application and long term accommodation may have planning implications and has not been assessed as such.
- 9.12. Accordingly, no objection is raised to the principle of the development, subject to the compliance with other local and national policies.

Design and Appearance:

- 9.13. The proposed external alterations comprise:

To the front elevation:

- the addition of new railings and gate.

To the rear elevation:

- the enlargement of a ground floor window to form a door;
- the enlargement of 2no first floor windows and addition of Juliette balustrading.

To the side (north) elevation):

- the removal of the fire escape staircase and reduction of the existing second floor door to a window.

- 9.14. It is considered that the proposal alterations are acceptable and would not have a significant harmful impact upon the character and appearance of the site or the wider Brunswick Town Conservation Area, in accordance with policies CP12 and CP15 of the CPP1 and QD14 and HE6 of the BHLP.

Impact on Amenity:

- 9.15. 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.

- 9.16. The proposed external alterations would be unlikely to give rise to a significant harmful impact on neighbouring amenity in terms of overshadowing, loss of light, or overlooking.
- 9.17. However, the proposed Sui Generis visitor accommodation use does have the potential to result in a significant increase in noise and activity levels and associated disturbance for occupiers of the nearby residential properties, compared to the existing language school use. Whilst the numbers of persons travelling to and from the building may not increase, the pattern and timings of movements would likely change, as would the potential for more frequent or intensive use of the indoor and outdoor spaces, including the rear garden and the proposed first floor meeting room which due to its size could potentially host speaker systems and associated activities.
- 9.18. Public comments have raised concerns regarding potential large 'party house' use and this is also recognised as a legitimate concern for a property of this size and location.
- 9.19. A Management Plan can be secured by condition to address this, in accordance with the comments of the Environmental Health team. The full details of the Management Plan can be finalised by condition, however the following should be addressed (non-exhaustive list):
- The clear communication of a specified set of House Rules as a condition of letting;
 - The hours and manner of use of the outdoor spaces;
 - The playing of amplified music;
 - The clear display of contact details for the landlord/host or managing agent to the front of the building;
 - Smoking policy including designated smoking areas;
 - Membership of a regularly visiting noise patrol.
- 9.20. In addition to the requirements of the Management Plan, the maximum occupancy of the building can be limited by condition to 20, as per the reasoning set out in the subsequent Standard of Accommodation section of this report.
- 9.21. It is noted that the Council has separate noise abatement powers outside of the Planning regime to control any significant noise and disturbance which may arise, despite the above planning related controls.

Standard of Accommodation:

- 9.22. The proposed accommodation would be set over three storeys, and would comprise 10no bedrooms of approx. 12.6sqm, 14.3sqm, 21.3sqm, 14.3sqm, 22.8sqm, 11.1sqm, 8.5sqm, 12.6sqm, 12.3sqm, and 18.0sqm. There would be 7no bathrooms (some ensuite), a kitchen, living room and dining room, and a large 50sqm meeting room on the first floor. the habitable rooms would in the main be of regular proportions and layouts, each with access to some form of natural light and outlook. Whilst some bedrooms are better in this regard than

others, the resulting harm to the amenity of occupiers would be reduced due to the short-term nature of the accommodation proposed.

- 9.23. The provision of shared communal kitchen/living/dining spaces is considered appropriate. However, were these spaces to be converted to further bedrooms this would have a detrimental impact upon the living environment provided, as well as potentially increasing the impact upon neighbouring properties. A condition is therefore recommended to secure the internal layout by condition.
- 9.24. On the above basis, the accommodation proposed is considered to be acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Sustainable Transport:

- 9.25. The proposal is unlikely to result in a significant uplift in trip generation.
- 9.26. The proposal includes 2no Sheffield stands and 2no bike lockers to provide secure, long term and also short stay cycle parking. This is considered acceptable in principle, and further details of the long-stay cycle parking can be secured by condition.
- 9.27. No on-site car parking is proposed, which is in accordance with SPD14 standards.
- 9.28. Following the comments of the Local Highways Authority the drawings have been updated to include the provision of access ramps, and the front gates are now openable 180 degrees to ensure that the gates do not obstruct movement within the site when opened.

Other Considerations:

- 9.29. 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.
- 9.30. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".

Conclusion:

- 9.31. The proposed change of use is considered acceptable in principle, as is the design and appearance of the proposed external alterations. The impact upon neighbouring amenity and standard of accommodation provided can be accepted subject to the recommended conditions. No concerns are held regarding the transport implications of the proposal, following amendments. Approval is therefore recommended.

10. EQUALITIES

- 10.1. The proposal has been amended to include access ramps and a greater arc of opening for the front gates to enable mobility impaired access and movement throughout the site.

Cllr. Hannah Clare
BH2020/03272 – 24 Holland Road

8th January 2021:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity

Comment: I am writing this objection as ward councillor for Brunswick and Adelaide. I wish for this application to be considered by planning committee. I believe this goes against policy QD27. It is on the boundary of a residential part of Holland Road and many residents have written to me to express their concern about noise.

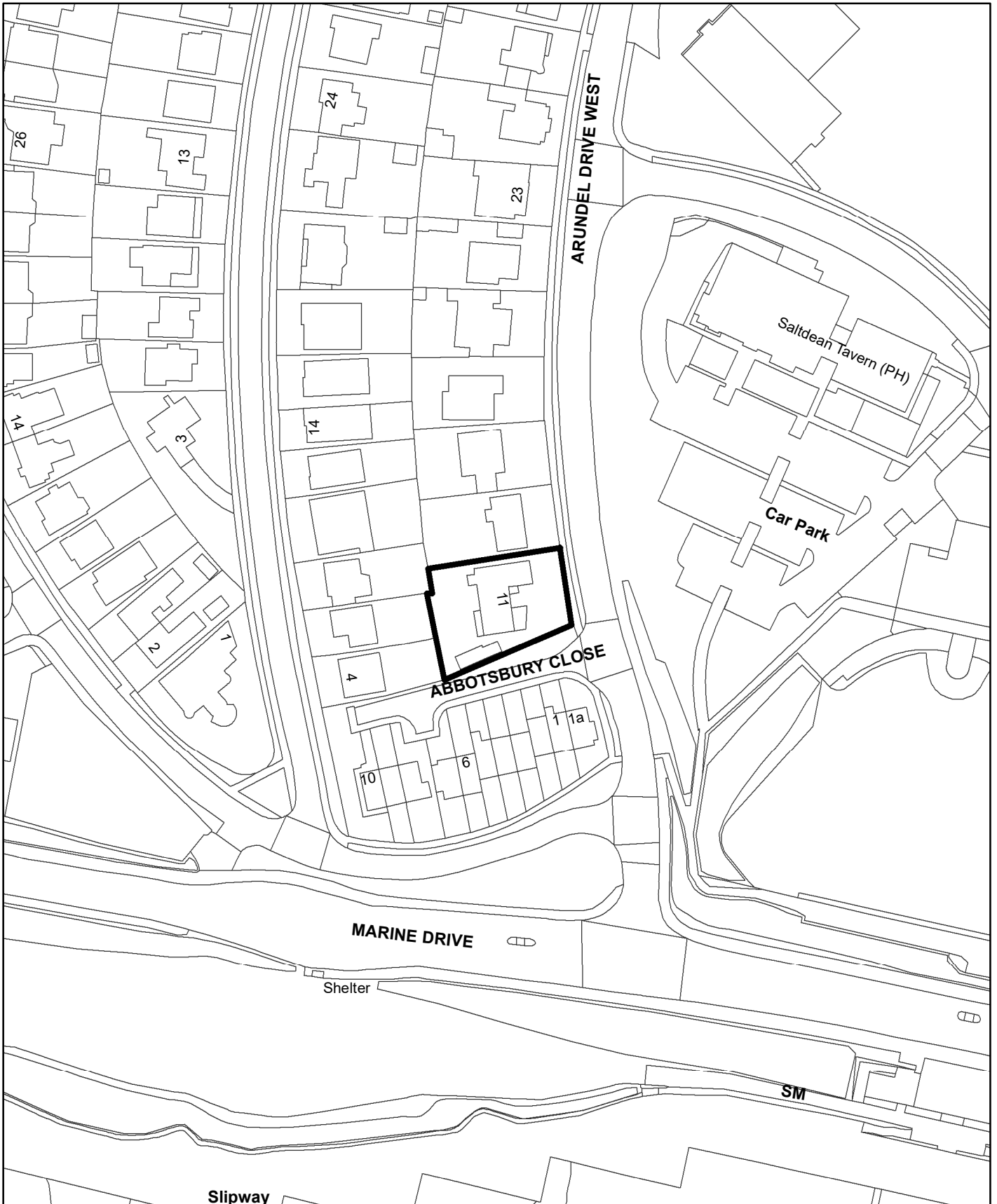
Further policy CP6 states that 'New hotel proposals will be directed firstly to the central Brighton area.'. This new visitor accommodation is proposed in Hove and therefore not consistent with this approach.

ITEM H

**11 Arundel Drive West
BH2021/00119
Householder Planning Consent**

DATE OF COMMITTEE: 7th April 2021

BH2021 00119 - 11 Arundel Drive West



N



Scale: 1:1,250

<u>No:</u>	BH2021/00119	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	11 Arundel Drive West Saltdean Brighton BN2 8SJ		
<u>Proposal:</u>	Roof alterations incorporating hip to gable extension and raising of ridge height, 11no rooflights to front, rear and side slopes, revised fenestration, demolition of existing conservatories and associated alterations.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	27.01.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.03.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	14.04.2021
<u>Agent:</u>	Archangels ARCHITECTS Ltd 3 Dorset Place Brighton BN2 1ST		
<u>Applicant:</u>	Justine and Peter Crawley 11 Arundel Drive West Saltdean Brighton BN2 8SJ		

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	20116-P-010		14 January 2021
Proposed Drawing	20116-P-011		14 January 2021
Location and block plan	20116-P-001		14 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. No development of the works here by approved 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 brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) details of all zinc roofing to be used, including details of seaming, thickness and colour.

- c) details of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) details of all other materials to be used externally

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

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

- 4 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.

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

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

Informatives:

- 1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2. 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 single storey detached bungalow located on the western side of Arundel Drive West. The area has an eclectic mix of styles and sizes of housing comprised of modest single storey bungalows and two storey houses. To the north lies a higher two storey detached house. To the south is public highway (Abbotsbury Close) and then two and three storey houses. To the west (rear) are the rear of two-storey detached properties which front onto Chichester Drive West; these properties are elevated and overlook the application site.

3. RELEVANT HISTORY

3.1. The application site has no planning history.

15 Arundel Drive West

3.2. **BH2016/05772** - Remodelling of existing bungalow including erection of additional storey incorporating rooflights with garage and porch extension to front elevation. **Approved** 01/03/2007

4. APPLICATION DESCRIPTION

4.1. Planning permission is sought for roof alterations incorporating hip to gable extension and raising of ridge height, 11no rooflights to front, rear and side slopes, revised fenestration, demolition of existing conservatories and associated alterations.

5. REPRESENTATIONS

5.1. **Seven (7)** total received comprising five (5) unique letters, one (1) repeat letter and one (1) discounted letter have been received objecting to the proposed development on the following grounds:

- Height
- Amenity harm
- Overshadowing
- Overdevelopment
- Would affect views
- Poor design
- Impact on Listed Building

5.2. As five valid objections have been received, the application can no longer be determined under delegated powers and is referred to Planning Committee for a decision.

5.3. The repeat letter, and letter discounted due to distance from the proposed development, have both been considered in the assessment of the application, but are not counted in the total needed to trigger determination by planning committee.

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 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

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 relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20 Protection of Amenity
DM21 Extensions and alterations

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 change in form, creating a larger property that is extended in height, with a very contemporary appearance. It is recognised, and has been pointed out in various objections, that the bulk and massing would increase over the existing dwelling. The proposal would also remove existing small front and rear extensions which would not be replaced but are proposed as terraced areas.
- 9.3. The property currently comprises a L shaped hipped form of roof. The proposed gable roof would improve the appearance of the host building, offering a more integrated design, with the increased glazing creating a more contemporary façade. Gable roofed properties are in close proximity, such as neighbouring No.13 to the side and No.4 & No.6 Chichester Drive West to the rear, it would therefore be in keeping. The proposed works would not extend the building any further towards the rear or front boundary.
- 9.4. 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 only increase by approximately 1 metre, and it would still be lower than surrounding properties and development in the area so is considered to be in keeping.
- 9.5. 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. The area has no predominant design style and form with an eclectic mix of one and two storey properties with varying forms of roof, elevational material and colour.
- 9.6. The footprint of the property would not increase and would involve the removal of small extensions to the front and rear which are considered to improve the overall appearance, with the creation of clearer less articulated elevations. The terrace created to the front elevation, after removal of the extension, is considered in keeping with proposed design.
- 9.7. The amount of rooflights would increase over the existing and such a number would not normally be acceptable, but as the existing property already has a substantial number and the design seeks to reduce the perceived degree of overlooking and need for rear dormers by utilising rooflights to allow light into the additional accommodation created, it is considered the number proposed would not warrant refusal on this occasion.
- 9.8. The proposed works would be constructed in brick with white painted render. The new roof would be finished in seamed zinc of a grey colour. The new fenestration would be aluminium and finished in a grey colour. The new rooflights would be low profile. The materials are considered acceptable and would not appear incongruous. The surrounding area has a mixture of material finishes and styles with the use of brick, timber and render for elevations, of

varying colours from white to black. The surrounding roof finishes are predominantly tiled, with brown, red and green colours. The fenestrations in the streetscene are varied with a white, brown and black upvc of mixed styles and the occasional black timber leaded window. The proposed works materials and colour would therefore complement the existing varied streetscene and cause no disruption. The full details of the materials and final forms would be conditioned to be provided prior to commencement of the proposed works.

- 9.9. The existing building offers little architectural merit and its retention as existing 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. Some comments received have raised that the proposed design would have an adverse impact on the Grade II* Listed Saltdean Lido. Due to the distances involved and the visibility the proposed works, the application is not considered to have any detrimental impact on the setting of the Saltdean Lido.
- 9.11. 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

- 9.12. 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.
- 9.13. 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 north elevation are located at ground level and provide no substantial views. The new rear ground floor windows are not considered to provide vantages and overlooking in excess of that already existing or what would normally be expected from residential gardens in this area
- 9.14. The new rear rooflights windows increase the opportunity of elevated overlooking of neighbouring properties, however due to the relatively small-scale skyward facing windows - serving only bedrooms and bathrooms, with a degree of mutual overlooking already existing, no substantial harm to privacy is expected.
- 9.15. The new terrace on the front elevation is small scale, located at ground level and is replicated by other properties in close proximity, due to this and the

location adjacent to highway not abutting surrounding properties, the terrace is considered to cause no significant harm to amenity.

- 9.16. The raising of the roof height and new form would lead to a small reduction in the view for the properties that occupy Chichester Drive West to the rear, who have submitted the majority of objections to this scheme. However, a right to a view and retention of the same is not a material consideration in the determination of this application.
- 9.17. The proposed works would have no overbearing or overshadowing effects to the properties to the rear, due to the distances involved and the elevated position of these properties in comparison to No.11 Arundel Drive West. The neighbouring property to the side No.13 would see an increase in the bulk and massing to their southern boundary, with the proposed gable end having the most impact. However, any overbearing effects are not considered to cause substantial harm due the continued separation between the properties and raising of the roof being only 1 metre. Any overshadowing effects would appear to be contained to midday with morning and afternoon largely unaffected, from an assessment of the plans, and therefore not considered to cause such harm to warrant refusal.
- 9.18. 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

- 9.19. 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.
- 9.20. To ensure that the appearance of the host property is maintained and to limit any potential impacts on amenity, permitted development rights for additions and alterations to the roof would be removed (Classes B & C), which would enable the LPA to fully assess and control any further works to the roof. A condition would be attached to that effect.
- 9.21. 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:

- 9.22. 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

NEW APPEALS RECEIVED 11/02/2021 - 10/03/2021

<u>WARD</u>	BRUNSWICK AND ADELAIDE
<u>APPEALAPPNUMBER</u>	BH2020/01331
<u>ADDRESS</u>	40 Wilbury Road Hove BN3 3JP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 2no three storey, three bedroom dwelling houses (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	25/02/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	BRUNSWICK AND ADELAIDE
<u>APPEALAPPNUMBER</u>	BH2020/02530
<u>ADDRESS</u>	2D Lansdowne Place Hove BN3 1HG
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from 7no bedroom House in Multiple Occupation (Sui Generis) to 8no-bedroom House in Multiple Occupation (Sui Generis).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/02/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	GOLDSMID
<u>APPEALAPPNUMBER</u>	BH2020/00781
<u>ADDRESS</u>	Palmer and Harvey House 106-112 Davigdor Road Hove BN3 1RE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a new six storey building comprising 43no flats (C3), with undercroft parking, associated access and landscaping.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	05/03/2021
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2020/01393
<u>ADDRESS</u>	143 - 144 Islingword Road Brighton BN2 9SH
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing shop (A1) and 3no flats (C3) to create shop (A1) and 5no flats (C3) incorporating the erection of a three storey rear extension and alterations to fenestration to the rear.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS

APPEAL RECEIVED DATE 25/02/2021
APPLICATION DECISION LEVEL Delegated

WARD

HOLLINGDEAN AND STANMER

APPEALAPPNUMBER

BH2020/00999

ADDRESS

12 Reeves Hill Brighton BN1 9AS

DEVELOPMENT DESCRIPTION

Change of use from single dwelling house (C3) to five bedroom small house in multiple occupation (C4).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

18/02/2021

APPLICATION DECISION LEVEL

Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEALAPPNUMBER

BH2020/01765

ADDRESS

92 Southall Avenue Brighton BN2 4BB

DEVELOPMENT DESCRIPTION

Change of use from 3 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4), and the erection of a single storey rear extension and rear decking (part-retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

24/02/2021

APPLICATION DECISION LEVEL

Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEALAPPNUMBER

BH2020/02586

ADDRESS

118 Newick Road Brighton BN1 9JG

DEVELOPMENT DESCRIPTION

Change of use from six bedroom small house in multiple occupation (C4) to eight bedroom large house in multiple occupation (Sui Generis) and installation of cycle and bin stores.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

25/02/2021

APPLICATION DECISION LEVEL

Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEALAPPNUMBER

ADDRESS

26 Bevendean Crescent Brighton BN2 4RA

DEVELOPMENT DESCRIPTION

Appeal against Enforcement Notice

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

18/02/2021

APPLICATION DECISION LEVEL

Not Assigned

WARD

NORTH PORTSLADE

APPEALAPPNUMBER

BH2020/03365

<u>ADDRESS</u>	16 Graham Avenue Portslade BN41 2WL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey front extension, roof alterations incorporating side dormers and 3no side rooflights.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	19/02/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2020/02637
<u>ADDRESS</u>	Summer House Land To The South Of 44 The Cliff Brighton BN2 5RE
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for existing use as an independent single dwellinghouse (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	10/03/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	SOUTH PORTSLADE
<u>APPEALAPPNUMBER</u>	BH2020/01916
<u>ADDRESS</u>	Former Sub-Station To The Rear Of 59 Lincoln Road Portslade BN41 1LL
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from electricity substation (Sui Generis) to office (B1a) including erection of two storey office building and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	24/02/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	SOUTH PORTSLADE
<u>APPEALAPPNUMBER</u>	BH2020/02913
<u>ADDRESS</u>	263 Old Shoreham Road Portslade BN41 1XS
<u>DEVELOPMENT DESCRIPTION</u>	Erection of external fire escape stairs and access from loft floor to ground level at side and rear elevations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	26/02/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2020/01448
<u>ADDRESS</u>	31 Tidy Street Brighton BN1 4EL
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from single dwelling house (C3) to a four bedroom small house in multiple occupation (C4) (Retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS

APPEAL RECEIVED DATE 24/02/2021
APPLICATION DECISION LEVEL Delegated

WARD

WESTBOURNE

APPEALAPPNUMBER

BH2020/02754

ADDRESS

1 Pembroke Crescent Hove BN3 5DH

DEVELOPMENT DESCRIPTION

Alterations to front boundary to create larger opening for driveway with vehicle crossover. Installation of electric car charge point.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

05/03/2021

APPLICATION DECISION LEVEL

Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 24/02/2021 AND 23/03/2021

WARD

HANGLETON AND KNOLL

APPEAL APPLICATION NUMBER

APL2020/00165

ADDRESS

68 Northease Drive Hove BN3 8PP

DEVELOPMENT DESCRIPTION

Erection of front boundary wall with slatted fence, and the installation of an automated sliding gate (Part retrospective).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/00872

APPLICATION DECISION LEVEL

Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEAL APPLICATION NUMBER

APL2020/00125

ADDRESS

8 & 9 Lucraft Road Brighton BN2 4PN

DEVELOPMENT DESCRIPTION

Erection of two bedroom house (C3) joining 8 & 9 Lucraft Road, Brighton incorporating associated roof extensions, removal of existing rear garages to form garden, formation of hardstanding to front, installation of sheds and revisions to front gardens of existing dwellings and associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/02666

APPLICATION DECISION LEVEL

Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEAL APPLICATION NUMBER

APL2020/00140

ADDRESS

64 Barcombe Road Brighton BN1 9JR

DEVELOPMENT DESCRIPTION

Change of use from dwelling house (C3) to seven bedroom large house in multiple occupation (Sui Generis). (Retrospective).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2020/00893

APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**

APPEAL APPLICATION NUMBER APL2020/00180

ADDRESS 136 Ladysmith Road Brighton BN2 4EG

DEVELOPMENT DESCRIPTION Change of use from single dwelling (C3) to three bedroom small house in multiple occupation (C4).

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2020/01870

APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **MOULSECOOMB AND BEVENDEAN**

APPEAL APPLICATION NUMBER APL2020/00181

ADDRESS 95 Halland Road Brighton BN2 4PG

DEVELOPMENT DESCRIPTION Change of use from single dwellinghouse (C3) to four bedroom small house in multiple occupation (C4) and erection of single storey extension.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2020/00642

APPLICATION DECISION LEVEL Delegated

WARD **PATCHAM**

APPEAL APPLICATION NUMBER APL2021/00011

ADDRESS 167 Ladies Mile Road Brighton BN1 8TF

DEVELOPMENT DESCRIPTION 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.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2020/02335

APPLICATION DECISION LEVEL Delegated

WARD **REGENCY**

APPEAL APPLICATION NUMBER APL2020/00130

ADDRESS Russell House Russell Mews Brighton BN1 2AU

<u>DEVELOPMENT DESCRIPTION</u>	Application for variation of condition 1 of BH2016/05662 (External alterations and additions to fenestration, including access doors to existing balconies, following prior approval application BH2016/05439 for change of use from offices (B1) to 52no flats (C3)) to allow amendment to approved drawings to reduce height of glass balcony screen on fourth floor.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00614
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00153
<u>ADDRESS</u>	Land Adjacent 12 Cranleigh Avenue Rottingdean Brighton BN2 7GT
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from residential detached garage to create 1no one bedroom dwelling (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/01333
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00118
<u>ADDRESS</u>	8 Kensington Street & 30 Kensington Gardens Brighton BN1 4AJ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of an additional storey fronting Kensington Gardens and conversion of basement, first & part ground floor to provide 2no two bedroom flats (C3) incorporating front & rear rooflights, new access via Kensington Street & revised fenestration.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/02106
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WESTBOURNE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00143
<u>ADDRESS</u>	Middleton Grove Nursing Home 11 Portland Road Hove BN3 5DR

<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing timber windows with upvc windows to front, side and rear elevations of existing care home (C2).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00850
<u>APPLICATION DECISION LEVEL</u>	Delegated
