

Planning Committee

Date: **17 September 2020**
Time: **2.00pm**
Venue **Virtual Via Skype Meeting.**

Please Note: In response to current Central Government Guidance this meeting will be “virtual” webcast live and accessible via Skype. Public engagement opportunities will be available.

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

Contact: **Penny Jennings/Shاون Hughes**
Democratic Services Officers
penny.jennings@brighton-hove.gov.uk;
shaun.hughes@brighton-hove.gov.uk

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

Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

AGENDA

42 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.

43 MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 5 August 2020 (copy attached)

44 CHAIR'S COMMUNICATIONS

45 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 11 September 2020.

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

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

47 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

The Democratic Services Officer will callover each of the applications appearing on the agenda and those on which there are speakers are automatically reserved for discussion.

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.

MINOR APPLICATIONS

- | | | |
|---|--|------------------|
| A | BH2020/01466- Hill House, 53 Western Road, Hove - Full Planning | 17 - 42 |
| | RECOMMENDATION – GRANT
<i>Ward Affected: Bruunswick and Adelaide</i> | |
| B | BH2020/01467 -Hill House, 53 Western Road, Hove - Listed Building Consent | 43 - 56 |
| | RECOMMENDATION – GRANT
<i>Ward Affected – Brunswick & Adelaide</i> | |
| C | BH2020/01620 -57 Goldstone Crescent, Hove -Full Planning | 57 - 84 |
| | RECOMMENDATION – MINDED TO GRANT
<i>Ward Affected: Hove Park</i> | |
| D | BH2020/01619 -55 Goldstone Crescent, Hove - | 85 - 110 |
| | RECOMMENDATION – MINDED TO GRANT
<i>Ward Affected : Hove Park</i> | |
| E | BH2020/01973 -40 Dyke Road Avenue Brighton - Full Planning and Demolition in a Conservation Area | 111 - 126 |
| | RECOMMENDATION – REFUSE
<i>Ward Affected : Withdean</i> | |
| F | BH2020/01899 - 4 Tandridge Road, Hove - Full Planning | 127 - 142 |
| | RECOMMENDATION – GRANT
<i>Ward Affected: Wish</i> | |
| G | BH2020/01870 -136 Ladysmith Road, Brighton - Full Planning | 143 - 156 |

RECOMMENDATION – GRANT

Ward Affected : Moulsecoomb & Bevendean

H BH2019/03758- 17 Old Shoreham Road, Hove -Full Planning **157 - 174**

RECOMMENDATION – GRANT

Ward Affected: Hove Park

I BH2020/01548 -23 Trafalgar Street, Brighton - Full Planning **175 - 192**

RECOMMENDATION – GRANT

Ward Affected; St Peter's & North Laine

J BH02020/01509 -46 Queens Gardens Brighton -Full Planning **193 - 206**

RECOMMENDATION – GRANT

Ward Affected: St Peter's & North Laine

K BH2020/00995- 90 Southall Avenue, Brighton -Full Planning **207 - 222**

RECOMMENDATION – GRANT

Ward Affected: Moulsecomb & Bevendean

49 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

50 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **223 - 224**

(copy attached).

51 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

Nothing to report to this meeting.

52 APPEAL DECISIONS **225 - 226**

(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.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

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

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

ACCESS NOTICE

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- 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.

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 5 AUGUST 2020****VIRTUAL VIA SKYPE:****MINUTES**

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

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

Officers in attendance: Nicola Hurley, Planning Manager, David Farnham, Development and Transport Assessment Manager, Matt Gest, Planning Team Leader, Stewart Glassar, Planning Team Leader, Russell Brown, Senior Planning Officer, Mark Thomas, Senior Planning Officer, Michael Tucker, Planning Officer, Rebecca Smith, Planning Officer, Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE**22 PROCEDURAL BUSINESS****22a Declarations of substitutes**

22.1 There were none, it was noted that apologies had been received from Councillor Janio.

22b Declarations of interests

22.2 Councillor Theobald stated in respect of Application B, BH2020/00727, Hove Manor, Hove Street, Hove, that she had occasionally been a customer of a business located on the ground floor of the building. However, she remained of a neutral mind and would therefore remain present during the debate and decision making process.

22.3 Councillor Osborne declared a personal and prejudicial interest in Application A BH2020/00018, 19 Hollingdean Terrace, Brighton. He had written in objection to the application in his capacity as a Local Ward Councillor and would be speaking in objection after which he would leave the meeting and would take no part in the debate and decision making process.

Exclusion of the press and public

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

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

22d Use of mobile phones and tablets

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

23 MINUTES OF PREVIOUS MEETINGS**23a Minutes of meeting, 10 June 2020**

23.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 10 June 2020 as a correct record.

23b Minutes of meeting, 8 July 2020

23.2 Councillor Theobald referred to Application BH2019/01820, 19-24 Melbourne Street, Brighton (Paragraph 5) stating that she had expressed concern regarding the lack of on-site “amenity space” rather than facilities.

23.3 **RESOLVED** – That subject to the amendment referred to above the Chair be authorised to sign the minutes of meeting held on 8 July 2020 as a correct record.

24 CHAIR'S COMMUNICATIONS

24.1 The newly appointed Chair, Councillor Littman, welcomed everyone to the meeting stating that he felt genuinely honoured to be Chairing Planning Committee for the first time notwithstanding his experience having Chaired various meetings and Committees and having sat on the Planning Committee for seven years. The Chair paid tribute to his predecessor Councillor Tracey Hill, who had Chaired the committee for the last 14-months and had done so admirably being clear, even-handed, and firm where necessary.

24.2 The Chair then proceeded to a run through of the protocol that was being used whilst meetings were being held virtually. It was explained that in order to enable the meeting to run smoothly, all presentations, together

with questions submitted in advance, and answers to those questions, had been circulated, were available online, and could be referenced by all attending the meeting. Presentations took into account the fact that, following Covid19 guidelines, no site visits had been arranged, and enhanced visuals had been provided to show the context of the area under discussion. The reports had also been published in advance as usual. Arrangements for consideration of reports and for public speaking were also outlined and for regular breaks to be taken during the course of the proceedings.

25 PUBLIC QUESTIONS

25.1 There were none.

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

26.1 The Chair explained that in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged. To reflect that in depth presentation material and visuals had been circulated in advance of the meeting and had also been appended to the agenda papers published on the council website. If, however, Members considered that they required more detailed information in order to determine any application a site visit could be requested either at this point on the agenda or at any point in the proceedings.

27 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

27.1 The Democratic Services Officer read out Items 27A to J. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion. There were no major applications for consideration at this meeting.

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

- **Item D:** BH2020/01365 – 55 Baden Road, Brighton – Householder Planning Consent
- **Item G:** BH2020/01081 – Park Manor, London Road, Brighton - Full Planning

A BH2020/00018, 19 Hollingdean Terrace, Brighton - Full Planning

Demolition of the existing buildings (Sui Generis) and dwellinghouse and erection of buildings containing flexible floor space (B1 a/b/c) and four residential dwellings comprising 3, two bedroom two storey houses and a two bedroom flat with landscaping.

(1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by

reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of the development, density, the design of the proposal, landscaping and biodiversity, its impact on neighbouring amenity and on highways as well as the standard of accommodation created. There was no objection to loss of the existing residential studio which was undersized and offered a poor standard of accommodation.

- (2) It was considered overall that the scheme made a welcome contribution to the Council's housing targets and the city's supply of B1 floorspace the standard of which would be of much compared to the existing. The scheme had successfully addressed the issues raised during the pre-application process and represented effective use of the site, without compromising on design, neighbouring amenity, standard of accommodation, highways safety and sustainability and as such was recommended for approval subject to the conditions set out in the report.

Public Speakers

- (3) Ms Entwistle?—spoke in her capacity as a local objector and by virtue of her involvement with the existing Coachwerks facility on site. She stated the site was currently home to a thriving community hub which would be lost as a consequence of the proposed development, it would also have a detrimental impact on neighbouring amenity.
- (4) Councillor Osborne spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme and those of neighbouring residents. He objected for a number of reasons, on the grounds of additional traffic, overdevelopment and detrimental impact on neighbouring amenity. The proposal would result in loss of a valuable community hub and took no account of the existing free-lance office space use or the fact that the site was in active use in the evenings and at weekends. There would be no on-site parking and that would result in overspill parking which would exacerbate existing problems. The valued wholefoods grocery which was widely used locally would also be lost. Having spoken Councillor Osborne left the meeting and did not return until the application had been determined.
- (5) The Democratic Services Officer, Penny Jennings, read out a statement submitted by Councillor Fowler in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. Councillor Fowler stated that it would be overdevelopment in an area which already suffered from parking problems. The community space on site was regularly used by the community and loss of the wholefood shop would be a great loss as many local people enjoyed shopping there. It was important to support local shops and to encourage people to shop locally. During lockdown many people had said how good it had been to have such a local shop on their doorstep.
- (6) Mr Giles spoke on behalf of the applicants in support of their application stating that the application as put forward had been the result of a detailed pre-application process and had been subject to amendment in order to seek to provide the most appropriate on-site development. The existing buildings provided a very poor standard of accommodation, were in a poor state of repair and had reached the end of serviceable

and safe life. The proposed scheme would provide a flexible up to date space and multiple conditions would be attached to any permission granted.

- (7) Councillor Theobald asked why it had not been possible to provide any parking on site and Mr Giles explained that although that option had been explored that had not ultimately been considered to be a practical or safe option in view of the narrow frontage of the site and the need to cross the existing pedestrian walkway and the way that it could impinge on existing site lines. Support for sustainable transport modes had been pursued as a preferable option.

Questions of Officers

- (8) Councillor Shanks referred to the objections of the local ward councillors and local residents in respect of loss of the existing community use, asking what protection would be afforded to existing tenants. In answer to further questions it was explained that the public did not have access to most of the existing site.
- (9) Councillor Fishleigh sought clarification of statements contained in the Additional/Late Representations List, as they seemed to indicate that the proposed site density would be too great, also in relation to proposed highways arrangements. It was explained that the amount of units per hectare proposed was considered acceptable, and that conditions to ensure that a suitable travel plan was in place were considered to be acceptable.

Debate and Decision Making Process

- (10) Councillor Theobald stated that notwithstanding that the proposal would improve the appearance of this run-down site, she considered that the number of housing units proposed was too great and would be cramped in view of the size of the site.
- (11) No further matters were raised and the Committee proceeded to the vote. A vote was taken and the 8 Members present voted by 6 to 2 that planning permission be granted.
- 27.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

Note: Having declared a prejudicial interest in the above application and having spoken in his capacity as a Local Ward Councillor, Councillor Osborne left the meeting during consideration of the above application and took no part in the decision making process.

B BH2020/00727, Hove Manor, Hove Street, Hove -Full Planning

Erection of a single storey extension at roof level to create 2no two bedroom dwellings & 1no three bedroom dwelling (C3) with front terraces.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main

considerations in determining the application related to the principle of the development, design of the proposal and its impact on the character and appearance of the existing building and the Old Hove Conservation Area and the Pembroke and Princes Conservation Area, impact on neighbouring amenity and the nearby listed buildings, standard of accommodation to be provided, sustainability and transport matters.

- (2) It was considered that the provision of three dwellings would make a contribution to the housing supply of the city and in view of the guidance within Paragraphs 122 and 123 of the NPF and the Inspector's comments in the previous application this proposal was considered to be acceptable in principle as was its design and appearance. The reduced scale and change in materials to be used had overcome the previous reasons for refusal. The impact on neighbouring amenity had been reduced and was not considered sufficient to warrant refusal. Transport, ecology and sustainability implications could be addressed by conditions and approval was therefore recommended.

Questions of Officers

- (3) Councillor Miller sought confirmation of the location and dimensions of the proposed balustrading and regarding the extent to which it would project forward from the building. It was explained that these would align with the front of the building and would be set back to the rear and sides. Obscure glazing would be provided and further details regarding this treatment had been requested.

Debate and Decision Making Process

- (4) Councillor Miller stated that he was perplexed by the application considering in his view that very few changes had been made following the previous refused application. He did not feel that the previous concerns or comments of the Planning Inspectorate had been taken on board.
- (5) Councillor Theobald stated that although accepting that the balcony areas had been set back slightly she considered that the overall appearance of building was overly dominant in the street scene and was a poor design.
- (6) Councillor Osborne stated on balance he considered that the level of set back of the fenestration was acceptable and that the requirements of the Planning Inspectorate had been met, he would be voting in support of the application.
- (7) A vote was taken and the 8 Members who were present when the vote was taken voted by 6 to 2 that planning permission be granted.
- 7.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

Note: Councillor Childs was not present at the meeting during consideration of the above application.

C BH2020/00867, 12 Sussex Road, Hove- Householder Planning Consent

Erection of a single storey side extension and the installation of 3 no. rooflights.

- (1) It was noted that an in depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the design and appearance of the extension, its impact on the wider conservation area and the impact on neighbouring amenity.
- (2) It was considered on balance that the proposed form of development would not result in a significant increase in overshadowing towards the neighbouring property at 13 Sussex Road or additional overlooking of properties on Sussex Road and Victoria Cottages. The impact on adjacent properties had been fully considered and no significant harm had been identified. Although concerns had been expressed regarding potential use of the site as a short-term let, change of use had not been applied for and as such that was not a material consideration. Overall the scheme was considered to be acceptable and approval was recommended.

Public Speakers

- (3) Mr Branagh spoke in his capacity as a neighbouring objector. He did not consider that the proposed scheme was modest it would result in a significant increase to the existing envelope, there was an error in the submitted plans and it would be located very close to the boundary wall and would directly overlook their daughter's bedroom and their kitchen and garden. Removal of the tree would remove screening and this would not be adequately compensated by providing a bee brick. The scheme would result in overshadowing, overlooking and loss of amenity. The applicant did not live at the property which also gave rise to concerns that it would operate as an Airbnb.
- (4) The Democratic Services Officer, Penny Jennings, read out a statement on behalf of the applicant/agent in support of their application, stating that the proposed extension was modest, intended to improve the proportions of the existing room at the rear and in accordance with planning policies, no alterations were proposed to the front elevation in order to maintain the character of the fisherman's cottages. Concerns had been expressed regarding loss of the tree, but this was only visible from the immediately adjoining properties and from the upper storeys. The arboriculturist had confirmed the tree was inappropriately planted and was likely to damage pipework below ground. The applicants were happy to provide a bee brick as suggested and could confirm that there was no intention to operate an Airbnb.

Questions of Officers

- (5) Councillor Theobald, considered that loss of the tree was to be regretted and enquired regarding what species it was. The Planning Team Leader, Stewart Glasser, confirmed that it was believed to be an ornamental cherry, confirming however that it had not been considered worthy of a TPO and that there were concerns that it was likely to cause damage to underground pipework should it remain in situ.

- (6) Councillor Osborne also asked for clarification regarding the tree and also in respect of its proximity to the boundary wall and regarding how the assessment had been made. It was explained that having visited the site officers had made their assessment. Issues relating to the boundary wall would be subject to a party wall agreement which was covered by separate legislation and did not form part of the planning considerations.
- (7) Councillor Fishleigh sought confirmation regarding whether the adjoining passageway would be filled in as? this did not appear to be the case with any of the other properties.

Debate and Decision Making Process

- (8) Councillor Theobald stated that she was of the view that the tree to be removed would impact directly on the neighbouring property and would create a greater sense of overlooking and enclosure.
- (9) Councillor Fishleigh concurred in that view stating that it was to be regretted having bought a property of this type in a conservation area such far reaching changes were then sought which were detrimental to neighbouring amenity.
- (10) Councillor Childs considered that the proposed scheme would result in an unacceptable degree of overlooking to the neighbouring properties. In consequence he was unable to support the officer recommendation.
- (11) Councillor Osborne stated that having considered the submitted report and matters raised in response to it, on balance he considered that the proposal was acceptable notwithstanding that loss of the tree was to be regretted.
- (12) No further matters were raised and a vote was therefore taken. The 9 Members present voted by 5 to 4 that planning permission should not be granted. o. Councillor Fishleigh then formally proposed that the application be refused on the grounds that the proposed scheme would result in overlooking, loss of privacy, loss of outlook and adverse effect on trees and that was seconded by Councillor Henry. Following a brief adjournment a recorded vote was taken in respect of the alternative recommendation that the application be refused. Councillors Childs, Fishleigh, Henry Theobald and Yates voted that planning permission be refused. Councillors Littman, the Chair, Osborne Miller and Shanks voted that planning permission be granted, therefore the application was refused on a vote of 5 to 4.

- 27.2 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission on the grounds that the proposed development would result in overlooking, loss of privacy loss of outlook and adverse effect on trees. The final wording of the refusal to be agreed by the Planning Manager in consultation with the proposer and seconder.

D BH2020/01365, 55 Baden Road, Brighton - Householder Planning Consent

Erection of a two storey side extension with extension of roof above.

- (1) Following additional information which was given by the Planning Officer, this application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

27.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to Conditions and Informatives also set out in the report.

E BH2020/01399, 7 Barrowfield Drive, Hove - Full Planning

Erection of 1no. two bedroom two storey house (C3)

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of the development, the design and appearance of the proposed dwelling and the impact on neighbouring amenity, the standard of accommodation to be provided, arboriculture, transport implications and sustainability.
- (2) In view of the extant permission for the site, the proposal was considered to be acceptable in principle and the design and appearance of the proposed dwelling was considered to be acceptable as would the standard of accommodation to be provided nor would there be a detrimental impact on neighbouring amenity. It was considered that arboriculture concerns and potential transport implications could be addressed by appropriately worded conditions and approval was therefore recommended.

Questions of Officers

- (3) Councillor Theobald asked whether the floor area was smaller than on the last occasion when the application had been considered, also regarding the consultation process which had occurred expressing surprise that none of the objectors had indicated that they wished to speak. It was regrettable that apparently there had been no consultation with neighbours on the previous application. It was explained that the overall floor area was larger than previously, that all necessary statutory requirements had been met and that the same statutory process had taken place as previously.
- (4) Councillor Fishleigh referred to the potential impact on tree 9 but it was confirmed that this would not be affected by the current scheme.

Debate and Decision Making Process

- (5) Councillor Theobald stated that she considered that the proposed scheme would change the existing attractive wooded character of the area.
- (--) There was no further discussion and a vote was then taken. The 8 Members who were present voted by 6 to 1 with 1 abstention planning permission was granted.

- 27.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

Note: Councillor Childs was not present during consideration of the above application.

F BH2020/00239, 186-187 Lewes Road, Brighton - Full Planning

Demolition of existing 3no. storey commercial and residential building. Erection of a 4no. storey mixed use development consisting of 9no. two bed flats (C3) over the four floors and 1no. commercial unit with A1-A5 use on the ground floor, with associated works.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of the proposed development, the suitability of the site to accommodate the proposed development having regard to the amenity requirements of the dwellings, affordable housing, the affect upon character of the area and neighbouring residential amenity, traffic impact and sustainability. In view of the decision of the Planning Inspectorate relating to an earlier application and the extant permission it was recommended that minded to grant planning approval be given.

Questions of Officers

- (2) Councillor Shanks referred to the level of affordable housing to be provided asking whether it would be possible for the council to have allocation rights for one of the units.
- (3) Councillor Fisheigh queried the level of contribution being sought from the developers in respect of the affordable housing contribution. The level of contribution being sought appeared to be very low. It was explained that the level of contribution sought was in line with the formula agreed by the TECC Committee. Councillor Fisheigh asked whether it would be possible for a greater level of contribution to be sought from the developer but it was explained that would not be appropriate as level of contributions being sought were policy compliant in line with the scale of the development.

Debate and Decision Making Process

- (4) Councillor Yates stated that he considered that the scheme as proposed represented an improvement.
- (5) Councillor Theobald agreed stating that what was proposed would be an improvement to the existing building and would improve the appearance of the site.
- (6) Councillor Miller stated that whilst he supported the officer recommendation he considered that the materials and finishes to be used were crucial referring to nearby development where the materials used had not weathered well. As Member briefing meetings were not taking place in the traditional manner currently, he considered it

important to flag this up and to seek to ensure that Members were able to see and approve the materials to be used and asked whether to that end an informative to that effect could be added to any permission granted. Councillor Shanks concurred in that view.

- (7) It was confirmed that officers could put arrangements in place to enable that to occur.
- (8) Councillor Miller proposed formally proposed that an informative be added requiring that Members be consulted of the materials to be used and that was seconded by Councillor Shanks. A vote was taken and the 9 Members present voted unanimously that an informative be added to ensure that Members were consulted on the materials in the manner deemed most appropriate by officers. A further vote was then taken on the substantive recommendation to include reference to consultation on materials. The 9 Members present voted unanimously that planning permission be granted in those terms.

27.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives also set out in the report and the additional informative referred to above **SAVE THAT** should the s106 Planning Obligation not be completed on or before 2 October 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9.1 of the report.

G BH2020/01081, Park Manor, London Road, Brighton - Removal or Variation of a Condition

Application for variation of conditions, 2, 4, 7., 8., 9, 11 & 12 of application BH2013/01800 (roof extension to form 4no one bedroom flats and 2 no 2 bedroom flats with private roof gardens and creation of 4no car parking spaces, 1 no disabled car parking space and new cycle store) to include changes in housing units to 2no 1 bedroom flats and 4no. 2 bedroom flats (C3), increase in floorspace, alterations to elevations and fenestration.

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

27.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

H BH2020/01476, 19 Hill Drive, Hove - Full Planning

Demolition of existing garage and erection of two storey side extension, single storey rear extension and revised rear balcony, 2 no. rear dormers, revised front entrance and access, widening of existing crossover with associated alterations

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by

reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. It was also noted that minor amendments had been sought throughout the course of the application. The main considerations in determining the application related to the impact and appearance of the proposed development on the building itself, on the wider street scene and the amenities of adjacent occupiers. Concerns had been raised regarding noise disturbance and associated rubbish and debris resulting from the construction works, however they were not material planning considerations.

- (2) It was not considered that the scheme would be significantly harmful in terms of overlooking or loss of privacy and loss of the existing garage, revised front access and widened crossover and secure and accessible cycle parking were welcomed. Overall the scheme was considered to be acceptable and was recommended for grant.

Questions of Officers

- (3) Councillor Theobald referred to the proposed fenestration and enquired whether the proposed scheme would result in overlooking or overshadowing of neighbouring dwellings. It was explained that the windows at first floor level would be set back and would be obscurely glazed. There would be no direct overlooking in consequence of the development and the levels of mutual partial overlooking of neighbouring gardens would remain unchanged.

Debate and Decision Making Process

- (4) There were no further questions and Members then proceeded directly to the vote.
- (5) A vote was taken and on a vote of 7 to 2 planning permission was granted.

27.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

I **BH2020/01533, 89 Valley Drive, Brighton - Full Planning**

Erection of detached single storey outbuilding in rear garden and associated landscaping.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The application site related to a single storey detached dwelling located to the south side of Valley Drive and was located on a spacious plot with a generously sized rear garden.

- (2) Amendments had been received throughout the course of the application which had resulted in a reduced scale to the outbuilding and revised floor plans included an open-plan kitchen/living/dining area, bathroom, storage, study and gym area. Although the proposed annex would provide separate living accommodation from the main building, no bedrooms were proposed, it would share the rear garden and site access with the main building and would be ancillary living accommodation. It was considered to be a suitable addition to the site which would not harm its appearance or that of the wider area, nor result in significant harm to neighbouring amenity and therefore approval was recommended.

Questions of Officers

- (3) Councillor Theobald sought clarification regarding the manner in which the building would be configured as it appeared that it was proposed that another dwelling house was proposed. It was explained that the building would operate as an annexe to the main dwelling house and would be set well into the site and would be well below the level of the boundary fencing with the neighbouring properties.
- (4) Councillor Osborne referred to the on-site excavation works which would need to be undertaken enquiring regarding the arrangements which would be put into place for its removal and disposal. It was explained in answer to further questions that the nature of the works was not considered to be such that additional conditions over and above those usually applied to works at a domestic dwelling should be applied.
- (5) Councillor Childs expressed concern that the building could potentially be used as an Airbnb, it was explained however that this would operate ancillary to the dwelling house.
- (6) It was confirmed in response to questions of Councillor Yates that as the building was not attached to the main dwelling house it could be used separately.

Debate and Decision Making Meeting

- (7) Councillor Theobald asked whether it would be possible for a condition to be added to ensure that the building could only be used by other family members and could not be used as an Airbnb.
- (8) Councillor Yates stated that as the building was a garden structure he assumed that those residing in the main house were unlikely to let it for rowdy parties and was therefore minded to support the application.
- (9) Councillor Osborne was in agreement stating that he also considered that the design was acceptable and therefore on balance was minded to vote in favour of the application.
- (10) A vote was taken and on a vote of 8 with 1 abstention planning permission was granted.

- 27.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

J BH2020/01366, 71 Albion Hill, Brighton

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

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of the proposed development, the effects of the proposed change of use on neighbouring amenity, the standard of accommodation for future occupiers and transport matters. A mapping exercise had been undertaken indicating that there were 79 properties within a 50m radius of the application property, 7 of which had been identified as being in HMO use which amounted to 8.86%.
- (2) The use of the property as a small HMO with a maximum of 5 occupiers would not be too dissimilar to that of a family dwelling. The pattern of movement within the dwelling and to and from the dwelling might be different due to the individual lives being led rather than as a family unit. This was not however considered to be of such magnitude that it would cause significant harm. The proposed change of use of the dwelling was not considered such that it would have a significant impact on the local transport network. The site was too constrained to provide on-site cycle parking and as the site fell within CPZ V which was currently over capacity future occupiers would be restricted from applying for parking permits and this would be secured by condition. On that basis the proposal was considered to be acceptable and it was recommended that planning permission be granted.

Public Speakers

- (3) The Democratic Services Officer, Penny Jennings read out statements on behalf of the Local Ward Councillors, Councillors, Gibson and Powell who had submitted letters of objection to the proposed change of use setting out their concerns and those neighbouring residents. Both were in agreement that the increasing number of student developments and HMO's in the area were having a detrimental impact on the character of the area, it was being changed as a result of the transient population which was changing the residential balance. They did not agree that the current percentage of HMO's was not? already greater than 10%. The increase in the number of such units was also detrimental in terms of additional comings and goings and created greater stress on the existing road network and on overspill parking beyond the CPZ. They were strongly of the view that further proliferation of such uses should be resisted.

Questions of Officers

- (4) Councillor Fishleigh asked whether the Electoral Roll was used when checking to ascertain whether a dwelling was an HMO. The Planning Manager, Nicola Hurley, explained that although the electoral Register was not used a number of checks were used when seeking to determine whether a dwelling was in use as an HMO, including, checks made against council tax records. If exemptions were in place further checks were made against licensing records. Councillor Fishleigh also asked whether increased waste generation was a material planning consideration and it was confirmed that it was not.

Debate and Decision Making Process

- (5) Councillor Shanks stated that she considered that going forward it might be appropriate for the criteria used when assessing HMO's to be revisited, perhaps when approving the City Plan Part 2. It appeared that the number of such uses was creeping upwards in certain areas of the city.
- (6) Councillor Osborne stated that he considered that the definition of what constituted an HMO could be open to interpretation, noting that in this instance most of the units were above national space standards, although the living/dining area fell slightly below that. On balance he considered that there were insufficient grounds for refusal in this instance but was in agreement that the growing trend towards HMO's in certain parts of the city needed to be monitored.
- (7) Councillor Childs stated that he was unable to support the application considering that the further proliferation of such uses in an area had a negative impact on local residents.
- (8) A vote was taken and on a vote of 7 to 1 with one abstention planning permission was granted.

27.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

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

28.1 Please refer to the note set out at Item 26 above.

29 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

30 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

31 APPEAL DECISIONS

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

The meeting concluded at 4.40pm

Signed

Chair

Dated this

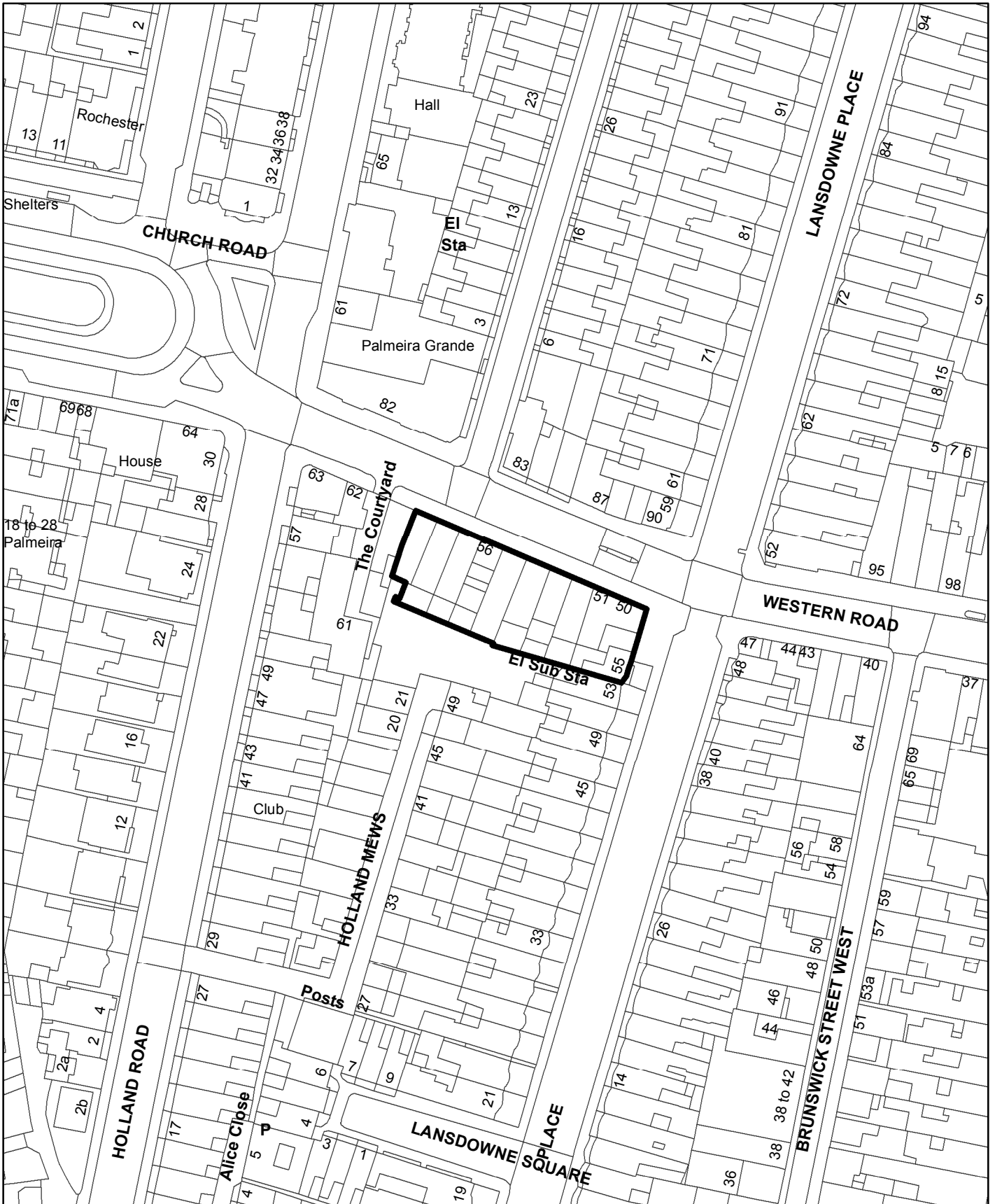
day of

ITEM A

**Hill House, 53 Western Road
BH2020/01466
Full Planning**

DATE OF COMMITTEE: 17th September 2020

BH2020 01466 - Hill House, 53 Western Road



Scale: 1:1,250

<u>No:</u>	BH2020/01466	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hill House 53 Western Road Hove BN3 1JD		
<u>Proposal:</u>	Proposed roof extension to adapt the existing mansard roof and provide 8no additional flats (C3) incorporating new terraces for the third and fourth floors, replacement of all windows, improvement of the existing third floor residential accommodation and associated works.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	01.06.2020
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	27.07.2020
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<u>Applicant:</u>	Hill House Investments Limited 8A Ship Street Brighton BN1 1AD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **2nd October 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11.1 of this report:

Section 106 Head of Terms:

Affordable housing:

- 20% financial contribution (calculated at £477,500)

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	1967-P-021	A	30 July 2020
Proposed Drawing	1967-P-022	A	30 July 2020
Proposed Drawing	1967-P-023	B	21 August 2020
Proposed Drawing	1967-P-024	B	21 August 2020
Proposed Drawing	1967-P-025	A	30 July 2020
Proposed Drawing	1967-P-026	A	30 July 2020
Proposed Drawing	1967-P-027	A	30 July 2020

Proposed Drawing	1967-P-028	A	30 July 2020
Proposed Drawing	1967-P-029	A	30 July 2020
Proposed Drawing	1967-P-030	A	30 July 2020
Proposed Drawing	1967-P-031	A	25 August 2020
Proposed Drawing	1967-P-032	A	21 August 2020
Proposed Drawing	1967-P-033		01 June 2020
Proposed Drawing	1967-P-034		01 June 2020
Proposed Drawing	1967-P-035		01 June 2020
Proposed Drawing	1967-P-036		01 June 2020
Location Plan	1967-P-001		01 June 2020
Block Plan	1967-P-003		01 June 2020
Report/Statement	Daylight and Sunlight Assessment	Issue 4	21 August 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 other than demolition 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:

- a) samples of all metal cladding and tiling; and
- b) specification documents for the balustrades and decking / hard surfacing to the terraces (which shall be porous or permeable, or adequate means or drainage shall be provided).

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, HE3, HE6 and HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4.

- a) No development other than demolition shall take place until 1:20 scale elevational drawings and sections and 1:1 scale joinery sections of all new windows including their reveals and sills, and doors within the extension hereby approved 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.
- b) No window replacements shall take place until 1:20 scale elevational drawings and sections and 1:1 scale joinery sections of them, their reveals and sills have been submitted to and approved in writing by the Local Planning Authority. The windows shall be metal framed. The works shall be carried out and completed fully in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14, HE3, HE6 and HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. Sixteen swift 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 SPD11.
6. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan.
7. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with Policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14.
8. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date;
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
 - (v) Details of hours of construction including all associated vehicular movements;
 - (vi) Details of the construction compound;
 - (vii) A plan showing construction traffic routes.
- The construction shall be carried out in accordance with the approved CEMP.
Reason: To protect amenity, manage highway safety and waste throughout development works and to comply with Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, and SPD03 Construction and Demolition Waste.

9. No development, including demolition or excavation, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
11. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Swift 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.
3. The applicant is advised that the scheme required to be submitted by Condition 7 should include the registered address of the completed development; an invitation to the Council as Local Highway Authority (copied to the Council's Parking Infrastructure Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
4. 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.
5. The water efficiency standard required under Condition 11 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD)

Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a four storey building known as Hill House, the central part of which features a mansard roof, with a pitched roof over the eastern part and curved bays. Several gaps are positioned through the roof of the building to provide central lightwells to the existing flats. The building is located on the southern side of Western Road (the B2066) between the junctions of Lansdowne Place to the east and Holland Road to the west, and opposite the junction with Lansdowne Street. Holland Mews is directly to the rear (west).
- 2.2. Hill House contains flats (Planning Use Class C3) over the first, second and third floors with the street address of 53 Western Road. There are also commercial units in a variety of use classes underneath the flats that do not form part of the proposals.
- 2.3. The building is within the Brunswick Town Conservation Area and subject to an Article 4 Direction, limiting 'permitted development' rights. It is not a statutory listed building, although it is locally listed. It is, however, in the vicinity of several Grade II listed buildings at 33-55 Lansdowne Place, 62 and 63 Western Road (The Wick pub) and 86 and 87 Western Road. The site is also within Controlled Parking Zone (CPZ) M.
- 2.4. The current application seeks planning permission for a roof extension to adapt the existing mansard roof and provide eight additional flats (Planning Use Class C3) comprising 2No. three-bed, 4No. x two-bed, 1No. x one-bed flats and a studio. The scheme provides terraces for the new flats and also incorporates new terraces for some of the third floor flats, replacement of front and side windows, improvement of the existing third floor residential accommodation and associated works. There have been minor changes made during the course of the application to the lower floor windows, to obscure glaze the dining room side-facing windows to Flat 8 and remove the greenery to the private terraces.

3. RELEVANT HISTORY

- 3.1. **BH2020/01467:** Listed Building Consent for a proposed roof extension to adapt the existing mansard roof and provide 8no additional flats (C3) incorporating new terraces for the third and fourth floors, replacement of all

windows, improvement of the existing third floor residential accommodation and associated works. Awaiting determination (this Committee).

3.2. **PRE2019/00267:** Proposed roof extension to adapt the existing modern central mansard roof (flats numbers to remain unchanged) and provide an additional 8 flats (1, 2 & 3 bed) in a new set-back roof extension. Proposals will require associated alterations and extensions to circulation cores to connect to the new roof level accommodation. Response issued 30 January 2020 giving the following advice:

- The provision of eight flats contribute to the Council's housing target and are therefore supported in principle, but it must be demonstrated that the unit mix, type and tenure addresses an identified housing need;
- An affordable housing contribution in lieu of on-site affordable units must be provided;
- The demolition of the existing mansard is supported and the impact of the proposed two storey extension on the locally listed host building, the setting of nearby listed buildings and on the Brunswick Town Conservation Area would be negligible to beneficial;
- Numerous alterations could be made to the host building to improve its appearance, and should be considered as part of the forthcoming application;
- The additional storeys could overshadow and reduce natural light to adjacent dwellings, which will need to be tested with the finding presented within a report;
- The flats should provide adequate bedroom sizes, sufficient floor to ceiling heights and maximise daylight and sunlight;
- The proposal should deliver measurable biodiversity improvements; and
- The proposal should be car-free since given the very high levels of permit uptake within the CPZ.

4. REPRESENTATIONS

4.1. **Fifteen (15) objections**, five of which are from properties directly affected, have been received to the proposal for the following grounds:

- The balconies would be an invasion of privacy of properties and gardens.
- Construction vehicles along a one way road already very busy with cars will cause huge traffic congestion and endanger elderly people, pets and school children. It is unclear how and where will materials arrive at site.
- The design is very poor and will cause harm to the host building and devalue houses.
- The noise from building will cause disruption to businesses, inhibit working from home and poses a strain to mental health.
- There has been a woeful lack of consultation of residents of Holland Mews during the process.
- The proposal lacks a plan to address construction duration, site access for construction, parking for tradespeople, the level of noise and disruption to neighbours and the level of air pollution / dust caused.

- No thought has been given to access for emergency vehicles, particularly given the installation of the restricted access gates.
- The addition of another storey to the subject building will materially reduce the amount of sunlight properties will receive, which is already low.
- The proposal seems an obvious overdevelopment of the site, both in going against the character of the conservation area and with regards to the already extremely limited parking availability for the existing residents.
- The scaffolding covering the building will cause a loss of light for some time and will make social distancing difficult for pedestrians.
- The upheaval for the residents and the surrounding area does not warrant the development of just 8 new flats.
- This development would build over skylights, meaning that some rooms would be windowless, and would also mean the removal of both bedroom windows.
- The fourth floor would make the building shake even more when a bus / lorry goes past and when there are strong winds.
- While the application states there are no waiting lists for permits in CPZ M, all on-street parking spaces are filled in the evening and visitors often have to park many streets away.

4.2. **The Conservation Advisory Group (CAG)** have raised an objection (6 votes for refusal, 3 for approval and 1 abstention) for the following reasons:

- Harm may be caused to the setting of Holland Mews by the additional storey which could be set back to mitigate the impact.
- The replacement fenestration needs to be set back from the face of the building.
- More detail of the proposed windows is required, perhaps after consultation with a historic window specialist such as Charles Brooking.
- The pavement mosaic is not given sufficient attention.
- More information about access for construction traffic is required.
- The setting of Grade II listed 55 Lansdowne Place would be compromised.
- The design of the additional storey as viewed from the north was nevertheless praised.

4.3. **Councillor Clare** has objected to the proposal and although her representation referred to the listed building application it raised other amenity issues. Therefore, a copy of the correspondence is attached to this report too.

5. CONSULTATIONS

5.1. Heritage:

This proposal is very similar to the scheme previously submitted for pre-application advice.

5.2. As advised previously, it is considered that the 1980s mansard roof is clearly visible over the middle section of the block and makes no positive contribution to the appearance of the building or the character of the conservation area,

and its removal and replacement with a roof extension that better enhances the 1920s re-styling of this terrace is supported.

- 5.3. It has been demonstrated that a reduction in the existing top floor depth can be achieved as part of the removal of the mansard, and therefore the increased overall height of the two new floors would amount to an increase overall of less than a full storey height. These new floors would also be set back from the existing facades thereby moderating the impact.
- 5.4. The Heritage Team considers that the replacement of the mansard roof with the proposed roof extension would not cause harm to the significance of the locally listed building.
- 5.5. The impact of the increased height on surrounding views is shown in the wider viewpoints submitted and demonstrates the impact of the increase in height on the conservation area generally. The Heritage Team considers that this is favourably balanced by the improved design approach when compared to the existing mansard and the impact would be negligible to beneficial.
- 5.6. The impact on 55 Lansdowne Place is also illustrated, which is the closest listed building to the proposal and potentially the historic asset that would be most affected by the alteration.
- 5.7. The 'Lansdowne Place South view 3' in the Design & Access Statement (DAS) shows that the silhouette of no. 55 will be affected by the proposed additional floor, but from more distant viewpoints and this is not the case from immediately opposite the property, and that these other views also demonstrate that the impact on more distant listed buildings would be low. It is considered that this would amount to less than substantial harm and could be adequately balanced by other enhancements discussed at pre-application stage.
- 5.8. It is considered that the opportunity to improve the poor appearance of the bland and poorly detailed rear elevation should be taken as part of this proposal. This appearance, made worse by its scale, has a detrimental impact on Holland Mews to the south. The re-configuration of the windows may be possible to improve natural light levels for the existing flats.
- 5.9. The existing north, east and west facing windows were also identified at pre-application stage as having a poor impact on the building. Slim metal-framed windows taking influence from those that previously existed in the building, or other similarly styled 1920s buildings would be encouraged.
- 5.10. In addition, the filled-in southern, east-facing coffee shop window was identified as detrimental and improvements were encouraged, along with the restoration of the damaged floor mosaic on the area between the building and the footpath.
- 5.11. Enhancement measures are mentioned in the DAS, but no mention of the restoration of the mosaic is made, and this is of concern. None of these works

are included on the proposed drawings and the DAS states that improvements to the existing building are shown indicatively and are subject to viability assessments. As a result, the likelihood of these works taking place is uncertain. It is considered that enhancements are required to balance the identified harm to 55 Lansdowne Place. Therefore, more certainty is required before full heritage support is possible.

- 5.12. Drawing no. 1967-P-031 (Proposed South Elevation) appears to show a broken frontage at third and fourth floors with two broad recesses that would provide relief at high level on this otherwise plain façade. However, the reconfiguration of the third-floor level shown on drawing no. 1967-P-022 does not appear to show these breaks. Clarification should be sought on this point.
- 5.13. **Transport: Recommend approval**
No changes are proposed to the pedestrian access arrangements onto the adopted (public) highway and this is deemed acceptable.
- 5.14. Cycle parking compliant with SPD14 Parking Standards is not requested as the site appears to be constrained and unlikely to be able to accommodate any spaces. It is also noted that there is several secure cycle parking and Bike Share facilities available to the general public on-street in the vicinity of the site.
- 5.15. There are somewhat limited opportunities for free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park. Blue Badge holders are also able to park on double yellow lines for up to 3 hours in the vicinity of the site. Therefore, the lack of dedicated, for sole use only on-site disabled car parking is not considered to be an issue.
- 5.16. No significant alterations to the current servicing and delivery arrangements to this site and this is deemed acceptable.
- 5.17. No changes are proposed to the existing vehicle access arrangements onto the adopted (public) highway in Holland Mews and this is deemed acceptable.
- 5.18. No changes are proposed to the existing basement car parking arrangement and no car parking spaces are proposed for the 8 flats, which is in line with the maximum standards and therefore deemed acceptable.
- 5.19. This section of Western Road Hove is located in Controlled Parking Zone (CPZ) M. The proposed development will generate overspill parking on nearby streets, but a parking survey was not provided to demonstrate the existence of sufficient on-street capacity to absorb this level of overspill. The average 12 month percentage permit uptake for this CPZ is 99% and it is considered that these levels of uptake demonstrate that the CPZ is likely to be over-capacity (80% uptake being a typical threshold). This leads to a legitimate concern that there is insufficient spare capacity below the transport planning industry standard 85% bay occupancy threshold to accommodate the amount of overspill generated, leading to circulating traffic and higher road safety risks. As such, this site should be made “car-free” by restriction of on-street parking permits by condition.

5.20. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity. Developer contributions for carriageway related improvements will not be sought.

5.21. **Environmental Health:**

Approve with conditions relating to a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP)

5.22. **Private Sector Housing:**

It might be worthwhile at the design stage making the requirement for a water mist system to be installed in Unit 4, mitigating the fire safety risk of combined living / sleeping area to an acceptable level.

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 Joint Area Action Plan (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The Council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP8 Sustainable Buildings
CP9 Sustainable Transport
CP10 Biodiversity
CP12 Urban Design
CP15 Heritage
CP19 Housing mix
CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
SU10 Noise nuisance
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE10 Buildings of local interest

Supplementary Planning Documents:

SPD09 Architectural Features
SPD11 Nature Conservation and Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

Supplementary Planning Guidance

SPGBH9 A Guide for Residential Developers on the Provision of Outdoor Recreation Space

Other Documents

Developer Contributions Technical Guidance - June 2016
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, affordable housing, design and heritage, biodiversity and landscaping, the impact on neighbouring amenity, the standard of accommodation created, the impact on the highway, and sustainability.

In view of the ongoing COVID-19 travel restrictions a site visit has not been conducted. It has been possible to fully assess the application based on available photographic records of the site and surrounding area.

Principle of development:

- 8.2. 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.
- 8.3. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to four 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).
- 8.4. The site counts as a small 'windfall site', bringing the benefit of providing eight additional housing units to the city, and contributing to the City's ongoing five year supply requirements and meeting the Council's target of 4130 new homes within the built up area. A net increase of eight dwellings (such as that in this proposal) would represent a small contribution.
- 8.5. City Plan Part One Policy CP19 outlines that sites coming forward as 'windfall' development, such as this one, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. All new residential development shall have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities.
- 8.6. Paragraph 4.213 of the supporting text outlines that an estimated 65% of the overall need / demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively), 24% for 1 bedroom properties and 11% for 4+ bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively).
- 8.7. The housing mix is proposed to be 2 x three bed, 4 x two bed and 2 x one bed (one is a studio). It is noted that 3 x two beds, 2 x three beds, 2 x one beds and a four bed would need to be provided in order to be fully compliant with paragraph 4.213. Another three bed flat has been provided compared to the pre-application scheme and it is considered that the provision of more two beds, which are in most demand within the city, would be more appropriate than a four bed dwelling which tend to be large family units where future occupiers would reasonably expect a substantial external amenity space, usually in the form of a garden, and at least one private car parking space, neither of which can be achieved on this site. As such, the unit mix is considered acceptable and would meet the need in the city to provide more family-sized housing.

- 8.8. As such, no in-principle objection is raised to the proposal, and which is considered to be compliant with Policies SS1 and CP19.

Affordable Housing:

- 8.9. It is noted that the applicant is willing to pay the 20% financial contribution (calculated at £477,500) as set out in City Plan Part One Policy CP20 for development of between 5 and 9 dwellings. This contribution can be provided in the form of a Unilateral Undertaking or a Section 106 Agreement.

Design and Heritage:

- 8.10. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.11. 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.
- 8.12. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.13. The modern mansard roof is clearly visible over the middle section of the block and makes no positive contribution to the appearance of this locally listed building or the character of the Brunswick Town Conservation Area, and its removal and replacement with a roof extension that better enhances the 1920s re-styling of this terrace is supported. No objection is raised to the demolition of the existing pitched roofs and parts of the parapets.
- 8.14. The proposals would involve a reduction in the existing top floor depth and therefore the increased overall height would be less than the equivalent of two full storeys. These new floors would also be set back from the existing facades to the front and side at both floor levels thereby moderating the impact on the host building and in views from the surrounding area. This also results in the retention of the feature curved corner walls.
- 8.15. The impact of the increased height on surrounding views is shown in the submitted information, and this was tested on site with particular reference to 55 Lansdowne Place, which although incorporated internally into Hill House, externally is visibly distinct and is separately listed at Grade II. This is the closest listed building to the proposal and the historic asset that would be most affected by the extension. However, Officers are satisfied that the proposed roof extension would only be glimpsed above the parapets of nos. 53 and 55 from acute views at ground level on Lansdowne Place. It is therefore considered that the proposal would not have a harmful impact on the setting of the listed building and would be favourably balanced by the improved design approach and the enhancements to the existing windows.

- 8.16. The wider viewpoints in the submitted Design Statement demonstrate the impact of the increase in height on the conservation area generally. It is considered that this is favourably balanced by the well-considered design approach and the impact would be negligible to beneficial.
- 8.17. The resulting form is appropriate to the existing roofscape and whilst views cannot be had of the buildings on the south side of Western Road between Palmeira Square and Brunswick Place, it has been demonstrated that its height in relation to the neighbouring roof forms is appropriate.
- 8.18. The proposed additional storeys employ a 'layered' roof profile to unify the whole building and incorporates vertical elements along the northern facade that reflect the existing colonnade spanning across below. This design approach ties in with picking up more subtle elements with an alternative palette of materials and lightweight design with more glazing, which have been developed since pre-application stage.
- 8.19. The pre-application advice outlined that the proposed additional storeys should be of an alternative material to a rendered finish in order to enrich the architectural quality of the existing building. The predominant materials are proposed to be anodised light grey / 'champagne' colour ppc (polyester powder coated) metal to the external walls and grey coloured curved ceramic tiles to the column features in-between the glazing, which are considered appropriate subject to samples that will be secured by condition. The light grey aluminium window, doors, soffit and roof trims would tie in with those materials, and the use of single ply membrane for the flat roof is considered acceptable because it would not be visible. Similarly, the lift overrun that would be finished in either light grey ppc cladding or single ply membrane. The balustrading would mostly be non-transparent with aluminium trims that fits with the modern design approach.
- 8.20. The glazing picks up the alignment of the large lower floor windows and follows the symmetrical arrangement found on the Lansdowne Place and Western Road façades. The west-facing window to the kitchen of Flat 3 has been enlarged to provide more natural light, but still follows the hierarchy of windows on the lower floors.
- 8.21. The proposed configuration of units in a manner similar to the existing floors is considered appropriate. The private terraces, particularly to four of the re-provided third floor flats, are a welcome addition.
- 8.22. The scheme is considered to elevate the appearance of the existing building and has been designed in conjunction with improvements to the existing building, those predominantly being the replacement of the windows on lower floors in addition to the removal of internal corridor steps to improve accessibility on the third floor and the aforementioned terraces. It is also worth noting that the stepped profile of the proposed fourth floor would add much-needed depth, shadow and interest to the somewhat dull rear elevation.

- 8.23. The existing north, east and west facing windows to the host building are clumsy, modern, but dated replacements with side opening casements set centrally within fixed glazing. The revised elevations show that these windows would be replaced as part of these proposals. The window design inherits clues from the old 'Hills of Hove' department store and those to the middle floors would be higher since the windows for each floor are different sizes to create an interesting hierarchy up the building. Photos from the 1980s appear to show slim metal framed windows with margin lights and therefore uPVC would not be acceptable. It is recommended that detailed drawings be secured by condition.
- 8.24. It is considered that only a few of the improvements suggested at pre-application stage would be sufficient to outweigh the 'less than substantial harm' caused to the Grade II listed building at 55 Lansdowne Place identified by the Heritage Officer. NPPF paragraph 196 requires that the harm should be weighed against the public benefits of the proposal. Whilst ideally all of these works would be undertaken, it is considered that window replacements to the north, east and west-facing elevations would be the most important improvement that could be undertaken.
- 8.25. Officers note the problems faced in terms of improving the appearance of the rear elevation with multiple tenancies in place. It is recognised that the tenant of the premises that has been identified as having a filled-in southern, east-facing window has recently vacated and therefore Officers consider that this and the damaged floor mosaic should be revisited once occupancy of the unit has taken place and the needs of the new tenant have been assessed.
- 8.26. As such the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15, Local Plan Policies QD14, HE3, HE6 and HE10.

Biodiversity and Landscaping:

- 8.27. The greenery indicated on the proposed terraces has been removed in order to make them more usable and therefore in order to provide a net gain in biodiversity on the site it is considered that 16 swift boxes should be secured by condition. It is noted that there is no existing biodiversity on site.
- 8.28. The material for the new areas of decking to the proposed terraces is recommended to be secured by condition to ensure it is porous or permeable, or that adequate drainage is provided to the terraces.

Impact on Neighbouring Amenity:

- 8.29. 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.
- 8.30. The main impact from the proposal would be on the properties below and opposite; the first and second floor flats within Hill House and 83-90 Western Road respectively. However, it is noted that the daylight and sunlight assessment submitted has also assessed the impact on Palmeira Grande at 82 Western Road to the north west; 57 Holland Road, 60 and 62 Western Road

to the west; and, to the south, 44-48 and 49-53 Lansdowne Place plus 21 and 49 Holland Mews. As expected, the main impact in terms of sunlight and daylight is to the properties identified by Officers. There are not any external amenity areas to overshadow to the north.

- 8.31. Since the size of the lightwell-facing windows to 12 of the flats over first and second floor levels are being increased to 1.8m wide, effectively doubling their size, the reduction in Vertical Sky Component (VSC) would be outweighed by the increase in daylight distribution, otherwise known as No-Sky Line (NSL). VSC is the ratio of the direct, unobstructed sky illuminance falling on the outside of a window, and which is a good measure of the amount of daylight entering it. NSL effectively measures the area from which occupiers can and cannot see the sky. It is noted that more light would enter these rooms even with the roof extension in place.
- 8.32. Loss of daylight and sunlight would largely be within the BRE guidelines for the habitable room windows of the properties assessed. Only a kitchen on the second floor of one of the existing flats within Hill House, where it is impractical to enlarge the window, and three living rooms within Enterprise House at 83-85 Western Road would not comply with the guidance. It is, however, important to acknowledge that there is no formal requirement to comply with the BRE Report advice and the NPPF advises that LPAs should take a flexible approach in applying this guidance on housing schemes where it would otherwise inhibit making efficient use of a site. The standard of accommodation is assessed in the next section of this report.
- 8.33. It is recognised that representations have been received objecting to the terraces providing opportunities for overlooking to properties on Holland Mews. The rear gardens of 47 and 49 Holland Mews and 51-53 Lansdowne Place are 18.7m, 11.6m and 6m away respectively from the closest terrace at Flat 8. The terrace to Flat 1 would only have the potential to overlook the rear garden of 49 Holland Mews at 11.5m away. In reality, the terraces would be much higher than the gardens and the acute angle of viewing is such that views are unlikely to be had into the gardens, and it is not considered that any views had would be unusual in a built up area such as this. It is worthy of note that 51-53 Lansdowne Place is comprised of 12 flats and the area to the rear is not used as an amenity area as such, more for storage. However, Officers recommend that a condition is imposed to prevent the new flat roof from being used as an external amenity area of any kind.
- 8.34. The use of the site would intensify through comings and goings, but it is not expected that the noise emanating from the proposed additional flats would be materially harmful to amenity.
- 8.35. As such, the proposal is considered to be in accordance with Policy QD27.

Standard of Accommodation:

- 8.36. 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.

- 8.37. 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, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.38. Eight dwellings are proposed, as follows: a 3b5p (3 bedroom, 5 person) of 86.8m²; a 3b4p of 74.9m²; four 2b3p flats of 69m², 65.7m², 63.6m² and 61m², a 1b2p of 50.6m²; and a 1b1p of 39.8m². All are compliant with the gross internal areas (GIAs) outlined within the NDSS as are the bedrooms sizes, and this is therefore acceptable. The floor to ceiling heights at third and fourth floor level would be 2.4m, which is considered acceptable.
- 8.39. The corner dwellings, Flats 3 and 7, would have dual and triple aspect respectively, ensuring sufficient outlook, ventilation and natural lighting. Whilst Flats 1, 2 and 8 only have single aspect and would therefore not benefit from cross-ventilation, this is to the south allowing for ample natural light and views of the sea.
- 8.40. However, Flats 4, 5 and 6 would be single aspect north flats and would therefore be more difficult to ventilate naturally and more likely to overheat. The design of single aspect flats will need to demonstrate that all habitable rooms and the kitchen are provided with adequate ventilation, privacy and daylight and the orientation enhances amenity, including views. In this case, given that Flats 4 and 5 make use of the lightwell, all have shallow floor plans, all of the living spaces are close to windows and doors, and with large portions of glazing, their single aspect is condoned in the circumstances. It is noted that the hall in the studio (Flat 4) is a fire lobby and is necessary to comply with fire regulations.
- 8.41. In terms of external amenity space, each of the new flats are provided with a terrace (and in the case of Flat 1, two terraces) that are at least 1.5m deep making them usable for future occupiers. This is also the case for the four third floor flats which would be retrofitted with a terrace. It is noted that the GIAs of the third floor flats would remain much the same with any GIA lost negligible, and the space would become more usable with a straightened wall allowing for greater floor to ceiling heights.
- 8.42. The objection received regarding one of the current occupant's skylights being built over and bedroom windows being removed is acknowledged, but it is important to note that all of the third floor flats (occupied on short-hold tenancies) would be demolished and re-provided with occupiers having to move, and that all would be provided with windows providing sufficient levels of natural light, ventilation and outlook.

- 8.43. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

Impact on Highways:

- 8.44. The site is considered to be in a sustainable location given the proximity to Brighton train station by all means of transport and bus stops on Western Road. As such, development would be supported in principle.
- 8.45. It is not anticipated that the proposal would lead to increased traffic generation or parking stress on surrounding streets given that the site is within CPZ M, which would therefore prevent overspill parking. No car parking spaces are proposed, but since this is residential development and there is very high demand for car parking permits, a condition is recommended to be added to prevent future occupiers from applying for a parking permit.
- 8.46. It is not considered that SPD14-compliant cycle parking spaces could be provided on site and therefore are not required. There is several secure cycle parking and Bike Share facilities available to the general public on-street in the vicinity of the site.
- 8.47. Refuse and recycling facilities exist at basement level of the host building and collection arrangements are already in place, so no condition is required.
- 8.48. In terms of access for construction, numerous representations have been received objecting to the potential use of Holland Mews for this purpose. It should be noted that this is not proposed within any of the information submitted with this application. It is evident that this is unsuitable for construction traffic due to its width, lack of turning around space and potential for disturbance to residential occupiers through noise, vibration and dust. As such, in the circumstances it is recommended that a condition be added requiring a Construction Environmental Management Plan (CEMP) be submitted and approved by the LPA prior to commencement.

Sustainability:

- 8.49. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards. It is, however, noted that three sets of 12 low-profile photo voltaic panels have been proposed on the roof to help contribute to the electricity used within the dwellings, which is welcomed.

Issues raised by consultation:

- 8.50. Issues regarding health of neighbouring residents, lack of consultation by the applicant, disruption from building works (including to working from home arrangements), scaffolding and building stability are not relevant planning considerations and therefore have not been taken into account in the determination of this application.

9. CONCLUSIONS

- 9.1. The scheme makes a small contribution to the Council's housing targets, which in conjunction with the high quality of architecture is considered to outweigh the less than substantial harm caused to heritage assets. The scheme otherwise satisfactorily addresses the pre-application advice and would provide a good standard of accommodation without causing a significant impact on neighbouring amenity or highways safety. As such, this application is recommended for approval subject to conditions.

10. EQUALITIES

- 10.1. It is noted that the existing steps to the corridor at third floor level would be removed allowing their occupation by those with a mobility-based disability. Furthermore, the lift overrun would be extended allowing for step-free access to the new dwellings on the fourth floor too. These measures are supported. Officers recognise that the significant size of Flats 5 and 7 would be suitable for wheelchair users.

11. S106 AGREEMENT

- 11.1 In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reason:
1. The proposed development fails to provide necessary affordable housing contribution and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One.

Cllr. Hannah Clare
BH2020/01466 and 01467 – Hill House, 53 Western Road

21st June 2020:

Comment Reasons:

- Adversely affects Conservation Area
- Overshadowing

Comment: I am writing this objection as councillor for Brunswick and Adelaide ward. I would like this application to be considered by the committee.

This development would go against Policy QD27 from the retained local plan which states that 'Residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook'. It would block out light and amenity from residents on Holland Mews, and the balconies would overlook properties on Holland Mews.

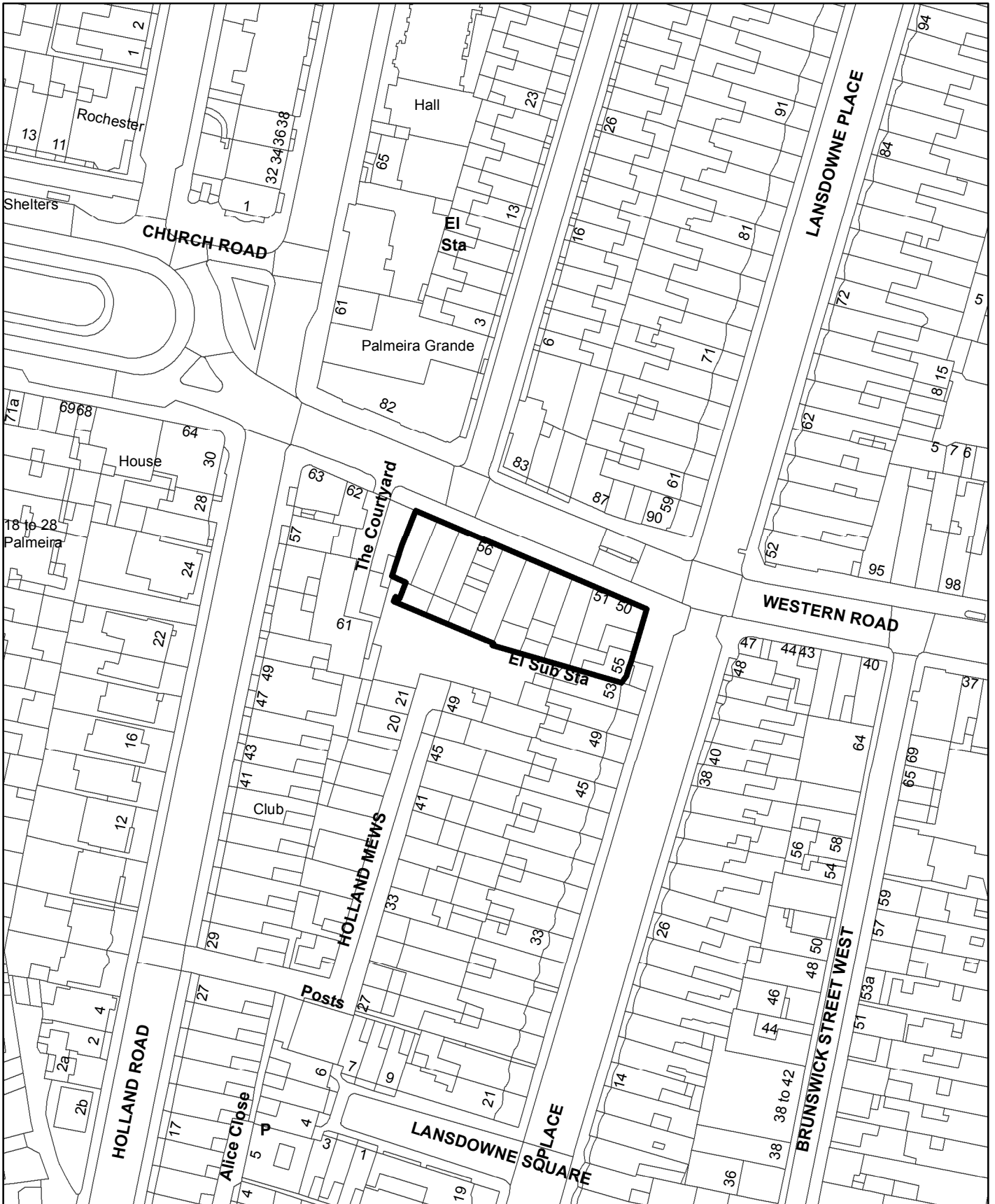
The increased height goes against policy HE3 which states that development cannot happen if it "an adverse impact on the setting of a listed building, through factors such as its siting, height". While I note there are buildings of a similar height in the area, they are generally in keeping with the style of similar properties. Hill House is a modern building and a further extension of this is out of character of the setting of nearby roads e.g the bottom half of Holland Road and Lansdowne Place.

ITEM B

**Hill House, 53 Western Road
BH2020/01467
Listed Building Consent**

DATE OF COMMITTEE: 17th September 2020

BH2020 01467 - Hill House, 53 Western Road



Scale: 1:1,250

<u>No:</u>	BH2020/01467	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Hill House 53 Western Road Hove BN3 1JD		
<u>Proposal:</u>	Proposed roof extension to adapt the existing mansard roof and provide 8no additional flats (C3) incorporating new terraces for the third and fourth floors, replacement of all windows, improvement of the existing third floor residential accommodation and associated works.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	01.06.2020
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	27.07.2020
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<u>Applicant:</u>	Hill House Investments Limited 8A Ship Street Brighton BN1 1AD		

1. RECOMMENDATION

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

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	1967-P-021	A	30 July 2020
Proposed Drawing	1967-P-022	A	30 July 2020
Proposed Drawing	1967-P-023	B	21 August 2020
Proposed Drawing	1967-P-024	B	21 August 2020
Proposed Drawing	1967-P-025	A	30 July 2020
Proposed Drawing	1967-P-026	A	30 July 2020
Proposed Drawing	1967-P-027	A	30 July 2020
Proposed Drawing	1967-P-028	A	30 July 2020
Proposed Drawing	1967-P-029	A	30 July 2020
Proposed Drawing	1967-P-030	A	30 July 2020
Proposed Drawing	1967-P-031	A	25 August 2020
Proposed Drawing	1967-P-032	A	21 August 2020
Proposed Drawing	1967-P-033		01 June 2020
Proposed Drawing	1967-P-034		01 June 2020
Proposed Drawing	1967-P-035		01 June 2020
Proposed Drawing	1967-P-036		01 June 2020

Location Plan	1967-P-001		01 June 2020
Block Plan	1967-P-003		01 June 2020

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 application relates to a four storey building known as Hill House, the central part of which features a mansard roof, with a pitched roof over the eastern part and curved bays. Several holes are punched through the roof of the building to provide lightwells to the existing flats. The building is located on the southern side of Western Road (the B2066) between the junctions of Lansdowne Place to the east and Holland Road to the west and opposite the junction with Lansdowne Street. Holland Mews is directly to the rear (west).
- 2.2. Hill House contains flats (Planning Use Class C3) over the first, second and third floors with the street address of 53 Western Road. There are also another eight commercial units in a variety of use classes underneath the flats that do not form part of the proposals.
- 2.3. The building is within the Brunswick Town Conservation Area and subject to an Article 4 direction, limiting 'permitted development' rights, but is not a statutory listed building, although it is locally listed. It is, however, in the vicinity of several Grade II listed buildings at 33-55 Lansdowne Place, 62 and 63 Western Road (The Wick pub) and 86 and 87 Western Road. The site is also within Controlled Parking Zone (CPZ) M.
- 2.4. The current application seeks planning permission for a roof extension to adapt the existing mansard roof and provide eight additional flats (Planning Use Class C3) incorporating new terraces for the third and fourth floors, replacement of front and side windows, improvement of the existing third floor residential accommodation and associated works. 2, three bed, 4 x two bed, 1 x one bed and a studio dwelling are proposed. There have been minor changes made during the course of the application to the lower floor windows, to obscure glaze the dining room side-facing windows to Flat 8 and remove the greenery to the private terraces.

3. RELEVANT HISTORY

- 3.1. **BH2020/01466:** Proposed roof extension to adapt the existing mansard roof and provide 8no additional flats (C3) incorporating new terraces for the third and fourth floors, replacement of all windows, improvement of the existing third floor residential accommodation and associated works. Awaiting determination (this Committee).
- 3.2. **PRE2019/00267:** Proposed roof extension to adapt the existing modern central mansard roof (flats numbers to remain unchanged) and provide an additional 8 flats (1, 2 & 3 bed) in a new set-back roof extension. Proposals will require associated alterations and extensions to circulation cores to connect to the new roof level accommodation. Response issued 30 January 2020 giving the following advice:
- The provision of eight flats contribute to the Council's housing target and are therefore supported in principle, but it must be demonstrated that the unit mix, type and tenure addresses an identified housing need;
 - An affordable housing contribution in lieu of on-site affordable units must be provided;
 - The demolition of the existing mansard is supported and the impact of the proposed two storey extension on the locally listed host building, the setting of nearby listed buildings and on the Brunswick Town Conservation Area would be negligible to beneficial;
 - Numerous alterations could be made to the host building to improve its appearance, and should be considered as part of the forthcoming application;
 - The additional storeys could overshadow and reduce natural light to adjacent dwellings, which will need to be tested with the finding presented within a report;
 - The flats should provide adequate bedroom sizes, sufficient floor to ceiling heights and maximise daylight and sunlight;
 - The proposal should deliver measurable biodiversity improvements; and
 - The proposal should be car-free since given the very high levels of permit uptake within the CPZ.

4. REPRESENTATIONS

- 4.1. **Three (3) objections**, none of which are from properties directly affected, have been received to the proposal for the following grounds:
- Overlooking, privacy, daylight, sunlight, disturbance and outlook would all be impacted upon by this proposal, as well as quality of life. It would also increase the noise from the tenants and from construction.
 - Local amenities and parking are already overstretched in this area.
 - The height goes against Policy HE3 which states that development cannot happen if there is "an adverse impact on the setting of a listed building". This is a conservation area and Hill House is modern so it is not fitting.
 - The design of the proposal is awful and will devalue houses.
 - Huge traffic congestion problems would be created on Holland Mews, which is one-way and more dangerous due to the reversing vehicles. The

presence of additional and large vehicles related to the development is a major concern for safety.

- While the application states that there are no waiting lists for permits in CPZ M, all on-street parking spaces are filled in the evening and visitors often have to park many streets away.

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

4.3. **The Conservation Advisory Group (CAG)** have raised an objection (6 votes for refusal, 3 for approval and 1 abstention) for the following reasons:

- Harm may be caused to the setting of Holland Mews by the additional storey which could be set back to mitigate the impact.
- The replacement fenestration needs to be set back from the face of the building.
- More detail of the proposed windows is required, perhaps after consultation with a historic window specialist such as Charles Brooking.
- The pavement mosaic is not given sufficient attention.
- More information about access for construction traffic is required.
- The setting of Grade II listed 55 Lansdowne Place would be compromised.
- The design of the additional storey as viewed from the north was nevertheless praised.

5. CONSULTATIONS

5.1. Heritage:

This proposal is very similar to the scheme previously submitted for pre-application advice.

5.2. As advised previously, it is considered that the 1980s mansard roof is clearly visible over the middle section of the block and makes no positive contribution to the appearance of the building or the character of the conservation area, and its removal and replacement with a roof extension that better enhances the 1920s re-styling of this terrace is supported.

5.3. It has been demonstrated that a reduction in the existing top floor depth can be achieved as part of the removal of the mansard, and therefore the increased overall height of the two new floors would amount to an increase overall of less than a full storey height. These new floors would also be set back from the existing facades thereby moderating the impact.

5.4. The Heritage Team considers that the replacement of the mansard roof with the proposed roof extension would not cause harm to the significance of the locally listed building.

5.5. The impact of the increased height on surrounding views is shown in the wider viewpoints submitted and demonstrates the impact of the increase in height on the conservation area generally. The Heritage Team considers that this is

favourably balanced by the improved design approach when compared to the existing mansard and the impact would be negligible to beneficial.

- 5.6. The impact on 55 Lansdowne Place is also illustrated, which is the closest listed building to the proposal and potentially the historic asset that would be most affected by the alteration.
- 5.7. The 'Lansdowne Place South view 3' in the Design & Access Statement (DAS) shows that the silhouette of no. 55 will be affected by the proposed additional floor, but from more distant viewpoints and this is not the case from immediately opposite the property, and that these other views also demonstrate that the impact on more distant listed buildings would be low. It is considered that this would amount to less than substantial harm and could be adequately balanced by other enhancements discussed at pre-application stage.
- 5.8. It is considered that the opportunity to improve the poor appearance of the bland and poorly detailed rear elevation should be taken as part of this proposal. This appearance, made worse by its scale, has a detrimental impact on Holland Mews to the south. The re-configuration of the windows may be possible to improve natural light levels for the existing flats.
- 5.9. The existing north, east and west facing windows were also identified at pre-application stage as having a poor impact on the building. Slim metal-framed windows taking influence from those that previously existed in the building, or other similarly styled 1920s buildings would be encouraged.
- 5.10. In addition, the filled-in southern, east-facing coffee shop window was identified as detrimental and improvements were encouraged, along with the restoration of the damaged floor mosaic on the area between the building and the footpath.
- 5.11. Enhancement measures are mentioned in the DAS, but no mention of the restoration of the mosaic is made, and this is of concern. None of these works are included on the proposed drawings and the DAS states that improvements to the existing building are shown indicatively and are subject to viability assessments. As a result, the likelihood of these works taking place is uncertain. It is considered that enhancements are required to balance the identified harm to 55 Lansdowne Place. Therefore, more certainty is required before full heritage support is possible.
- 5.12. Drawing no. 1967-P-031 (Proposed South Elevation) appears to show a broken frontage at third and fourth floors with two broad recesses that would provide relief at high level on this otherwise plain façade. However, the reconfiguration of the third floor level shown on drawing no. 1967-P-022 does not appear to show these breaks. Clarification should be sought on this point.
- 5.13. **Historic England:** On the basis of the information available to date, we do not wish to offer any comments.

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 Joint Area Action Plan (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The Council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban Design
CP15	Heritage

Brighton & Hove Local Plan (retained policies March 2016)

QD14	Extensions and alterations
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD09	Architectural Features
-------	------------------------

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The only consideration in the determination of this application relates to the impact of the proposed extension and alterations on heritage assets.

Heritage:

- 8.2. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.3. Listed Building Consent is required because the Grade II listed building at 55 Lansdowne Place is incorporated internally into Hill House, although it is visibly distinct externally. As the closest listed building to the application site, this report assesses the impact on the historical and architectural interest of that building alone.
- 8.4. In this case, Officers consider that the proposed roof extension would only be glimpsed above the parapets of nos. 53 and 55 from acute views at ground level on Lansdowne Place. As such, the proposal is not considered to have a harmful impact on the setting of the listed building and would be favourably balanced by the improved design approach and the enhancements to the existing windows.
- 8.5. It is considered that only a few of the improvements suggested at pre-application stage would be sufficient to outweigh the 'less than substantial harm' caused to the Grade II listed building at 55 Lansdowne Place identified by the Heritage Officer. NPPF paragraph 196 requires that the harm should be weighed against the public benefits of the proposal. Whilst ideally all of these works would be undertaken, it is considered that window replacements to the north, east and west-facing elevations would be the most important improvement that could be undertaken.
- 8.6. Officers note the problems faced in terms of improving the appearance of the rear elevation with multiple tenancies in place. It is worth noting that the stepped profile of the proposed fourth floor would add much-needed depth, shadow and interest to this dull elevation.
- 8.7. It is recognised that the tenant of the premises that has been identified as having a filled-in southern, east-facing window has recently vacated and therefore Officers consider that this and the damaged floor mosaic should be revisited once occupancy of the unit has taken place and the needs of the new tenant have been assessed.
- 8.8. As such the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15, Local Plan Policies QD14, HE3, HE6 and HE10.

Issues raised by consultation:

- 8.9. Issues regarding devaluing houses and disruption from building works (including to working from home arrangements) are not relevant planning considerations and therefore have not been taken into account in the determination of this application, which is limited to heritage matters.

9. CONCLUSIONS

- 9.1. The high quality of architecture of this scheme is considered to outweigh the less than substantial harm caused to heritage asset. As such, this application is recommended for approval subject to conditions.

10. EQUALITIES

- 10.1. It is noted that the existing steps to the corridor at third floor level would be removed allowing their occupation by those with a mobility-based disability. Furthermore, the lift overrun would be extended allowing for step-free access to the new dwellings on the fourth floor too. These measures are supported. Officers recognise that the significant size of Flats 5 and 7 would be suitable for wheelchair users.

Cllr. Hannah Clare
BH2020/01466 and 01467 – Hill House, 53 Western Road

21st June 2020:

Comment Reasons:

- Adversely affects Conservation Area
- Overshadowing

Comment: I am writing this objection as councillor for Brunswick and Adelaide ward. I would like this application to be considered by the committee.

This development would go against Policy QD27 from the retained local plan which states that 'Residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook'. It would block out light and amenity from residents on Holland Mews, and the balconies would overlook properties on Holland Mews.

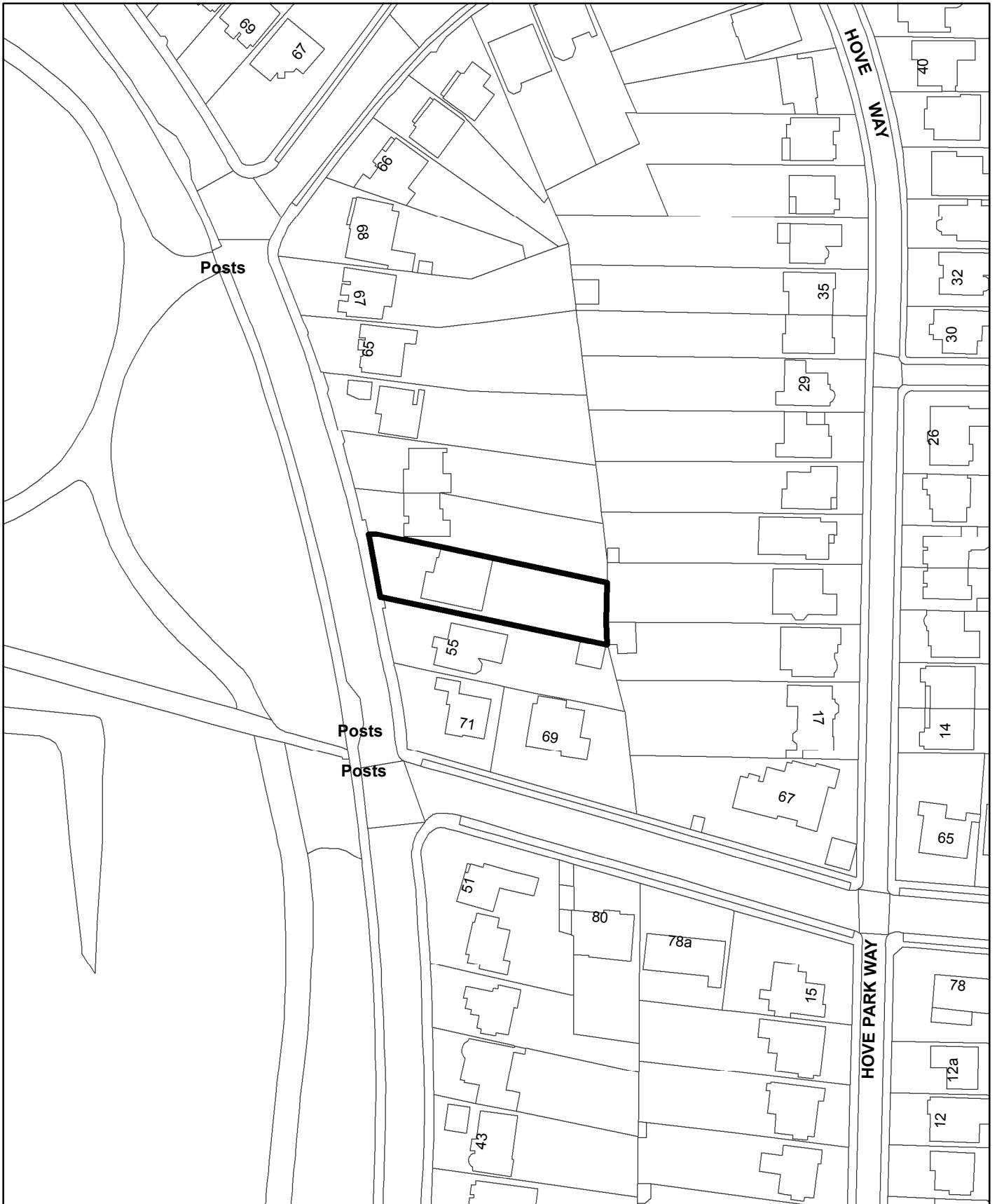
The increased height goes against policy HE3 which states that development cannot happen if it "an adverse impact on the setting of a listed building, through factors such as its siting, height". While I note there are buildings of a similar height in the area, they are generally in keeping with the style of similar properties. Hill House is a modern building and a further extension of this is out of character of the setting of nearby roads e.g the bottom half of Holland Road and Lansdowne Place.

ITEM C

**BH2020/01620
57 Goldstone Crescent
Full Planning**

DATE OF COMMITTEE: 17th September 2020

BH2020 01620 - 57 Goldstone Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2020/01620	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	57 Goldstone Crescent Hove BN3 6LR		
<u>Proposal:</u>	Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	17.06.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	12.08.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	18.09.2020
<u>Agent:</u>	Absolute Town Planning Ltd Parkers Cornelius House 178-180 Church Road Hove BN3 2DJ		
<u>Applicant:</u>	Deller Holdings Limited C/o Absolute Town Planning Ltd		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **2nd October 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11.1 of this report:

Section 106 Head of Terms:

Affordable housing:

- 20% financial contribution (calculated at £238,750)

Sustainable Transport:

- £6,400 contribution towards improving transport infrastructure and services in the immediately vicinity of the development site.

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	03/2003772		17 June 2020
Proposed Drawing	04/2003772		17 June 2020
Proposed Drawing	05/2003772		17 June 2020
Proposed Drawing	06/2003772		17 June 2020
Proposed Drawing	07/2003772		17 June 2020
Proposed Drawing	08/2003772		17 June 2020

Proposed Drawing	09/2003772	A	12 August 2020
Proposed Drawing	10/2003772		17 June 2020
Proposed Drawing	13/2003772		17 June 2020
Proposed Drawing	15/2003772		17 June 2020
Proposed Drawing	17/2003772	A	12 August 2020
Proposed Drawing	19/2003772	A	26 June 2020
Proposed Drawing	20/2003772	A	17 June 2020
Proposed Drawing	21/2003772	A	17 June 2020
Proposed Drawing	22/2003772	A	17 June 2020
Proposed Drawing	22AA	A	26 June 2020
Proposed Drawing	23	A	12 August 2020
Proposed Drawing	25/2003772	A	17 June 2020
Proposed Drawing	26	A	12 August 2020
Location Plan			17 June 2020
Block Plan			17 June 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples 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 all brick (including details of its bonding, mortar colour and pointing), lintels, quoins and tiling;
 - b) specification documents for the proposed window, door and balcony balustrades and decking / hard surfacing (which shall be porous or permeable, or adequate means or drainage shall be provided); and
 - c) 1:20 drawings with materials and finishes annotated for the front balcony at roof level.

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 HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. A bee brick 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 SPD11.

5. A swift brick 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 SPD11.

6. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct

run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.

7. Prior to the first 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, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures (if applicable) and confirmation of location, species and sizes; and
- 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 SU3, SU5, SU9, QD15 and QD16 of the Brighton & Hove Local Plan, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

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

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

9. Notwithstanding the elevations hereby approved, no development above ground floor slab level of the development hereby permitted shall take place until 1:20 elevations of the windows to the living space on the north façade have been submitted and approved by the Local Planning Authority. These windows shall be obscure glazed and top-hung casements. The approved details shall be fully installed and thereafter retained.

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

10. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

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

11. The extended / relocated crossover and accesses shall be constructed / reinstated (by raising the existing kerb and footway) prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with Policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.
12. Notwithstanding the drawings hereby approved, 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. The location of the cycle store shall not give rise to overlooking of the patios serving the bedrooms of the ground floor flats.
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.
13. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
14. The development hereby permitted shall not be first occupied until details of disabled car parking space has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled occupiers to the site and to comply with Policy TR18 of the Brighton & Hove Local Plan and SPD14.
15. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date;
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);

- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
- (v) Details of hours of construction including all associated vehicular movements;
- (vi) Details of the construction compound;
- (vii) A plan showing construction traffic routes.

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

Reason: To protect amenity, manage highway safety and waste throughout development works and to comply with Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, and SPD03 Construction and Demolition Waste.

16. No development, including demolition and excavation, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

17. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

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.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed 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.

4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
7. The water efficiency standard required under Condition 17 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.
8. If future occupiers of the flats hereby approved are minded to install rear balconies or terraces then this would require an application for planning permission to be submitted to the Local Planning Authority.
9. Tall and / or dense planting to the rear boundary of the application site should be included within the submission to discharge Condition 7 of this permission in respect of landscaping and boundary treatment.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two storey single family dwellinghouse built in brown brick with a front projecting element, a gabled roof form, rooflights, a single storey wrap-around extension and white uPVC windows. It has a grass lawn and hardstanding area to the front (west) used for car parking with a

sloped driveway leading up from a wide crossover partially constructed with 'Wealden Cream' Candy blocks. The boundary walls are also in brown brick.

- 2.2. The subject property is located on the eastern side of Goldstone Crescent between the junctions of The Drove way to the south and Woodruff Avenue to the north. Hove Park is directly opposite to the west.
- 2.3. The building is not within a conservation area, not a listed building or in the vicinity of one, but is opposite the locally listed Hove Park. The site is also within Ground Source Protection Zone 2 and, whilst it is surrounded by Controlled Parking Zone (CPZ) P, it is not within a CPZ.
- 2.4. The current application seeks planning permission for the demolition of the existing house and the erection of a three storey building with accommodation in the roofspace to provide 2 x three bedroom flats and 5 x two bedroom flats (Planning Use Class C3) with associated landscaping and parking.

3. RELEVANT HISTORY

- 3.1. **BH2003/02064/FP:** Remove existing garage and conservatory, erection of single storey side and rear extension to north & east elevations. Approved 13 August 2003
- 3.2. **PRE2020/00018:** Demolition of 2no existing detached dwellings and erection of 2no apartment blocks consisting of 4no 2 bed and 3no 3 bed flats per block, totalling 14 flats. Response issued 26 February 2020 giving the following advice:
 - Whilst the provision of 14 family sized dwellinghouses that contribute to the Council's housing target and address an identified housing need are supported in principle, the unit mix does still require justification and an affordable housing contribution is required;
 - The densification of the site is supported, but notwithstanding that, the proposed siting, roof typology, materiality, balcony design, widths and proportions of the buildings are all considered unacceptable without justification;
 - The scale and massing is otherwise considered acceptable, although care should be taken to avoid overshadowing, a loss of sunlight, outlook or privacy and the creation of a sense of enclosure;
 - The landscaping of the site requires further consideration, including SUDS, the use of and access to the rear garden, biodiversity gains and the car parking arrangement;
 - The dwellings should provide adequate floor space and bedroom sizes, sufficient floor to ceiling heights, maximise daylight and sunlight, and have usable balconies; and
 - The impact of the overspill parking generated by the proposal should be addressed, adequate cycle and bin storage should be provided and the LPA consider that a financial contribution towards improving transport infrastructure and services is required.

- 3.3. Of relevance at 55 Goldstone Crescent:
BH2020/01619: Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking. Awaiting determination (this Committee).

4. REPRESENTATIONS

- 4.1. **Twelve (12) objections** and **one (1) comment**, three of which are from the same property that is directly affected, have been received to the proposal on the following grounds:
- The proposal is the overdevelopment of family houses into yet more small flats. This would decrease the property value of the road.
 - The additional numbers of cars will have a negative effect on an already busy and narrow street, and traffic and noise will inevitably increase. Parking will be a serious problem if seven new families with cars move into the site with three car parking spaces being plainly inadequate, and on-street parking would have to be used by several occupants.
 - 'Temporary overspill' whilst waiting for car ownership to decrease is a weak mitigation for the under-provision of / inadequate car parking. Getting in / out of the 3 spaces require manoeuvres that would block traffic and the proposed building should be positioned further back to prevent reversing.
 - There's a lack of high quality affordable family homes available in the area.
 - The traffic survey was conducted during the lockdown period and so there are currently significantly less cars parked and moving at present.
 - School places in local primary schools are already over-subscribed.
 - No reference is made to the Toads Hole Valley transport plans that will funnel a significant amount of traffic into Goldstone Crescent.
 - This block of flats is completely out of keeping with the row of large detached houses and will set a precedent in increasing the density of the area. The design is ugly, overbearing, out of proportion and will alter the pleasant outlook from the park.
 - If any of the flats are let to Airbnb the likelihood of them becoming a party venue by many people is extremely high and will probably cause a lot of loud noise.
 - There is no public transport nearby, thus increasing the probable use of private cars or taxis and the accompanying unavoidable noise, disturbance and pollution.
 - The area should stay as it currently is with single dwellings and not blocks of flats, which ruin the ambience of the area.
 - 880 houses are planned in Toads Hole Valley so there's no need for more.
 - The proposed building at four storeys including the mansard roof would be a significantly greater volume than the existing property, resulting in a building which is totally out of scale with the properties on either side of it.
 - The new building will be much closer and appear even closer than the current building to 59 Goldstone Crescent, and will be very overbearing in size and scale in relation to the neighbouring properties.

- There are bathroom and kitchen windows in the north elevation which will immediately overlook habitable rooms in 59 Goldstone Crescent. It is imperative that these windows are obscure glazed to prevent overlooking.
- The proposed development will provide accommodation for 7 families and this could result in 7 times the number of occupants of the plot than at present (4 people). The impact of this on neighbours will be considerable in terms of comings and goings, number of cars and use of the outdoor space. In addition to this the impact on local community infrastructure will be considerable.
- There will be considerable noise and disturbance during the course of demolition and construction of the new building, particularly given the need for a considerable amount excavation. It is imperative that during these works measures are put in place to keep noise, dust and vibration to an absolute minimum at the site boundary.
- As there are only to be 3 on-site parking spaces it is imperative that there should be a scheme to ensure that no one living in the flats is able to obtain a resident parking permit.
- There is a discrepancy in respect of a wall extending from ground level to the underside of the first floor balcony. On some drawings this shows as being half the depth of the balcony and in others it is twice the depth.
- This proposal seems to be of no demonstrable benefit to the existing community, and simply driven by individual commercial ambition.
- The frontage of no. 57 is set back from the building line for nos. 59 and 61, and if it were to be moved forward to be, this would unnecessarily dominate the area and spoil the carefully established curve of frontages to the corner with The Droveaway. This also applies to the roof line.
- There is absolutely no consequent planning logic for dropping a block of flats into the otherwise uninterrupted row of owner-occupied residences. The proposal will spoil the appearance and consistency of the existing buildings, and the view of Goldstone Crescent for visitors to the park.

4.2. **Councillor Brown** has objected to the application. A copy of the correspondence is attached to the report.

5. CONSULTATIONS

5.1. **Transport:** Recommend approval

No significant changes are proposed to the pedestrian access arrangements onto the adopted highway and this is deemed acceptable.

5.2. The site is on National Cycle Network (NCN) Regional Route 84 and relatively close to the COVID-19 Transport Action Plan temporary measures cycle network route along the A270 Old Shoreham Road.

5.3. For this development the minimum cycle parking standard according to SP14 is 10 spaces (9 for residential units and a visitor space). The cycle store proposed is not policy compliant as its inconveniently located up a stairway and to the rear of the site. Furthermore, there are fewer than 10 spaces offered, no precise location and no details of the type, design, materials and

dimensions of the cycle store and no lighted footpath to and from it. Cycle parking is thereby requested by condition.

- 5.4. A bay for disabled parking has been proposed, but it does not include a sufficient hatched area, particularly since the swept path analysis drawings demonstrate that a car trying to park in that space would need the hatchings, if only to manoeuvre into position. This should be amended.
- 5.5. There are somewhat limited opportunities for free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park. Blue Badge holders are also able to park on double yellow lines for up to 3 hours in the vicinity of the site. Therefore, the lack of dedicated, for sole use only on-site disabled car parking is not considered to be an issue.
- 5.6. No significant alterations to the current servicing and delivery arrangements to this site are proposed and this is deemed acceptable.
- 5.7. However, the design does not include a turning head, but features boundary walls over 600mm high (bad for visibility, security and view of the park) and vehicle swept path analysis drawings of vehicles entering into the site in a forward gear. It needs to be demonstrated through amended drawings that vehicles can safely reverse into and then leave the site in a forward gear to avoid refusal against Policy TR7.
- 5.8. Also, the existing vehicle access will not be correctly aligned and therefore a condition for the new / extended or relocated crossover is requested in order to make any necessary changes to the existing vehicle access arrangements onto the adopted highway, including construction in 'Wealden Cream' Candy blocks. Vehicle crossovers are only permitted up to 5.5m wide.
- 5.9. The driveway and hardstanding materials should be porous and / or permeable and no surface water should run-off onto the adopted highway. This should be conditioned.
- 5.10. Whilst the submission of a Transport Statement with a Lambeth Methodology survey is noted, being that the site is next to the park, the situation observed is normally very different during the day over the weekend and on a Sunday, which has probably been accentuated even more during the COVID-19 lockdown period. The implication is that future occupants and visitors to the site may have difficulty finding an on-street car parking space nearby during the day and in particular on a Sunday.
- 5.11. For this development the maximum car parking standard according to SP14 is 10 spaces (1 per unit for residents and 1 per pair of units for visitors). Therefore, the three car parking spaces proposed are compliant.
- 5.12. A 'retention of parking area' condition should be attached to any permission granted to ensure that on-site parking provision is maintained.

- 5.13. This section of Goldstone Crescent is located just outside Controlled Parking Zone (CPZ) P so any overflow cannot be controlled and the site cannot be made 'car free'. Like their neighbours, the future occupants of the flats will not be able to apply for any residents parking permits in any of the other CPZs.
- 5.14. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity.
- 5.15. However, there would be a cumulative increase in trip generation by all forms of transport and therefore a Sustainable Transport Contribution of £6,400 is sought via legal agreement.
- 5.16. **Southern Water (on BH2020/01619):**
A formal application for a connection to the public foul sewer is required, and this should be attached to any consent as an informative.
- 5.17. The planning application form makes reference to using Sustainable Urban Drainage Systems (SUDS), which may be adopted by Southern Water if requested by the developer.
- 5.18. Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities in perpetuity.
- 5.19. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:
- Specify the responsibilities of each party for the implementation of the SUDS scheme.
 - Specify a timetable for implementation.
 - Provide a management and maintenance plan for the lifetime of the development.
- 5.20. It is possible that a public sewer could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation into its ownership will be required before any further works commence on site.
- 5.21. The proposed development lies within a Source Protection Zone and therefore consultation with the Environment Agency should ensure the protection of the public water supply source.
- 5.22. Should this application receive planning approval, the following condition is requested to be attached to the consent: *“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”*

- 5.23. **Environmental Health:** no comment, concerns or conditions to recommend
- 5.24. **Private Sector Housing:** no comments

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 Joint Area Action Plan (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The Council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP14	Housing density
CP15	Heritage

CP19	Housing mix
CP20	Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

Supplementary Planning Guidance

SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space
--------	---

Other Documents

Urban Characterisation Study 2009
 Developer Contributions Technical Guidance - June 2016
 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of development, affordable housing provision, density, design, landscaping and biodiversity, their impact on neighbouring amenity, the standard of accommodation, the impact on the highway, and sustainability.

In view of the ongoing COVID-19 travel restrictions a site visit has not been conducted. It has been possible to fully assess the application based on available photographic records of the site and surrounding area.

Principle of development:

8.2. 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.

- 8.3. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to four 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).
- 8.4. The site counts as a small 'windfall site', bringing the benefit of providing six additional housing units to the city, and contributing to the City's ongoing five year supply requirements and meeting the Council's target of 4130 new homes within the built up area. A net increase of six dwellings (such as that in this proposal) would represent a small contribution.
- 8.5. City Plan Part One Policy CP19 outlines that sites coming forward as 'windfall' development, such as this one, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. All new residential development shall have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities.
- 8.6. Paragraph 4.213 of the supporting text outlines that an estimated 65% of the overall need / demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively), 24% for 1 bedroom properties and 11% for 4+ bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively).
- 8.7. The housing mix is proposed to be 2 No. three bed and 5 No. two bed dwellings. It should be noted that although 2 No. two bed, 2 No. three bed, 2 No. one bed and a four bed dwelling would need to be provided in order to be fully compliant with paragraph 4.213.
- 8.8. It is considered that the provision of one-bedroom dwellings has historically exceeded the predicted needs of the city, whereas there remains a significant shortfall in meeting the requirement for family sized dwellings. Two and three bed dwellings are in most demand within the city and this site is across from Hove Park, has ample green space and aims to be a family friendly development. In terms of not providing a four bed dwelling, future occupiers would reasonably expect a substantial external amenity space, usually in the form of a private garden, and at least one private car parking space, neither of which can be achieved on this site without comprising other objectives. As such, the unit mix is considered acceptable and would meet the need in the city to provide more family-sized housing.

- 8.9. Accordingly, no in-principle objection is raised to the proposal, and which is considered to be compliant with Policies SS1 and CP19.

Affordable Housing:

- 8.10. It is noted that the applicant is willing to pay the 20% financial contribution (calculated at £238,750) as set out in City Plan Part One Policy CP20 for development of between 5 and 9 dwellings. This contribution can be provided in the form of a Unilateral Undertaking or a Section 106 Agreement.

Density:

- 8.11. To make full, efficient and sustainable use of the land available, new residential development in Brighton & Hove will be expected to achieve a minimum net density of 50 dwellings per hectare (dph), provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the above criteria can be satisfactorily met.
- 8.12. However, residential development should still be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis. Development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal meets all the criteria listed in Policy CP14.
- 8.13. The site is within the Tongdean neighbourhood where the average gross density is 11 dwellings per hectare (dph). The density is higher for the flats, but consistently lower elsewhere. The proposal would provide approximately 87 dph, which is therefore well in excess of the average for the neighbourhood.
- 8.14. In terms of compliance with CP14, the proposal is considered to be of a high standard of design and would help to create a coherent townscape; it would respect the character of the neighbourhood and contribute positively to its sense of place; it would include a mix of dwelling types and sizes that reflect identified local needs; the site is easily accessible by sustainable transport; it is well served by local services and community facilities; it would provide outdoor recreation space appropriate to the demand it would generate. These matters are expanded upon within the relevant sections of this report.

Design:

- 8.15. The immediate surrounds are largely characterised by two storey buildings, albeit they are relatively high for two storeys with steep pitched roofs allowing for the loftspace to be habitable, effectively providing a third floor of living accommodation. There are three storey blocks further to the south near the junctions with Old Shoreham Road and Fonthill Road, including five storeys on the corner itself. However, corners provide strong design rationale for additional height, providing wayfinding points and local landmarks.
- 8.16. It is recognised that the proposal optimises the potential of the site for number of storeys by using the ground levels to partially sink the lowest floor into the land and incorporate the top floor into the roofspace.

- 8.17. As made clear by the streetscene elevations and visuals, the buildings between the junctions of Woodruff Avenue and The Drove way step down towards the south. The proposed building would also drop in height from no. 59, which is supported. Contextual townscape analysis (as part of an Additional Information document) covering building line, materials and architectural style, roofscape has now been provided to support the proposed design, which is considered to be adequately justified. The massing is no longer considered monolithic to the side elevation in views from the south through providing visual relief in the form of brick patterns and windows.
- 8.18. The proposed building's siting within the plot has also been justified. It is sited behind, rather than in line with the building line between 59 Goldstone Crescent and 71 The Drove way, although the building line is generally quite fluid on this part of Goldstone Crescent. The reasons behind this are to protect neighbouring amenity by closely following the footprint of the existing built form and to provide amenity areas, screening and car parking to the front of the buildings.
- 8.19. Housing in the area is generous with the main coherent character being in the general use of red brick and clay tile. Therefore, it is considered more congruous to use a reddish brown brick as the prevalent facing material for this development, as is proposed. The use of brick is supported as a robust material that does not discolour the way render does. It also facilitates the introduction of articulation for some visual relief to the side elevations. A condition is recommended to secure samples of the brick (including its bonding, mortar colour and pointing), lintels, quoins, roof tiles, windows and doors.
- 8.20. The provision of balconies to the front elevation is considered acceptable given the pleasant outlook it would offer the flats onto Hove Park and the use of solid, opaque balustrading to hide miscellaneous items if the balconies were used for storage. As such, the balconies would not be particularly intrusive, nor would they draw the eye.
- 8.21. It is considered that the front balcony at roof level would be more likely to draw the eye. However, following further design development, materials to match the colour, finish and texture of the roof would be used to integrate it into its immediate surroundings. As with the other materials, it is recommended that these and the detailed finish be secured by a pre-commencement condition. To the rear the proposed dormers would be set away from the edge of the roof slopes and set down from the roof ridge, thereby appearing as subordinate additions.
- 8.22. As such the proposal is considered to be compliant with City Plan Part One Policies CP12, CP14 and CP15, Local Plan Policy HE10.
- Biodiversity and Landscaping:**
- 8.23. Bee bricks will be included within the proposed development. It is noted that the proximity of the proposed shrubbery and 'bee hotels' would encourage

bees to use the brick. Conditions in respect of swift bricks are also recommended to be added. The provision of vegetables planters is welcomed.

- 8.24. The landscaping proposed is mostly of the soft variety, two fruit trees and shrubbery being shown on the (3D) Proposed Site Plan. The hardstanding is largely to the front of the site for the car parking as existing. However, it is considered important to ensure that this is porous and / or permeable and therefore a relevant condition is recommended. Particularly since a sustainable drainage system would be the main way surface water is to be disposed of, a condition for a landscaping scheme is considered necessary.

Impact on Neighbouring Amenity:

- 8.25. 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.
- 8.26. The main impact of the proposal would be on 59 Goldstone Crescent and 55 Goldstone Crescent, which it is recognised would be demolished if application BH2020/01619 is approved. It is not considered that the proposal would have any significant impact on the properties to the rear, 19 and 21 Hove Park Way, given the distances involved (over 60m). If the rear boundary treatment is to be replaced, the height of this could be controlled by condition.
- 8.27. The main potential impact of the development on amenity is considered to be in terms of sunlight, daylight, overshadowing, outlook and sense of enclosure. The use of the site would intensify through comings and goings given the increase in dwellings and residents, but it is not expected that any impact would be significantly harmful to amenity or out of keeping with the residential area.
- 8.28. A daylighting study (based on BRE guidelines) has been provided to assess the impact on 55 Goldstone Crescent. This is two storey dwellinghouse with a wrap-around extension to the north and east elevations which features six rooflights and clear glazed windows serving habitable rooms to the south elevation.
- 8.1. The Vertical Sky Component (VSC) is the same post-development as pre-development, there is no significant impact in respect of loss of light to no. 55. VSC is the ratio of the direct, unobstructed sky illuminance falling on the outside of a window, and which is a good measure of the amount of daylight entering it. It is noted that the proposal has been designed to be similar to the building that is there currently in respect of eaves height and footprint.
- 8.2. As regards the impact on no. 59 in terms of potential loss of sunlight, the three south-facing side windows have been assessed and at least 25% of the Annual Probably Sunlight Hours (APSH) would be achieved and at least 5% of the APSH in the period between 21st September and 21st March.
- 8.3. It is, however, important to acknowledge that there is no formal requirement to comply with the BRE guidelines and the NPPF advises that LPAs should take

a flexible approach in applying this guidance on housing schemes where it would otherwise inhibit making efficient use of a site. The standard of accommodation is assessed in the next section of this report.

- 8.4. Overshadowing is assessed to external amenity areas, which is to that of no. 55 to the south of the application property, but this would receive at least two hours of sunlight on 21st March and is therefore not significantly affected.
- 8.5. Given the fenestration identified as facing the application site, it is not considered that there would be a significant loss of outlook or the creation of a sense of enclosure to either property.
- 8.6. In terms of overlooking, views from the rear Juliette balconies and dormers, which serve bedrooms and a study on the third floor, would not be unusual in a built up area such as this. It is worth noting that views are already had of neighbouring gardens from the existing rear fenestration. Notwithstanding the proposed elevations submitted, it is recommended that a condition be added to secure the secondary windows to the living space on the north façade as obscure glazed with top lights for ventilation only. However, Officers recommend that a condition is imposed to prevent the flat roof from being used as any kind of external amenity area.
- 8.7. The use of the site would intensify through comings and goings, but it is not expected that the noise emanating from the proposed additional flats would be materially harmful to amenity.
- 8.8. As such, the proposal is considered to be in accordance with Policy QD27.

Standard of Accommodation:

- 8.9. 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.
- 8.10. 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, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.11. Seven dwellings are proposed as follows: two 3b4p (3 bedroom, 4 person) flats, a 2b4p flat and four 2b3p flats. All are compliant with the Gross Internal Areas outlined within the NDSS as are the bedrooms sizes, and this is therefore considered acceptable. The floor to ceiling heights to all floor levels would be 2.35m, which is considered acceptable.

- 8.12. All of the units are dual aspect to the east and west and would therefore benefit from cross-ventilation. It is considered that all would have sufficient outlook too. Given the depth of the units at approximately 14m, it is considered that insufficient natural lighting would reach the centre of the dwellings, but since bathrooms, hallways and staircases would be located in these areas, the layout is considered acceptable.
- 8.13. Communal access to the front is considered acceptable. The depth and width of all balconies and other private external spaces is a minimum 1.5m and therefore they are considered suitably usable. The planting to the front of those to the ground floors would need to be sufficient to mitigate light spill, general disturbance and overlooking from the communal car parking area and this can be dealt with by the recommended landscaping condition.
- 8.14. The rear garden would be used as communal external amenity space for all the flats, which would be more practical than dividing it. Hove Park is just across from the site, providing further external amenity space, albeit it is public. The use of the communal garden area immediately adjacent to the patios serving the bedrooms of Flats 1 and 2 causes concern, but this can be dealt with by the recommended landscaping and boundary treatment condition to ensure that future occupiers are not overlooked.
- 8.15. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

Impact on Highways:

- 8.16. The site is considered to be in a sustainable location given the proximity to Hove and Aldrington train station by all means of transport, bus stops on Old Shoreham Road and local shops and services on George Street. As such, development is supported in principle in highways terms.
- 8.17. The level of car parking is lower than the maximum standards set out by SP14 and given the Council is looking to reduce the reliance on the private car and encourages sustainable means of transport, this is support. The retention of the hardstanding area for car parking is recommended to be secured by condition. The provision of a disabled parking bay is welcomed, although a condition is required to ensure that the hatched area surrounding it is sufficiently sized to allow for access to the vehicle by disabled users.
- 8.18. Whilst the site is not within a CPZ, it is surrounded by CPZ P so any overspill cannot be controlled and the site cannot to be made 'car free'. The applicant has submitted a Transport Statement with a Lambeth Methodology parking survey and it is noted that visitors would have difficulty finding a parking space over a weekend. However, as established the site is within a location easily accessible by public transport.
- 8.19. In terms of the highways safety of the three proposed car parking spaces, revised swept path analysis has been submitted showing that cars could safely reverse over the pedestrian footway into each space and also leave in a forward gear. It appears that the existing vehicle access would not be

completely aligned with the entrance into the site and therefore any changes to the existing crossover, including if it is to be slightly relocated, are recommended to be resolved via condition where an application would be made to the Local Highways Authority for a (detailed) licence.

- 8.20. The level of cycle parking (nine) would be lower than the minimum standards set out by SP14 of 10 spaces, albeit few details have been submitted of the cycle store at this stage other than its location. Its location may involve users encroaching close to the patios serving the bedrooms of Flats 1 and 2 and therefore it is recommended that a condition be added. It would also require other details of the store such as design, materials, dimensions and lighting. It is, however, noted that the applicant has proposed a cycle ramp alongside the steps to ensure that access from the front to the rear of the site and vica-versa for cyclists can be achieved.
- 8.21. Whilst there is not forecast to be a significant increase in vehicle trip generation as a result of this proposal, the combined trips by all forms of transport would generate the need for a Sustainable Transport Contribution. In accordance with the Council's Developer Contributions Technical Guidance, this has been calculated to be £6,400 and would go towards improving transport infrastructure and services in the immediately vicinity of the development site, such as dropped kerbs, tactile paving and nearby bus stop improvements.
- 8.22. In terms of access for construction, the use of Goldstone Crescent would be the only option but has the potential to cause significant highways safety issues. As such, it is recommended that a condition be added requiring a Construction Environmental Management Plan (CEMP) to be submitted and approved by the LPA prior to commencement. Given the extent of demolition, a Site Waste Management Plan (SWMP) is also recommended to be secured by a pre-commencement condition.

Sustainability:

- 8.23. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards. It is noted that photovoltaic panels, timber from certified sustainable sources and rainwater butts are to be used, which is welcomed. Conditions relating to bee bricks and swift boxes are also proposed.

Issues raised by consultation:

- 8.24. Issues regarding the property value of the road, places in local primary schools, the Toads Hole Valley scheme, the proposed flats being rented out on Airbnb or similar short-term let websites, noise and disturbance from building works, the motivations of the developer and spoiling views from a park are not relevant planning considerations and therefore have not been taken into account in the determination of this application.

9. CONCLUSIONS

- 9.1. The scheme makes a small contribution to the Council's housing targets, which in conjunction with the high quality of architecture, good standard of accommodation, lack of a significant impact on highways safety and neighbouring amenity as well as a net gains in biodiversity is considered to allow the application to be recommended for approval subject to conditions.

10. EQUALITIES

- 10.1. It is noted that the ground floor flats would be M4(3) compliant, which is supported. Furthermore, with the provision of a stairlift with a wheelchair platform stairlift to the side access between the front and rear of the site, in addition to a wheelchair car parking space, the proposal is considered to have fully considered the need for development to be inclusive.

11. S106 AGREEMENT

- 11.1 In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reason:
1. The proposed development fails to provide necessary affordable housing contribution and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One.
 2. The proposed development fails to provide adequate sustainable transport measures and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.

Cllr. Vanessa Brown
BH2020/01619 - 55 Goldstone Crescent
BH2020/01620 - 57 Goldstone Crescent

15th July 2020:

These two applications should be considered together. My objections concern both.

I am writing as a Ward Councillor to strongly object to both these planning applications. They are both to knock down a perfectly good family home and to build 7 flats on each site.

This is not the correct location for blocks of flats. There are some flats at the Old Shoreham Road end of Goldstone Crescent but only up as far as the first turning off Goldstone Crescent – Hove Park Road. These two houses are situated in the middle of owner occupied residential houses facing the park and are not near any flats. To pass these applications would set a terrible precedent.

The design has brought the proposed flats forward of the existing building line which is going to make them bulky and too dominant. At the moment the houses are set at an angle and accommodate the slight curve in the road.

All the houses have traditional pitched tiled roofs. These two buildings do have a tiled roof on all the elevations but it is only a half pitch with a flat roof at the ridge line.

Because of bringing these buildings forward towards the road the parking will be in front of the buildings. All the surrounding houses have driveways to the side of their houses for cars so this will ruin the street scene. There is also an inadequate number of parking spaces. There will be 14 flats altogether, some of them with 3 bedrooms, and yet only 6 parking spaces. This will put even more parking pressure on the area around Hove Park.

These two blocks of flats will also cause overlooking and a loss of privacy to the properties either side and to those in Hove Park Way who back onto the sites. 53 Goldstone Crescent is a bungalow and the windows and balcony on the Southern elevation will overlook the kitchen, bedroom and patio.

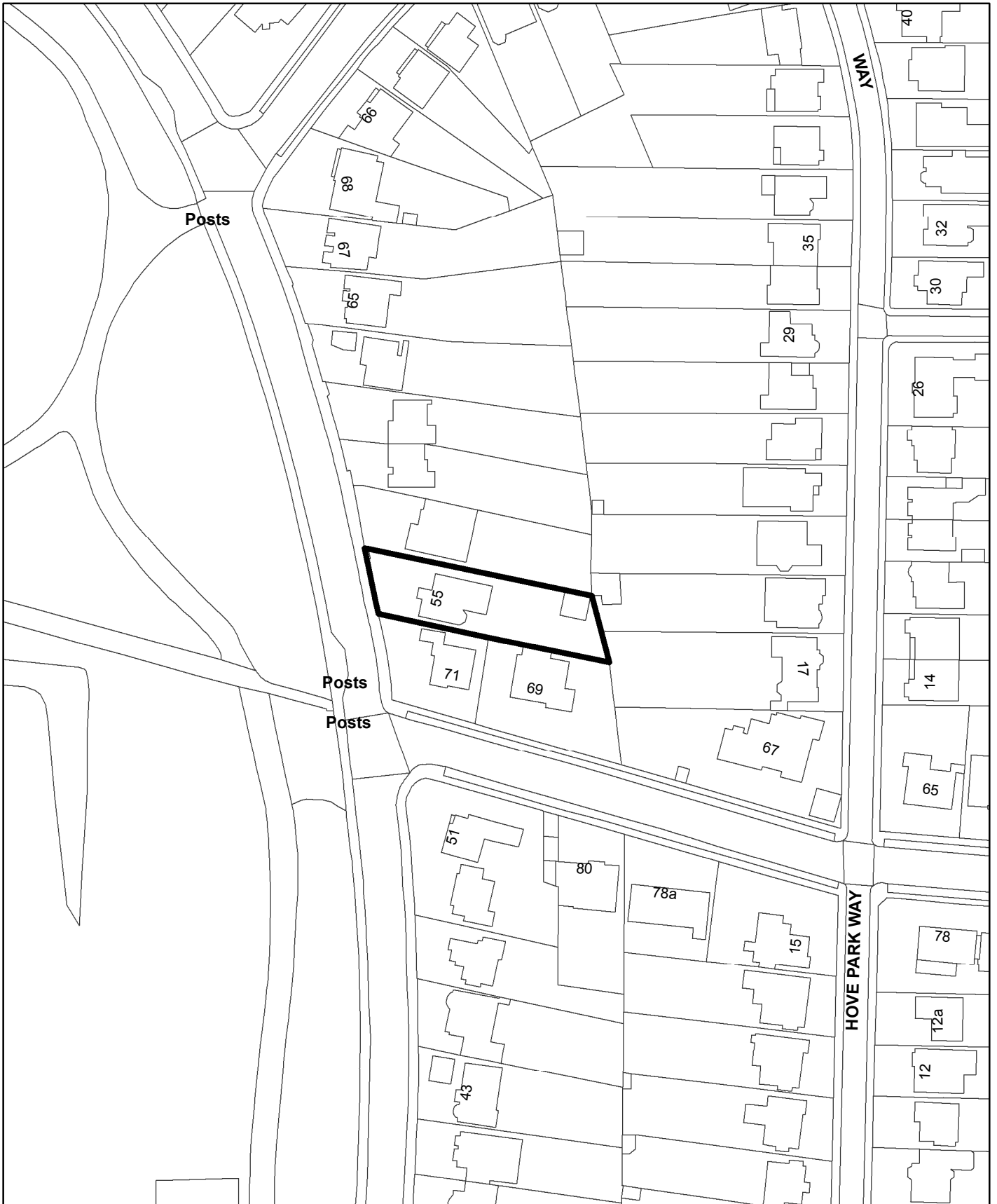
I would request that if the applications should be recommended to be passed they go before the Planning Committee for decision.

ITEM D

**BH2020/01619
55 Goldstone Crescent
Full Planning**

DATE OF COMMITTEE: 17th September 2020

BH2020 01619 - 55 Goldstone Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2020/01619	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	55 Goldstone Crescent Hove BN3 6LR		
<u>Proposal:</u>	Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	17.06.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	12.08.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	18.09.2020
<u>Agent:</u>	Absolute Town Planning Ltd Parkers Cornelius House 178-180 Church Road Hove BN3 2DJ		
<u>Applicant:</u>	Deller Holdings Limited C/o Absolute Town Planning Ltd		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **2nd October 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11.1 of this report:

Section 106 Head of Terms:

Affordable housing:

- 20% financial contribution (calculated at £238,750)

Sustainable Transport:

- £6,400 contribution towards improving transport infrastructure and services in the immediately vicinity of the development site.

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	03/2003772		17 June 2020
Proposed Drawing	04/2003772		17 June 2020
Proposed Drawing	05/2003772		17 June 2020
Proposed Drawing	06/2003772		17 June 2020
Proposed Drawing	07/2003772		17 June 2020
Proposed Drawing	08/2003772		17 June 2020

Proposed Drawing	09/2003772		17 June 2020
Proposed Drawing	10/2003772		17 June 2020
Proposed Drawing	11/2003772	A	12 August 2020
Proposed Drawing	12/2003772		17 June 2020
Proposed Drawing	16/2003772	A	12 August 2020
Proposed Drawing	17	A	17 June 2020
Proposed Drawing	18	A	17 June 2020
Proposed Drawing	19	A	17 June 2020
Proposed Drawing	20	A	17 June 2020
Proposed Drawing	21	A	12 August 2020
Proposed Drawing	22	A	17 June 2020
Proposed Drawing	23	A	17 June 2020
Proposed Drawing	24	A	12 August 2020
Location Plan			17 June 2020
Block Plan			17 June 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples 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:
- physical samples of all brick (including details of its bonding, mortar colour and pointing), lintels, quoins and tiling;
 - specification documents for the proposed window, door and balcony balustrades and decking / hard surfacing (which shall be porous or permeable, or adequate means or drainage shall be provided); and
 - 1:20 drawings with materials and finishes annotated for the front balcony at roof level.
- 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 HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
4. A bee brick 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 SPD11.
5. A swift brick 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 SPD11.
6. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct

run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.

7. Prior to the first 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, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures (if applicable) and confirmation of location, species and sizes; and
- 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 SU3, SU5, SU9, QD15 and QD16 of the Brighton & Hove Local Plan, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

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

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

9. Notwithstanding the elevations hereby approved, no development above ground floor slab level of the development hereby permitted shall take place until 1:20 elevations of the windows to the living space on the south façade have been submitted and approved by the Local Planning Authority. These windows shall be obscure glazed and top-hung casements. The approved details shall be fully installed and thereafter retained.

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

10. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

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

11. The extended / relocated crossover and accesses shall be constructed / reinstated (by raising the existing kerb and footway) prior to the first occupation of the development hereby permitted.

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

12. Notwithstanding the drawings hereby approved, 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. The location of the cycle store shall not give rise to overlooking of the patios serving the bedrooms of the ground floor flats.

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.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

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

The construction shall be carried out in accordance with the approved CEMP. **Reason:** To protect amenity, manage highway safety and waste throughout development works and to comply with Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, and SPD03 Construction and Demolition Waste.

15. No development, including demolition and excavation, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
16. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
17. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One.

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.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed 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.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local

Government document 'Guidance on the permeable surfacing of front gardens'.

5. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
7. The water efficiency standard required under Condition 17 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.
8. If future occupiers of the flats hereby approved are minded to install rear balconies or terraces then this would require an application for planning permission to be submitted to the Local Planning Authority.
9. Tall and / or dense planting to the rear boundary of the application site should be included within the submission to discharge Condition 7 of this permission in respect of landscaping and boundary treatment.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two storey dwellinghouse built in brown brick with a front projecting element, a gabled roof form, a front porch with a portico, white uPVC windows with shutters and quoin detailing. It has a large hardstanding area to the front (west) used for car parking, with a sloped driveway leading up from a crossover constructed with 'Wealden Cream' Candy blocks. The boundary walls are also brown brick with white railings.

- 2.2. The subject property is located on the eastern side of Goldstone Crescent between the junctions of The Drove way to the south and Woodruff Avenue to the north. Hove Park is directly opposite to the west.
- 2.3. The building is not within a conservation area, not a listed building or in the vicinity of one, but is opposite the locally listed Hove Park. The site is also within Ground Source Protection Zone 2 and, whilst it is surrounded by Controlled Parking Zone (CPZ) P, it is not within a CPZ.
- 2.4. The current application seeks planning permission for the demolition of the existing house and the erection of a three storey building with accommodation in the roofspace to provide 2 x three bedroom flats and 5 x two bedroom flats (Planning Use Class C3) with associated landscaping and parking.

3. RELEVANT HISTORY

- 3.1. **BH2002/02862/FP**: Rear conservatory. Approved 26 November 2012
- 3.2. **BH2007/00668**: First floor rear extension. Approved 14 May 2007
- 3.3. **PRE2020/00018**: Demolition of 2no existing detached dwellings and erection of 2no apartment blocks consisting of 4no 2 bed and 3no 3 bed flats per block, totalling 14 flats. Response issued 26 February 2020 giving the following advice:
 - Whilst the provision of 14 family sized dwellinghouses that contribute to the Council's housing target and address an identified housing need are supported in principle, the unit mix does still require justification and an affordable housing contribution is required;
 - The densification of the site is supported, but notwithstanding that, the proposed siting, roof typology, materiality, balcony design, widths and proportions of the buildings are all considered unacceptable without justification;
 - The scale and massing is otherwise considered acceptable, although care should be taken to avoid overshadowing, a loss of sunlight, outlook or privacy and the creation of a sense of enclosure;
 - The landscaping of the site requires further consideration, including SUDS, the use of and access to the rear garden, biodiversity gains and the car parking arrangement;
 - The dwellings should provide adequate floor space and bedroom sizes, sufficient floor to ceiling heights, maximise daylight and sunlight, and have usable balconies; and
 - The impact of the overspill parking generated by the proposal should be addressed, adequate cycle and bin storage should be provided and the LPA consider that a financial contribution towards improving transport infrastructure and services is required.
- 3.4. Of relevance at 57 Goldstone Crescent:

BH2020/01620: Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking. Awaiting determination (this Committee).

4. REPRESENTATIONS

4.1. **Nine (9) objections** and **one (1) comment**, one of which is from a property directly affected, have been received to the proposal on the following grounds:

- A large proportion of houses around Hove Park are being or have been demolished, which is having a detrimental effect on the architecture and the style of the general area and of Hove as a whole.
- The proposal is the overdevelopment of family houses into yet more small flats. This would decrease the property value of the road.
- The additional numbers of cars will have a negative effect on an already busy and narrow street, and traffic and noise will inevitably increase. There will not be enough space to provide car parking for all the flats planned.
- 'Temporary overspill' whilst waiting for car ownership to decrease is a weak mitigation for the under-provision of car parking. Getting in / out of the 3 spaces require manoeuvres that would block traffic and the proposed building should be positioned further back to prevent reversing.
- There's a lack of high quality affordable family homes available in the area.
- The traffic survey was conducted during the lockdown period and so there are currently significantly less cars parked and moving at present.
- School places in local primary schools are already over-subscribed.
- No reference is made to the Toads Hole Valley transport plans that will funnel a significant amount of traffic into Goldstone Crescent.
- This block of flats is completely out of keeping with the row of large detached houses and will set a precedent in increasing the density of the area. The design is ugly, overbearing, out of proportion and will alter the pleasant outlook from the park.
- If any of the flats are let to Airbnb the likelihood of them becoming a party venue by many people is extremely high and will probably cause a lot of loud noise.
- There is no public transport nearby, thus increasing the probable use of private cars or taxis and the accompanying unavoidable noise, disturbance and pollution.
- The kitchen windows on the southern elevation and balconies will cause a loss of privacy to a garden, kitchen and bedroom.
- The proposed building will cause overshadowing and a loss of light due to its closeness. It has failed the light test in the test report submitted.

4.2. **Councillor Brown** has objected to the application. A copy of the correspondence is attached to the report.

5. CONSULTATIONS

- 5.1. **Transport: Recommend approval**
No significant changes are proposed to the pedestrian access arrangements onto the adopted highway and this is deemed acceptable.
- 5.2. The site is on National Cycle Network (NCN) Regional Route 84 and relatively close to the COVID-19 Transport Action Plan temporary measures cycle network route along the A270 Old Shoreham Road.
- 5.3. For this development the minimum cycle parking standard according to SP14 is 10 spaces (9 for residential units and a visitor space). The cycle store proposed is not policy compliant as its inconveniently located up a stairway and to the rear of the site. Furthermore, there are fewer than 10 spaces offered, no precise location and no details of the type, design, materials and dimensions of the cycle store and no lighted footpath to and from it. Cycle parking is thereby requested by condition.
- 5.4. There are somewhat limited opportunities for free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park. Blue Badge holders are also able to park on double yellow lines for up to 3 hours in the vicinity of the site. Therefore, the lack of dedicated, for sole use only on-site disabled car parking is not considered to be an issue.
- 5.5. No significant alterations to the current servicing and delivery arrangements to this site are proposed and this is deemed acceptable in principle. However, amendments are sought to the location of the proposed bin store as it is behind car parking spaces so inconvenient to access for use and collection.
- 5.6. However, the design does not include a turning head, but features boundary walls over 600mm high (bad for visibility, security and view of the park) and vehicle swept path analysis drawings of vehicles entering into the site in a forward gear. It needs to be demonstrated through amended drawings that vehicles can safely reverse into and then leave the site in a forward gear to avoid refusal against Policy TR7.
- 5.7. Also, the existing vehicle access will not be correctly aligned and therefore a condition for the new / extended or relocated crossover is requested in order to make any necessary changes to the existing vehicle access arrangements onto the adopted highway, including construction in 'Wealden Cream' Candy blocks. Vehicle crossovers are only permitted up to 5.5m wide.
- 5.8. The driveway and hardstanding materials should be porous and / or permeable and no surface water should run-off onto the adopted highway. This should be conditioned.
- 5.9. Whilst the submission of a Transport Statement with a Lambeth Methodology survey is noted, being that the site is next to the park, the situation observed is normally very different during the day over the weekend and on a Sunday, which has probably been accentuated even more during the COVID-19 lockdown period. The implication is that future occupants and visitors to the

site may have difficulty finding an on-street car parking space nearby during the day and in particular on a Sunday.

- 5.10. For this development the maximum car parking standard according to SP14 is 10 spaces (1 per unit for residents and 1 per pair of units for visitors). Therefore, the three car parking spaces proposed are compliant.
- 5.11. A 'retention of parking area' condition should be attached to any permission granted to ensure that on-site parking provision is maintained.
- 5.12. This section of Goldstone Crescent is located just outside Controlled Parking Zone (CPZ) P so any overspill cannot be controlled and the site cannot be made 'car free'. Like their neighbours, the future occupants of the flats will not be able to apply for any residents parking permits in any of the other CPZs.
- 5.13. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity.
- 5.14. However, there would be a cumulative increase in trip generation by all forms of transport and therefore a Sustainable Transport Contribution of £6,400 is sought via legal agreement.
- 5.15. **Southern Water:**
A formal application for a connection to the public foul sewer is required, and this should be attached to any consent as an informative.
- 5.16. The planning application form makes reference to using Sustainable Urban Drainage Systems (SUDS), which may be adopted by Southern Water if requested by the developer.
- 5.17. Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities in perpetuity.
- 5.18. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:
 - Specify the responsibilities of each party for the implementation of the SUDS scheme.
 - Specify a timetable for implementation.
 - Provide a management and maintenance plan for the lifetime of the development.
- 5.19. It is possible that a public sewer could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation into its ownership will be required before any further works commence on site.

- 5.20. The proposed development lies within a Source Protection Zone and therefore consultation with the Environment Agency should ensure the protection of the public water supply source.
- 5.21. Should this application receive planning approval, the following condition is requested to be attached to the consent: *“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”*
- 5.22. **Environmental Health:** no comment, concerns or conditions to recommend
- 5.23. **Private Sector Housing:** no comments

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 Joint Area Action Plan (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The Council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

Supplementary Planning Guidance

SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space
--------	---

Other Documents

Urban Characterisation Study 2009

Developer Contributions Technical Guidance - June 2016

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, affordable housing provision, density, design,

landscaping and biodiversity, their impact on neighbouring amenity, the standard of accommodation, the impact on the highway, and sustainability.

- 8.2. In view of the ongoing COVID-19 travel restrictions a site visit has not been conducted. It has been possible to fully assess the application based on available photographic records of the site and surrounding area.

Principle of development:

- 8.3. 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.
- 8.4. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to four 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).
- 8.5. The site counts as a small 'windfall site', bringing the benefit of providing six additional housing units to the city, and contributing to the City's ongoing five year supply requirements and meeting the Council's target of 4130 new homes within the built up area. A net increase of six dwellings (such as that in this proposal) would represent a small contribution.
- 8.6. City Plan Part One Policy CP19 outlines that sites coming forward as 'windfall' development, such as this one, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. All new residential development shall have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities.
- 8.7. Paragraph 4.213 of the supporting text outlines that an estimated 65% of the overall need / demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively), 24% for 1 bedroom properties and 11% for 4+ bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively).
- 8.8. The housing mix is proposed to be 2 No. three bed and 5 No. two bed dwellings. It should be noted that 2 No. two beds, 2 No. three beds, 2 No. one beds and a four bed house would need to be provided in order to be fully compliant with paragraph 4.213.

- 8.9. Nonetheless, it is considered that the provision of one-bedroom dwellings has historically exceeded the predicted needs of the city, whereas there remains a significant shortfall in meeting the requirement for family sized dwellings. Two and three bed dwellings are in most demand within the city and this site is across from Hove Park, has ample green space and aims to be a family friendly development. In terms of not providing a four bed dwelling, future occupiers would reasonably expect a substantial external amenity space, usually in the form of a private garden, and at least one private car parking space, neither of which can be achieved on this site without comprising other objectives. As such, the unit mix is considered acceptable and would meet the need in the city to provide more family-sized housing.
- 8.10. Accordingly, no in-principle objection is raised to the proposal, and which is considered to be compliant with Policies SS1 and CP19.

Affordable Housing:

- 8.11. It is noted that the applicant is willing to pay the 20% financial contribution (calculated at £238,750) as set out in City Plan Part One Policy CP20 for development of between 5 and 9 dwellings. This contribution can be provided in the form of a Unilateral Undertaking or a Section 106 Agreement.

Density:

- 8.12. To make full, efficient and sustainable use of the land available, new residential development in Brighton & Hove will be expected to achieve a minimum net density of 50 dph (dwellings per hectare), provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the above criteria can be satisfactorily met.
- 8.13. However, residential development should still be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis. Development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal meets all the criteria listed in Policy CP14.
- 8.14. The site is within the Tongdean neighbourhood where the average gross density is 11 dph. The density is higher for the flats, but consistently lower elsewhere. The proposal would provide approximately 90 dph, which is therefore well in excess of the average for the neighbourhood.
- 8.15. In terms of compliance with CP14, the proposal is considered to be of a high standard of design and would help to create a coherent townscape; it would respect the overall character of the neighbourhood and contribute positively to its sense of place; it would include a mix of dwelling types and sizes that reflect identified local needs; the site is easily accessible by sustainable transport; it is well served by local services and community facilities; it would provide outdoor recreation space appropriate to the demand it would generate. These matters are expanded upon within the relevant sections of this report.

Design:

- 8.16. The immediate surrounds are largely characterised by two storey buildings, albeit they are relatively tall for two storeys, with steep pitched roofs allowing for the loftspace to be habitable, effectively providing a third floor of living accommodation. There are three storey blocks further to the south near the junctions with Old Shoreham Road and Fonthill Road, including five storeys on the corner itself. However, corners provide strong design rationale for additional height, providing wayfinding points and local landmarks.
- 8.17. It is recognised that the proposal optimises the potential of the site for number of storeys by using the ground levels to partially sink the lowest floor into the land and incorporate the top floor into the roofspace.
- 8.18. As made clear by the streetscene elevations and visuals, the buildings between the junctions of Woodruff Avenue and The Drove way step down towards the south. The proposed building would also drop in height from no. 57, whether as existing or as currently proposed by BH2020/01620, which is supported. Contextual townscape analysis (as part of an Additional Information document) covering building line, materials and architectural style, roofscape has now been provided to support the proposed design, which is considered to be adequately justified. The massing is no longer considered monolithic to the side elevation in views from the south through providing visual relief in the form of brick patterns and windows.
- 8.19. The proposed building's siting within the plot has also been justified. It is sited behind, rather than in line with the building line between 59 Goldstone Crescent and 71 The Drove way, although the building line is generally quite fluid on this part of Goldstone Crescent. The reasons behind this are to protect neighbouring amenity by closely following the footprint of the existing built form and to provide amenity areas, screening and car parking to the front of the buildings.
- 8.20. The housing in the area is generous with the main coherent character being in the general use of red brick and clay tile. Therefore, it is considered more congruous to use a reddish brown brick as the prevalent facing material for this development, as is proposed. The use of brick is supported as a robust material that does not discolour the way render does. It also facilitates the introduction of articulation for some visual relief to the side elevations. A condition is recommended to secure samples of the brick (including its bonding, mortar colour and pointing), lintels, quoins, roof tiles, windows and doors.
- 8.21. The provision of balconies to the front elevation is considered acceptable given the pleasant outlook it would offer the flats onto Hove Park and the use of solid, opaque balustrading. As such, the balconies would not be particularly intrusive, nor would they draw the eye.
- 8.22. It is considered that the front balcony at roof level would be more likely to draw the eye. However, following further design development, materials to match the colour, finish and texture of the roof would be used to integrate it into its immediate surroundings. As with the other materials, it is recommended that

these and the detailed finish be secured by a pre-commencement condition. To the rear the proposed dormers would be set away from the edge of the roof slopes and set down from the roof ridge, thereby appearing as subordinate additions.

- 8.23. As such the proposal is considered to be compliant with City Plan Part One Policies CP12, CP14 and CP15, Local Plan Policy HE10.

Biodiversity and Landscaping:

- 8.24. Bee bricks will be included within the proposed development. It is noted that the proximity of the proposed shrubbery and 'bee hotels' would encourage bees to use the brick. Conditions in respect of swift bricks are also recommended to be added. The provision of vegetables planters is welcomed.
- 8.25. The landscaping proposed is mostly of the soft variety, two fruit trees and shrubbery being shown on the (3D) Proposed Site Plan. The hardstanding is largely to the front of the site for the car parking as existing. However, it is considered important to ensure that this is porous and / or permeable and therefore a relevant condition is recommended. Particularly since a sustainable drainage system would be the main way surface water is to be disposed of, a condition for a landscaping scheme is considered necessary.

Impact on Neighbouring Amenity:

- 8.26. 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.
- 8.27. The main impact of the proposal would be on 71 The Droveaway and 57 Goldstone Crescent, which it is recognised would be demolished if application BH2020/01620 is approved. It is not considered that the proposal would have any significant impact on the properties to the rear, 17 and 19 Hove Park Way, given the distances involved (over 60m). If the rear boundary treatment is to be replaced, the height of this could be controlled by condition. No. 69 The Droveaway, although closer to the application site than the properties directly to the rear, would similarly notice the increased mass of the building and additional fenestration but the impact would be lessened due to being off-set and therefore not directly in line with the new building.
- 8.28. The main potential impact of the development on amenity is considered to be in terms of sunlight, daylight, overshadowing, outlook and sense of enclosure. The use of the site would intensify through comings and goings, given the increase in dwellings and residents, but it is not expected that any impact would be significantly harmful to amenity or out of keeping with the residential area.
- 8.29. A daylighting study has been provided to assess the impact on 71 The Droveaway. This is a part one, part two storey dwellinghouse with a high-level obscure glazed bathroom window, a part-glazed door serving a dining room / kitchen and french doors to the rear of the garage that face north. Given that

none of the windows serve habitable rooms, a No-Sky Line (NSL) test is not relevant in this case.

- 8.1. The daylight study (based on BRE guidelines) has been assessed by Officers and discussed with the agents for the applicant. The Vertical Sky Component (VSC) is the same post-development as pre-development and there is no significant impact in respect of loss of light to no. 71. VSC is the ratio of the direct, unobstructed sky illuminance falling on the outside of a window, and which is a good measure of the amount of daylight entering it. It is noted that the proposal has been designed to be similar to the building that is there currently in respect of eaves height and footprint.
- 8.2. It is, however, important to acknowledge that there is no formal requirement to comply with the BRE guidelines and the NPPF advises that LPAs should take a flexible approach in applying this guidance on housing schemes where it would otherwise inhibit making efficient use of a site. The standard of accommodation is assessed in the next section of this report.
- 8.3. Overshadowing is assessed to external amenity areas, which in the case of no. 71 are to the south of the property and therefore unaffected. Given the fenestration identified as facing the application site, it is not considered that there would be a significant loss of outlook or the creation of a sense of enclosure to no. 71.
- 8.4. In terms of overlooking, views from the rear Juliette balconies and dormers, which serve bedrooms and a study on the third floor, would not be out of keeping in a built up area such as this. It is worth noting that views are already had of neighbouring gardens from the existing rear fenestration. Notwithstanding the proposed elevations submitted, it is recommended that a condition be added to secure the secondary windows to the living space on the south façade as obscure glazed with top lights for ventilation only. It is also recommended that a condition is imposed to prevent the flat roof from being used as any kind of external amenity area.
- 8.5. The use of the site would intensify through comings and goings, but it is not expected that the noise emanating from the proposed additional flats would be materially harmful to amenity.
- 8.6. As such, the proposal is considered to be in accordance with Policy QD27.

Standard of Accommodation:

- 8.7. 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.
- 8.8. 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, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.

- 8.9. Seven dwellings are proposed as follows: two 3b4p (3 bedroom, 4 person) flats, a 2b4p flat and four 2b3p flats. All are compliant with the Gross Internal Areas outlined within the NDSS, as are the bedrooms sizes, and this is therefore considered acceptable. The floor to ceiling heights to all floor levels would be 2.35m, which is considered acceptable.
- 8.10. All of the units are dual aspect to the east and west and would therefore benefit from cross-ventilation. It is considered that all would have sufficient outlook too. Given the depth of the units (approximately 14m) it is considered that insufficient natural lighting would reach the centre of the dwellings, but since bathrooms, hallways and staircases would be located in these areas, the layout is considered acceptable.
- 8.11. Communal access to the front is considered acceptable. The depth and width of all balconies and other private external spaces would be a minimum 1.5m and therefore they are considered suitably usable. The planting to the front of those to the ground floors would need to be sufficient to mitigate light spill, general disturbance and overlooking from the communal car parking area and this can be dealt with by the recommended landscaping condition.
- 8.12. The rear garden would be used as communal external amenity space for all the flats, which would be more practical than dividing it. Hove Park is just across from the site, providing further external amenity space, albeit it is public. The use of the communal garden area immediately adjacent to the patios serving the bedrooms of Flats 1 and 2 causes concern, but this can be dealt with by the recommended landscaping and boundary treatment condition to ensure that future occupiers are not overlooked.
- 8.13. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

Impact on Highways:

- 8.14. The site is considered to be in a sustainable location given the proximity to Hove and Aldrington train station by all means of transport, bus stops on Old Shoreham Road and local shops and services on George Street. As such, development is supported in principle in highways terms.
- 8.15. The level of car parking is lower than the maximum standards set out by SP14 and given the Council is looking to reduce the reliance on the private car and encourages sustainable means of transport, this is support. The retention of the hardstanding area for car parking is recommended to be secured by condition. The provision of a disabled parking bay is welcomed.

- 8.16. Whilst the site is not within a CPZ, it is surrounded by CPZ P so any overspill cannot be controlled and the site cannot to be made 'car free'. The applicant has submitted a Transport Statement with a Lambeth Methodology parking survey and it is noted that visitors would have difficulty finding a parking space over a weekend. However, as established the site is within a location easily accessible by public transport.
- 8.17. In terms of the highways safety of the three proposed car parking spaces, revised swept path analysis has been submitted showing that cars could safely reverse over the pedestrian footway into each space and also leave in a forward gear. It appears that the existing vehicle access would not be completely aligned with the entrance into the site and therefore any changes to the existing crossover, including if it is to be slightly relocated, are recommended. Application would be also need to be made to the Local Highways Authority for a licence.
- 8.18. The level of cycle parking (nine) would be lower than the minimum standards set out by SP14 of 10 spaces, albeit few details have been submitted of the cycle store at this stage other than its location. Its location may involve users encroaching close to the patios serving the bedrooms of Flats 1 and 2 and therefore it is recommended that a condition be added. It is, however, noted that the applicant has proposed a cycle ramp alongside the steps to ensure that access from the front to the rear of the site and vica-versa for cyclists can be achieved.
- 8.19. The only alterations to the current servicing and delivery arrangements proposed to this site are to the refuse and recycling bins, which are shown behind car parking space 2. It has been confirmed that at the standard dimensions of 1.37m high by 1.37m wide by 0.78m depth the bins could be accessed from the end of car parking space 3 on collection days. A condition is recommended to secure these arrangements in perpetuity.
- 8.20. Whilst there is not forecast to be a significant increase in vehicle trip generation as a result of this proposal, the combined trips by all forms of transport would generate the need for a Sustainable Transport Contribution. In accordance with the Council's Developer Contributions Technical Guidance, this has been calculated to be £6,400 and would go towards improving transport infrastructure and services in the immediately vicinity of the development site, such as dropped kerbs, tactile paving and nearby bus stop improvements.
- 8.21. In terms of access for construction, the use of Goldstone Crescent would be the only option but has the potential to cause significant highways safety issues. As such, it is recommended that a condition be added requiring a Construction Environmental Management Plan (CEMP) to be submitted and approved by the LPA prior to commencement. Given the extent of demolition, a Site Waste Management Plan (SWMP) is also recommended to be secured by a pre-commencement condition.

Sustainability:

- 8.22. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards. It is noted that photovoltaic panels, timber from certified sustainable sources and rainwater butts are to be used, which is welcomed. Conditions relating to bee bricks and swift boxes are also proposed.

Issues raised by consultation:

- 8.23. Issues regarding the property value of the road, places in local primary schools, the Toads Hole Valley scheme and the proposed flats being rented out on Airbnb or similar short-term let websites are not relevant planning considerations and therefore have not been taken into account in the determination of this application.

9. CONCLUSIONS

- 9.1. The scheme makes a small contribution to the Council's housing targets, which in conjunction with the high quality of architecture, good standard of accommodation, lack of a significant impact on highways safety and neighbouring amenity as well as a net gains in biodiversity is considered to allow the application to be recommended for approval subject to conditions.

10. EQUALITIES

- 10.1. It is noted that the ground floor flats would be M4(3) compliant, which is supported. Furthermore, with the provision of a stairlift with a wheelchair platform stairlift to the side access between the front and rear of the site, in addition to a wheelchair car parking space, the proposal is considered to have fully considered the need for development to be inclusive.

11. S106 AGREEMENT

- 11.1 In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reason:
1. The proposed development fails to provide necessary affordable housing contribution and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One.
 2. The proposed development fails to provide adequate sustainable transport measures and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.

Cllr. Vanessa Brown
BH2020/01619 - 55 Goldstone Crescent
BH2020/01620 - 57 Goldstone Crescent

15th July 2020:

These two applications should be considered together. My objections concern both.

I am writing as a Ward Councillor to strongly object to both these planning applications. They are both to knock down a perfectly good family home and to build 7 flats on each site.

This is not the correct location for blocks of flats. There are some flats at the Old Shoreham Road end of Goldstone Crescent but only up as far as the first turning off Goldstone Crescent – Hove Park Road. These two houses are situated in the middle of owner occupied residential houses facing the park and are not near any flats. To pass these applications would set a terrible precedent.

The design has brought the proposed flats forward of the existing building line which is going to make them bulky and too dominant. At the moment the houses are set at an angle and accommodate the slight curve in the road.

All the houses have traditional pitched tiled roofs. These two buildings do have a tiled roof on all the elevations but it is only a half pitch with a flat roof at the ridge line.

Because of bringing these buildings forward towards the road the parking will be in front of the buildings. All the surrounding houses have driveways to the side of their houses for cars so this will ruin the street scene. There is also an inadequate number of parking spaces. There will be 14 flats altogether, some of them with 3 bedrooms, and yet only 6 parking spaces. This will put even more parking pressure on the area around Hove Park.

These two blocks of flats will also cause overlooking and a loss of privacy to the properties either side and to those in Hove Park Way who back onto the sites. 53 Goldstone Crescent is a bungalow and the windows and balcony on the Southern elevation will overlook the kitchen, bedroom and patio.

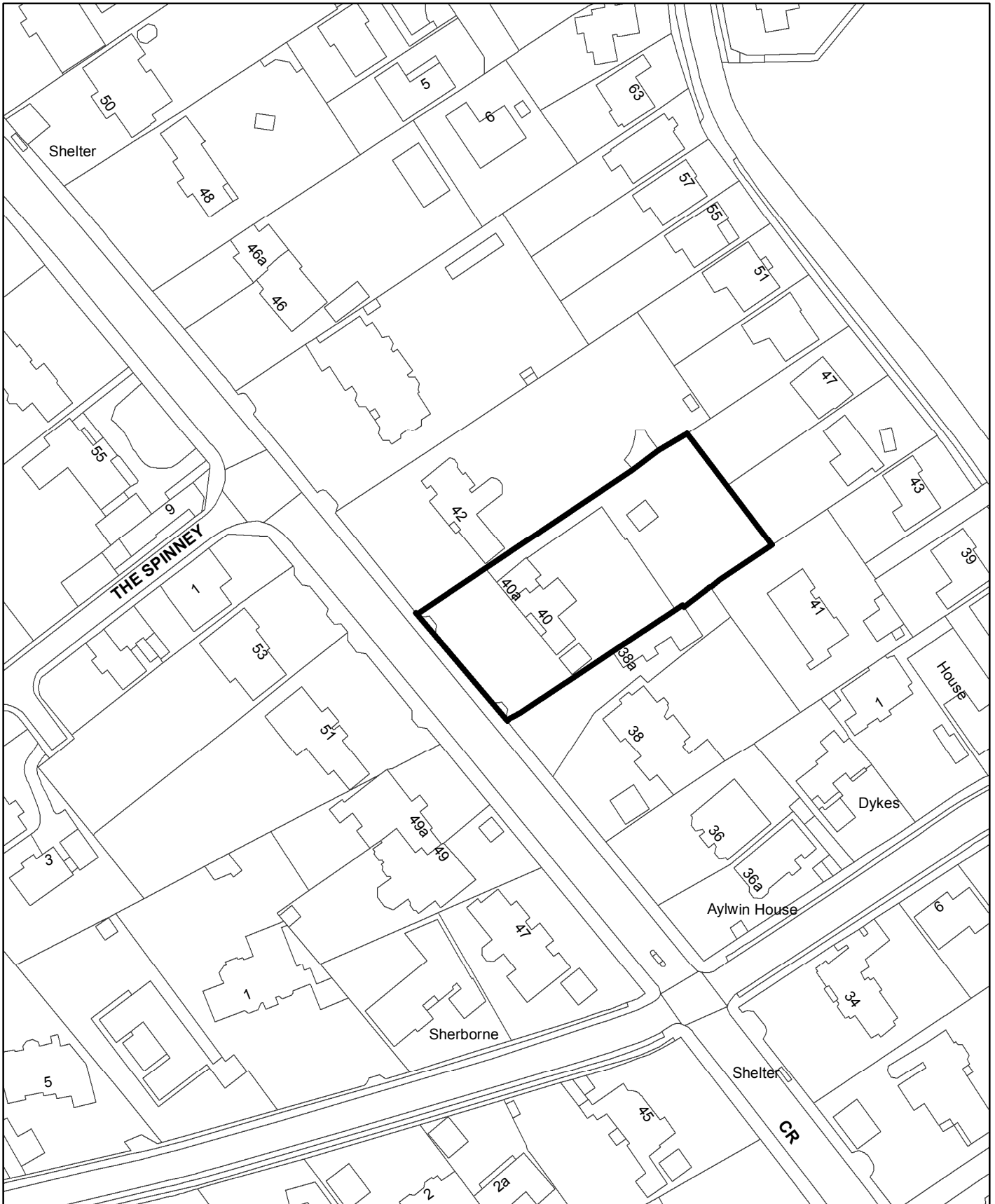
I would request that if the applications should be recommended to be passed they go before the Planning Committee for decision.

ITEM E

**BH2020/01973
40 Dyke Road Avenue
Full Planning and Demolition in CA**

DATE OF COMMITTEE: 17th September 2020

BH2020 01973 - 40 Dyke Road Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2020/01973	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	40 Dyke Road Avenue Brighton BN1 5LE		
<u>Proposal:</u>	Demolition of existing single dwelling with associated garage and erection of three storey, five bedroom single dwelling (C3) with reconstruction of front boundary wall and landscaping works.		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	21.07.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	15.09.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Morgan Carn Architects Brighton BN1 6FA United Kingdom	Blakers House	79 Stanford Avenue
Applicant:	Mr And Mrs Hogley Brighton BN1 6FA	C/o Morgan Carn Architects	79 Stanford Avenue

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 **REFUSE** planning permission for the following reasons:

- The existing house makes a very positive contribution to the historic and architectural qualities of this part of Dyke Road Avenue and the wider Tongdean Conservation Area, and exhibits many of the common features of the area, whilst at the same time being architecturally distinctive and reflective of the period in which this part of the conservation area was developed. No heritage or other benefits have been justified to outweigh the building's loss. It is therefore considered that the demolition of the existing building would fail to preserve the appearance and character of the area and would cause harm to the Tongdean Conservation Area. Furthermore the replacement dwelling, due to its width and scale, would be out of keeping with the spacious character of the area and would therefore result in further harm to the streetscene and surrounding conservation area. The proposal is therefore contrary to policies HE6 and HE8 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2005-P-103	A	21 July 2020

Proposed Drawing	2005-P-104	A	21 July 2020
Proposed Drawing	2005-P-105	A	21 July 2020
Proposed Drawing	2005-P-106	A	21 July 2020
Proposed Drawing	2005-P-107	A	21 July 2020
Proposed Drawing	2005-P-110	A	21 July 2020
Proposed Drawing	NJCL 523-2 A		21 July 2020
Proposed Drawing	NJCL 523-2 B		21 July 2020
Proposed Drawing	NJCL 523-2 C		21 July 2020
Location and block plan	2005-P-101	A	21 July 2020

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application relates to a detached dwelling on the northern side of Dyke Road Avenue, located within the Tongdean Conservation Area. The building is set back from the road and enclosed with a brick wall with piers to the street elevation.
- 2.2. The application seeks permission for the demolition of the existing building and erection of a single three storey, five bedroom dwelling.

3. RELEVANT HISTORY

- 3.1. **BH2019/02306** Demolition of existing single dwelling (C3) with associated garage and erection of three storey five bedroom single dwelling (C3). Refused at Planning Committee Meeting 08.01.2020 with the following reason given:
- The existing house makes a very positive contribution to the historic and architectural qualities of this part of Dyke Road Avenue and the wider Tongdean Conservation Area, and exhibits many of the common features of the area whilst at the same time being architecturally distinctive and reflective of the period in which this part of the conservation area was developed. No information or supporting evidence has been submitted with the application to justify its demolition and no benefits are evident from the application proposal that would outweigh the building's loss. It is therefore considered that the demolition of the existing building would fail to preserve the appearance and character of the area and would cause harm to the Tongdean Conservation Area. Furthermore the replacement dwelling would introduce a style of architecture not found anywhere else within the conservation area, resulting in a development that would be out of keeping and would fail to make a positive contribution to the streetscene and wider area. The proposal is therefore contrary to policies HE6 and HE8 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
- Pre-Application Advice
- 3.2. **PRE2018/00156** Demolition of existing house and erection of new larger replacement dwelling.

- 3.3. **PRE2017/00324** Erection of new dwelling to the rear part of the garden of the existing house

4. REPRESENTATIONS

- 4.1. Twelve (12) letters have been received supporting to the proposed development for the following reasons:
- Good Design
 - The existing house is derelict and in a poor state
 - The design is in keeping with Conservation Area
- 4.2. **Cllr Vanessa Brown** supports the application. A copy of her representation is attached to this report.

5. CONSULTATIONS

- 5.1. **Environmental Health:** No Comment
- 5.2. **Heritage:** Objection
The proposal would fail to meet any of the criteria of policies HE6 and HE8 of the Brighton and Hove Local Plan.
- 5.3. The proposed house, due to its excessive width, is not considered to preserve or enhance the conservation area and therefore fails to meet policy HE6 and particularly criteria (a) and (d). The reinstatement of the front boundary wall, which was part-demolished without permission, is welcomed subject to detail.
- 5.4. Under the terms of the NPPF the proposal would cause very clear harm to the Tongdean conservation area as a designated heritage asset. This harm would be at the upper end of 'less than substantial' under paragraph 196 of the NPPF. No heritage benefits have been identified that may be weighed against the harm. The NPPG states that "disrepair and damage and their impact on viability can be a material consideration in deciding an application", but as set out above in respect of policy HE8, it has not been demonstrated that the existing house, which makes a very positive contribution to the conservation area, is beyond economic repair and that demolition and replacement is the only viable option.
- 5.5. **Planning Policy:** No Comment
- 5.6. **Sustainable Transport:** Comment
Recommend approval subject to the inclusion of conditions relating to the materials of the hard surfacing and securing cycle parking for the dwelling.
- 5.7. **Arboriculture:** Comments from application BH2019/02306
No objections to the proposals. The Arboricultural report submitted by the applicant is satisfactory.

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);
- 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
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
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas ancient monuments and other important archaeological sites
HE8	Demolition in conservation areas

Supplementary Planning Documents:

SPD14	Parking Standards
-------	-------------------

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, its design and heritage impacts, particularly in relation to the conservation area. The impact on neighbouring amenity, the trees on site, transport network and sustainability issues are also considered.

Principle of the Development:

- 8.2. 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.
- 8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. The present proposal would result in the loss of

Design and Heritage Impacts:

- 8.5. 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. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.6. The proposal is to wholly demolish the existing house and replace it with a new three storey dwelling. It differs from the previous, refused application through the inclusion of a building survey, and amendments to the design, particularly the front elevation.
- 8.7. However, the existing house contributes very positively to the appearance and character of the conservation area. It dates from the primary period of development of this part of Dyke Road Avenue and is typical of the architectural free eclecticism and prevailing influences of this period, in particular being part of a clutch of houses here that exhibit Arts and Crafts influences. Its scale, siting, form, roofline and relationship to soft landscaping are also very typical of the conservation area.
- 8.8. As the NPPF makes clear at paragraph 184, heritage assets are an irreplaceable resource. Policy HE8, in respect of demolition, expects that proposals should

retain buildings, structures and features that make a positive contribution to the character or appearance of a conservation area. It sets out three criteria for exceptions to this and requires that all three criteria are met.

- 8.9. With regard to criterion (a), this requires that supporting evidence is submitted which demonstrates that the building is beyond economic repair. A survey report (dated April 2020) has been submitted which provides a rough estimate of costs of c.£490,000 to bring the property back into a good state of repair. It should be noted that this survey report is based upon a number of assumptions. It is not known what level of survey was commissioned at the time of purchase. However, in the absence of any information on the value (as opposed to purchase price) of the house - both as existing and if repaired and marketed - it cannot however be assessed whether these repair costs are uneconomic. Therefore criteria (a) has not been satisfied.
- 8.10. Criterion (b) requires the applicant to demonstrate that no viable alternative uses can be found. No statement or information has been provided in response to this criteria. An option may be conversion to two or more separate dwellings for example.
- 8.11. Criterion (c) (which also relates to policy HE6 with regard to the design of the proposed replacement dwelling) requires that the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss. The design of the proposed house, as it would be seen from public viewpoints, is considered to be appropriate to the character and appearance of the area, but the footprint of the proposed house is too large, in particular in terms of its width across the site. The urban grain of the area, with detached houses on large plots, has a spacious character, and houses have gaps between that distinguish each one from the next and enable visual permeability of rear gardens and trees. The proposed house would occupy almost the full width of the plot, and in oblique views would lead to an uncharacteristic terracing effect. Whilst the design is otherwise acceptable in principle, the replacement house would not "produce substantial benefits that would outweigh the building's loss" as required by this criterion.
- 8.12. The one aspect of the development's design which is supported is the reinstatement of the front boundary wall, which was part-demolished without permission, subject to detail.
- 8.13. The supporting text to policy HE8 states that "the planning authority will not grant consent to demolish a building in a conservation area, simply because redevelopment is economically more attractive, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing building".
- 8.14. Overall, for the reasons set out above, it is considered that the proposal has failed to meet any of the criteria of policy HE8 and all criteria must be met.

- 8.15. The proposed house, despite the design revisions, due to its excessive width, is not considered to preserve or enhance the conservation area and therefore fails to meet policy HE6 and particularly criteria (a) and (d).
- 8.16. Under the terms of the NPPF the proposal would cause very clear harm to the Tongdean conservation area as a designated heritage asset. This harm would be at the upper end of 'less than substantial' under paragraph 196 of the NPPF. No heritage benefits have been identified that may be weighed against the harm. The NPPG states that "disrepair and damage and their impact on viability can be a material consideration in deciding an application", but as set out above in respect of policy HE8, it has not been demonstrated that the existing house, which makes a very positive contribution to the conservation area, is beyond economic repair and that demolition and replacement is the only viable option.
- 8.17. For all of the above reasons it is considered that the proposal would fail to meet policies HE6 and HE8 and would fail to preserve the appearance and character of the conservation area as required by s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application would therefore cause clearly demonstrable harm to the conservation area and, whilst this harm would be less than substantial under the terms of the NPPF, it must be given great weight. There are no heritage or other public benefits that may be weighed against that harm. The NPPG, at paragraph 019, states in respect of conservation areas that where the harm is less than substantial "the justification for a building's proposed demolition will still need to be proportionate to its relative significance and its contribution to the significance of the conservation area as a whole." The existing house has high significance as a very positive element of the conservation area that both exhibits many of the common features of the area whilst at the same time being architecturally distinctive and reflective of the period in which this part of the conservation area was developed.

Landscaping

- 8.18. The site has a number of established trees along the front boundary and to the rear of the site, none of which are covered by a Tree Preservation Order. The applicant has submitted an Arboricultural Assessment report. It is proposed to remove eight trees from the site, the majority of which are located at the front of the site. The report confirms that the trees to be removed are classed as low quality or diseased. The larger trees along the front boundary which are classified as good quality trees are to be retained, which will retain a similar level of screening as the existing situation. The loss of the identified trees is therefore considered acceptable.
- 8.19. The report states that tree protection measures should be put in place during the construction works and if the application were acceptable on all other grounds, a condition could be attached to secure these measures.

Standard of Accommodation:

- 8.20. The dwelling would comprise of 5/6 bedrooms located on the first and second floors. Communal living spaces would be provided on the ground and basement levels. The overall layout of the dwelling is considered acceptable and all rooms would be of a good size and would have good levels of light and outlook.

Impact on Amenity:

- 8.21. The proposed dwelling would be set in a similar location to the existing dwelling and would retain some separation from both side boundaries. The rear side wings of the proposed dwelling would project significantly further into the rear garden, than the existing footprint of the dwelling, however these elements would be single storey in height.
- 8.22. To the south, the proposed property would be set approximately 1.5m from the neighbouring property. The upper floor would be set in and would be approximately 3m from the boundary. The neighbouring property, 38A Dyke Road Avenue, is a two storey dwelling sited along the majority of the shared boundary, set further back than the application property. The remainder of the boundary is in the form of a tall wall with heavy planting. There are no openings within the side elevation of No. 38A that look towards the application site. Given the level of separation and screening on the boundary, it is considered that the proposal would not have a significant impact on this property in terms of amenity.
- 8.23. To the north, the proposed property would be set approximately 2m from the shared boundary with the neighbouring property, 42 Dyke Road Avenue. The upper floor would be set in and would be located approximately 6m from the shared boundary. The side elevation of 42 Dyke Road has no openings facing the application site. Again given the level of separation, coupled with the boundary screening, which is in the form of a fence and planting, it is not considered that the proposal would have a significant impact on this property.
- 8.24. Large upper floor windows are proposed on the side elevations which would look towards the adjoining properties. They are largely secondary windows and therefore if the proposal were acceptable in all other respects, a condition could be attached ensuring the windows are obscure glazed and fixed shut, to prevent any overlooking or loss of privacy, if the proposal were acceptable in all other respects.

Sustainable Transport:

- 8.25. For this development of one residential unit with five beds, the minimum cycle parking standard is two cycle parking spaces in total. The applicant is proposing to install cycle parking in the rear of the garage. Although this is a somewhat inconvenient location, further details could be required by condition if the proposal was acceptable in all other respects.
- 8.26. The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable in principle.
- 8.27. The proposal would be provided with one parking space within the garage as shown on the proposed plans and three spaces on the forecourt as indicated within the Design and Access Statement. Whilst the overall number of spaces being provided would exceed the maximum number of parking spaces as advised within SPD14, this is not considered to be a concern or a reason for refusal.

- 8.28. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.

Sustainability:

- 8.29. Were the proposal acceptable the Local Planning Authority would seek to secure sustainable energy efficiency and water usage through the imposition of planning conditions together with the introduction of bee bricks/swift boxes.

9. **EQUALITIES**
None identified.

Cllr. Vanessa Brown
BH2020/01973 – 40 Dyke Road Avenue

18th August 2020:

As an adjoining Ward Councillor I would like to write in support of the above application. My Ward boundary is on the opposite side of Dyke Road Avenue so my residents face this site.

This will bring a much needed family house back into use and will enhance the conservation area.

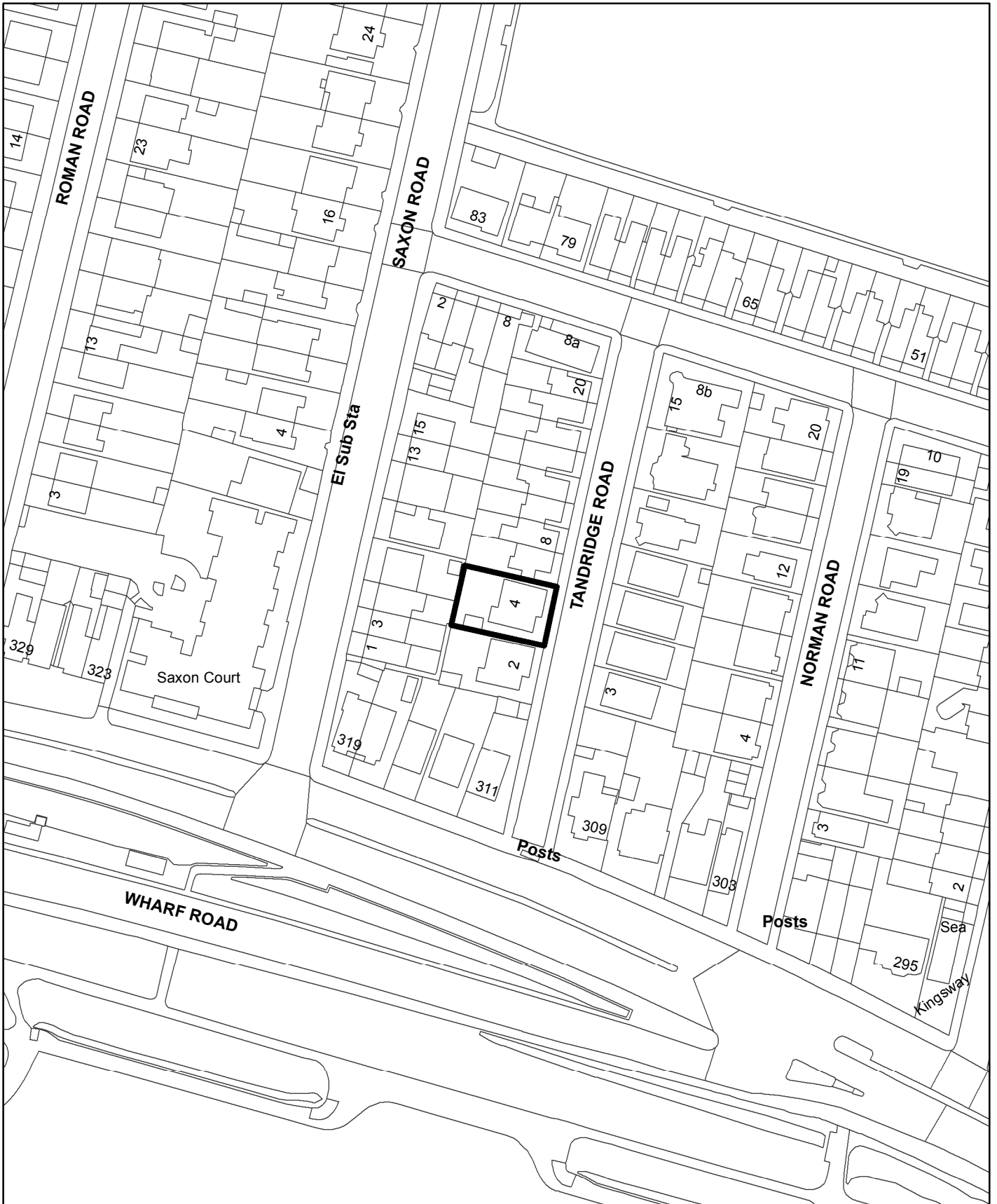
If this application should be recommended for refusal I would like it to go before the Planning Committee for decision.

ITEM F

**4 Tandridge Road
BH2020/01899
Full Planning**

DATE OF COMMITTEE: 17th September 2020

BH2020 01899 - 4 Tandridge Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/01899	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	4 Tandridge Road Hove BN3 4LU		
<u>Proposal:</u>	Demolition of existing bungalow and erection of 2no two storey semi-detached dwellinghouses (C3).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	13.07.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	07.09.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Garrick Architects 36 Edburton Avenue Brighton BN1 6EJ		
Applicant:	Mr P Varghai C/o Garrick Architects 36 Edburton Avenue Brighton BN1 6EJ		

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	2023-P-01		13 July 2020
Proposed Drawing	2023-P-02		13 July 2020
Proposed Drawing	2023-P-03		13 July 2020

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

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

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

- a) details of render and tiling (including details of the colour of render/paintwork to be used)
- c) details of all hard surfacing materials
- d) details of the proposed windows and doors
- 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. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning

Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting

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

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

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

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

6. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

7. 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.

8. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover to a footway by raising the existing kerb and footway.

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

9. 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.

10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

12. The ground and first floor windows in the north and south facing elevations 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 policy and QD27 of the Brighton & Hove Local Plan.

13. No extension, enlargement or alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - 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.

14. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving) shall have been installed at the junction of and across Norman Road with Marine Avenue.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.

15. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

16. 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.

17. Three (3) swift brick(s)/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 6 above should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. 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.
5. The water efficiency standard required under condition 11 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
7. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a single-storey dwelling with accommodation in the roofspace on the western side of Tandridge Road, south of Wish Park in Hove. Tandridge Road is residential in character, with two-storey properties to the north and east of the application site, and a single-storey building to the south.
- 2.2. Planning permission is sought for the demolition of existing bungalow and erection of 2no. two storey semi-detached dwellinghouses (planning use class C3).
- 2.3. The proposed building is identical in appearance to the previously approved permission on the site BH2018/02901 (extensions and alterations to existing bungalow to create 2 no new dwellings), which remains extant, though this application seeks to demolish and rebuild the existing dwelling, rather than converting the building.

3. RELEVANT HISTORY

- 3.1. **BH2019/01304** - Certificate of lawfulness for proposed conversion of existing garage into home office. Approved
- 3.2. **BH2018/02901** - Extensions and alterations including adding additional storey to existing bungalow to create 2no dwellings (C3). Approved
- 3.3. **PRE2018/00075** - Remodelling and extending of existing property including formation of an additional storey to create a second dwelling. Response issued

4. REPRESENTATIONS

- 4.1. **Twelve (12)** letters have been received, objecting to the proposal for the following reasons:
 - Additional traffic
 - Noise
 - Overdevelopment
 - Overshadowing
 - Too close to the boundary
 - Loss of privacy
 - Detrimental effect on property value
 - Little consultation with residents
 - Loss of view
 - The existing building should be retained

5. CONSULTATIONS

- 5.1. **Planning Policy:** No comment
- 5.2. **Sustainable Transport:** No objection
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives:
 - Developer obligation for off-site highways works
 - Reinstatement of redundant vehicle crossover
 - Porous hard surfaces
 - Cycle parking scheme
 - Car free housing
- 5.3. **Housing:** No comment received
- 5.4. **Private Sector Housing:** No comment

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

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 Joint Area Action Plan (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 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 but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed dwellings and the impact of the proposal on neighbouring amenity. The standard of accommodation to be provided, transport implications and sustainability and are also material considerations.
- 8.2. 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.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to four 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:

- 8.4. The current application is identical to the previously approved and extant application BH2018/02901, save that it is now proposed to demolish and rebuild the existing dwelling rather than converting the building. The principle of an additional dwelling on the site has therefore been established as acceptable. It is considered that there has been no change in national or local planning policy, or the circumstances of the site, to indicate that a different position should be taken now.
- 8.5. Further, the proposal would result in the provision of an additional residential unit in an established residential area, making a contribution towards the housing

supply of the city at a time when the Council is unable to demonstrate a five-year supply. This is given increased weight in accordance with the 'tilted balance' in favour of housing delivery.

- 8.6. As such, is it considered that the proposal is acceptable in principle, subject to an assessment of other material planning considerations,

Design and Appearance:

- 8.7. The proposed dwellings would be of an identical appearance to those approved under the extant permission, which was considered acceptable.

- 8.8. As was previously the case, it is considered that the form, scale, height, roof form and materials of the proposed dwellings would not be out of keeping in the streetscene, in which two-storey semi-detached properties are an established feature. It is recommended to secure further details of external materials by condition.

Impact on Amenity:

- 8.9. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.10. Consistent with the previous application, it is considered that the proposal would not give rise to a significant harmful impact upon neighbouring amenity.
- 8.11. The provision of an additional dwelling on the site would result in an intensification of residential activity, however any increase in noise disturbance as a result is unlikely to be significant or incompatible with the residential character of the area.
- 8.12. The neighbour to the north is set back from the boundary, with no south-facing windows. As such, it is not considered the development would result in a harmful, overbearing impact, or loss of light for this neighbour.
- 8.13. The neighbour to the south features a north facing window which serves as the only window to a bedroom. It is acknowledged that some harm by way of loss of light and outlook would result to this window. However, that property has two other bedrooms within the roof space, so this is not the only bedroom in this property. It is considered that the benefits of the scheme in the provision of an additional dwelling outweighs this slight harm.
- 8.14. The proposed side-facing windows would serve secondary rooms or staircases. It is proposed that a condition is added requiring that these are obscure glazed to prevent overlooking of the northern/southern neighbours. The front and rear windows would not give rise to closer or more intrusive views than are already available or are to be expected in a residential area such as this.

- 8.15. On this basis, and taking into account the extant permission on site, it is considered that the scheme is acceptable in terms of its impact on residential amenity.

Standard of Accommodation:

- 8.16. The proposed dwellings would each have an internal area of approx. 146sqm, with identical, albeit mirrored, layouts comprising a living room and kitchen/dining space at ground floor, and 3no bedrooms of 13.9sqm, 13.7sqm and 15.3sqm on the first floor and in the loftspace. Each habitable room would provide space for furniture and circulation, as well as access to natural light and outlook.
- 8.17. Each unit would have access to a rear amenity space in accordance with policy HO5.
- 8.18. It is therefore considered that the proposed dwellings would provide an acceptable standard of accommodation, in accordance with policies QD27 and HO5 of the Brighton and Hove Local Plan.
- 8.19. Although not adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference when assessing the standard of accommodation provided by a new dwelling. With an internal area of 146sqm, each proposed dwelling exceeds the minimum of 108sqm for dwellings of a comparable three-bedroom, three-storey, six-person scale as set out in the NDSS.

Sustainable Transport:

- 8.20. The transport implications of the proposal are identical to the extant permission.
- 8.21. No cycle parking is proposed. A condition will be attached to secure the implementation of a policy compliant scheme for cycle parking.
- 8.22. In the absence of a parking survey to demonstrate the existence of sufficient on-street parking capacity, the Highway Authority considers that there would be insufficient spare capacity within the parking zone to accommodate the likely increase in demand resulting from the development, which could result in overspill parking. As such it is recommended that future occupants should not be entitled to a parking permit, this is to be secured by condition.
- 8.23. Pedestrian crossing improvements (dropped kerbs with paving and tactile paving) are requested at the junction of and across Norman Road with Marine Avenue. This is to improve access to and from the site to the various land uses in the vicinity of the site.

Sustainability:

- 8.24. Energy and water efficiency standards in accordance with policy CP8 of the City Plan Part One can be secured by condition.

Other Considerations:

- 8.25. Conditions requiring a bee brick and 3no swift bricks/boxes have 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.
- 8.26. The representations received have raised concerns that the statutory public consultation exercise was not properly carried out for this application. The LPA's records indicate that the statutory requirements and responsibilities for notifying neighbours as set out in the Development Management Procedure Order were followed. Concerns relating to a loss of property value do not form a material planning consideration.
- 8.27. It is considered that any future extensions of the proposed dwellings would need to be carried out in a sensitive and considered manner to protect neighbouring amenity and the surrounding trees. A condition is therefore recommended to remove the permitted development rights of the proposed dwellings.
- 8.28. In view of the ongoing COVID-19 travel restrictions a site visit has not been conducted. It has been possible to fully assess the application based on available photographic records of the site and surrounding area.

Conclusion:

- 8.29. The principle of development has been established through the extant permission BH2018/02901. The proposal is identical to this permission in all regards other than that it is now proposed to demolish and rebuild the existing building. This would not be contrary to the development plan and approval is therefore recommended.

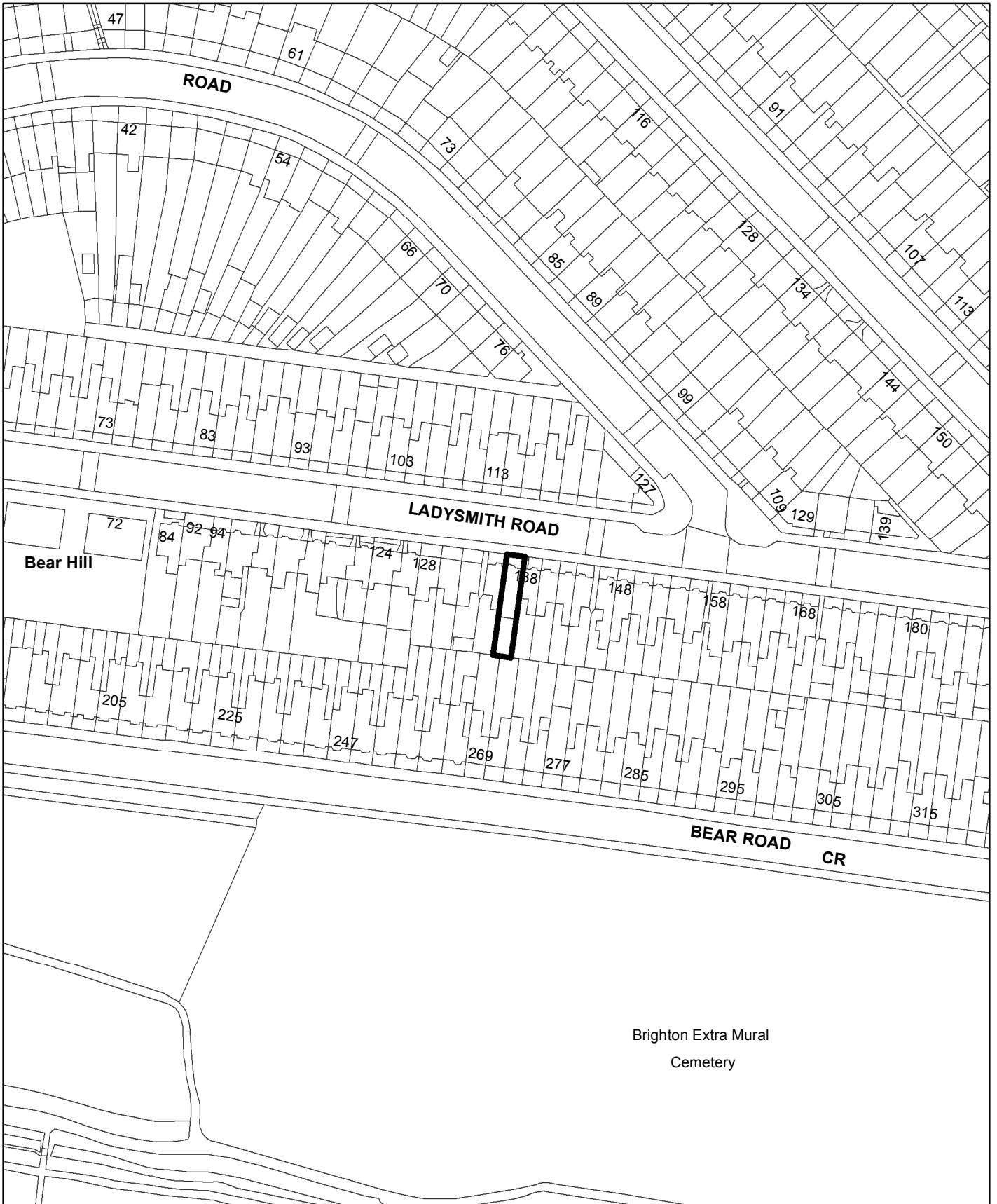
9. EQUALITIES
None identified

ITEM G

**BH2020/01870
136 Ladysmith Road
Full Planning**

DATE OF COMMITTEE: 17th September 2020

BH2020 01870 - 136 Ladysmith Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/01870	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	136 Ladysmith Road Brighton BN2 4EG		
<u>Proposal:</u>	Change of use from single dwelling (C3) to three bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	10.07.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	04.09.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Whaleback The Old Bank 257 New Church Road Hove BN3 4EE		
<u>Applicant:</u>	Mrs Alison Williamson C/O Whaleback The Old Bank 257 New Church Road Hove BN3 4EE		

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	2365/01		10 July 2020

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

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

3. The number of persons residing at the premises shall not exceed three (3) at any one time and each bedroom shall be for single person occupancy only.

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

4. The kitchen/dining room and living room shown on drawing no. 2365/01 received on 10th July 2020 shall be retained as communal space at all times and shall not be used as a bedroom.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a two-storey terraced property on the southern side of Ladysmith Road. The property is not listed, and it is not within a conservation area.
- 2.2. The application site is located within the Moulsecoomb and Bevendean ward which has been subject to an Article 4 Direction restricting the 'permitted development' right to change from Planning Use Class C3 (dwellinghouse) to C4 (small House in Multiple Occupation) since April 2013. This restriction has recently been extended city wide as of 3rd June 2020.
- 2.3. The application seeks planning permission for the change of use from a C3 dwellinghouse, to C4 small house in multiple occupation (HMO). There are no external alterations included as part of the proposal.

3. RELEVANT HISTORY

- 3.1. **PRE2020/00094** - Change of use from C3 to C4. Application sought LPA advice on whether the proposed change of use was acceptable in terms of the Policy CP21 percentage, whether the room sizes were acceptable and requested a view on the amenity impacts.

4. REPRESENTATIONS

- 4.1. **Ten (10)** letters have been received, objecting to the proposed development for the following reasons:
 - Additional Traffic
 - Overdevelopment
 - Noise
 - Too many HMOs in street already
 - It would exacerbate existing parking problems
 - Property should be retained as a family home
 - Universities are increasing their student accommodation
 - Young professionals would be better suited to purpose-built accommodation.
 - The area has the highest proportion of HMOs in the city
 - 13000 new purpose-built students' rooms are being built nearby
 - Detrimental to property value
 - Likely to lead to an increase in anti-social behaviour

- Residential amenity
- A further HMO would be detrimental to family life
- More HMOs not necessary as universities are building more purpose built.
- No support services to manage HMOs

4.2. **Councillor Yates** has objected to this proposal. A copy is attached to this report.

5. CONSULTATIONS

5.1. **Housing Strategy** : No comment received

5.2. **Planning Policy**: No Comment

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

If the property is occupied as an HMO it will need to be licensed with the council, under the council's Additional HMO Licensing Scheme, which is in operation until 28/02/2023.

5.4. Currently it appears the living room is not separated from the staircase on the ground floor.

5.5. The ground floor living room will need to be separated from the staircase escape route with a 30-minute fire resisting partition and door.

5.6. **Sustainable Transport**: Verbal No objection

The change of use to small HMO would be unlikely to significantly increase trips or parking demand. There appears to be availability for parking on street. The site is not located within a Controlled Parking Zone. Although it is noted that a CPZ is due to be implemented shortly.

5.7. Regarding cycle parking, the Local Highway Authority would not wish to condition a cycle parking provision in the rear garden owing to the need to take bicycles through living areas. Instead the Local Highway Authority would like to see two spaces at the front of the property.

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 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 but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD14	Parking Standards
-------	-------------------

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of the proposed change of use, the effects of the proposed change of use on neighbours' amenity, the standard of accommodation to be provided for future occupiers, and transport matters.

Principle of Change of Use:

8.2. Policy CP21 (ii) of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use of dwellings (Planning Use Class C3) to

planning use class C4 (small HMO), a mixed C3/C4 use, or to a larger sui generis HMO (for more than six people). It states that:

- *"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*
 - *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*

8.3. A mapping exercise has been undertaken which indicates that there are 75 properties within a 50m radius of the application property, six of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 8%.

8.4. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a three-bedroom HMO (C4) would not be in conflict with the aims of policy CP21. The principle of the development is therefore considered to be acceptable.

Standard of Accommodation:

8.5. The proposed change of use from a family home, to a three-bedroom, small HMO does not include revisions to the internal layout. The existing two bedrooms on the first floor would remain, as would the ground floor, front bedroom. The only bathroom in the property would remain as existing, situated towards the rear of the property, accessible through the communal areas. The proposed HMO would therefore have three bedrooms: a ground floor bedroom (9.6sqm), a first floor front bedroom (11.7sqm) and a first floor rear bedroom (10sqm).

8.6. Each of the bedrooms would provide enough space for the proposed occupant to move around freely once the room is furnished with the standard furniture (bed, wardrobe, desk, and chair). It is also noted that each bedroom would have full height ceilings and access to natural light, outlook and ventilation from existing window openings.

8.7. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new dwellings. Policy DM1 of the draft City Plan Part Two proposes to adopt the NDSS, indicating a 'direction of travel' of planning policy. It is noted that the bedrooms would exceed the minimum size indicated by the NDSS for a single occupancy bedroom, creating a 3-bedroom, 3 person HMO. The size of bedrooms are therefore considered acceptable, subject to a condition restricting maximum occupation to three persons.

8.8. The communal spaces comprise a kitchen/dining room, and a separate living room. The photographs provided in support of this application (in lieu of a site visit due, to operational restrictions in response to the Co-vid 19 pandemic) show the existing layout furnished with comfortable seating, a dining area and plenty

of kitchen worksurfaces/storage for the proposed three occupiers. Although part of the living room would provide access to the upstairs and the only bathroom, it is not considered that this would negatively affect the amenity of future residents. The kitchen would also provide a through-route to the bathroom and the garden, but it is considered there would be sufficient space for three people to use the kitchen and/or access the bathroom/garden.

- 8.9. Although a separate dining area is not indicated on the plans submitted, it is considered that there would be sufficient space in either the lounge or kitchen to provide a formal seating area without restricting access through the property or circulation within the rooms.
- 8.10. It is noted that the stairs are accessed directly from the living room and that Private Sector Housing officers have raised concerns in relation to fire safety which may require building work in order for the concern to be resolved. Although HMO licensing standards fall under the Housing Act 2004 and not planning legislation, there are occasions where compliance with these standards can negatively affect the standard of accommodation in a HMO in planning terms. In this case, however, although the stairs may need to be separated from the living areas, this separation would not be considered harmful to the standard of accommodation for the three occupiers as it is unlikely that this would significantly reduce the amount of useable communal space or interfere with the useable floor area of bedrooms. It is unlikely that the proposed layout condition accompanying this recommendation would be breached by completing future works relating to fire safety concerning the stairs as the rooms function would remain as proposed.
- 8.11. Overall the proposed communal areas are considered suitable for the proposed occupation by three persons.
- 8.12. Finally, at the rear of the property is a rear garden which would be available for the use of the occupiers. The garden is characteristic of the area and would meet the objectives of policy HO5 which seeks to provide private amenity space in residential developments.

Impact on Amenity:

- 8.13. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.14. The proposed use of the property as a small HMO with a maximum of three occupiers would not be dissimilar to that of a family dwelling. The pattern of movement within the dwelling and to and from the dwelling may be different owing to the individual lives being led rather than a family unit, but this would not be of a magnitude to cause substantial harm.
- 8.15. The application site is not in an area which currently has more than 10% of properties within 50m radius being in HMO use. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with

which they are often associated, in this instance the existing numbers of HMOs in the area is not enough to warrant refusal of the application on the grounds of potential amenity impact.

Sustainable Transport:

- 8.16. The change of use from C3 dwelling house to C4 small HMO is unlikely to have a significant effect on the local transport network. It would not be appropriate to restrict the development on this basis.
- 8.17. The application submission states that cycle parking would be facilitated in the rear garden. For a development of this size 2no cycle parking spaces would be required. In their comments, Sustainable Transport have requested that cycle parking be provided in the front garden and have advised that they would not support cycle parking in the rear garden as it would be awkward to access via the property.
- 8.18. Although it has been suggested that cycle parking should be provided in the front garden, this would negatively impact on the streetscene as the front garden is relatively small. To provide cycle parking which is policy compliant and easy to access, it would likely result in an incongruous structure which would detract from the appearance of the area and may overshadow the ground floor bedroom. Therefore, on this occasion, the site is considered too constrained to provide built, on-site cycle parking.
- 8.19. Public comments and councillor comments on the application have raised concerns about parking. The application does not propose any off-street parking. In their comments, Transport Officers have not raised specific concerns in relation to on-street parking. It is noted that a Controlled Parking Zone (CPZ) is to be implemented soon. However, the CPZ is not operational at the time of writing so it would be inappropriate to place a restriction on this decision in relation to parking. Furthermore, such a restriction is usually required on the basis of data relating to parking permit uptake, which will not be available for some time after the CPZ is implemented.
- 8.20. On this basis, the proposal is considered acceptable in terms of its impact on the highway network.

Other Considerations:

- 8.21. It is noted that within the objection from Councillor Yates it has been requested that 'permitted development' rights are removed to ensure that subsequent enlargement or alteration can be fully considered. However, conditions are proposed which would restrict the number of occupiers, and prevent further bedrooms from being created and higher occupation levels. It is therefore not considered justifiable or necessary to restrict permitted development rights for future enlargements to the property.

9. EQUALITIES
None identified

Cllr. Dan Yates
BH2020/01870 – 136 Ladysmith Road

27th July 2020:

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Residential Amenity
- Traffic or Highways

Comment: Reasons for objection:

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the current and previously held licensing registers to check their impact on the 10% rule is properly taken into consideration. Should the recommendation on this application be to approve I would like this application to come to committee please.

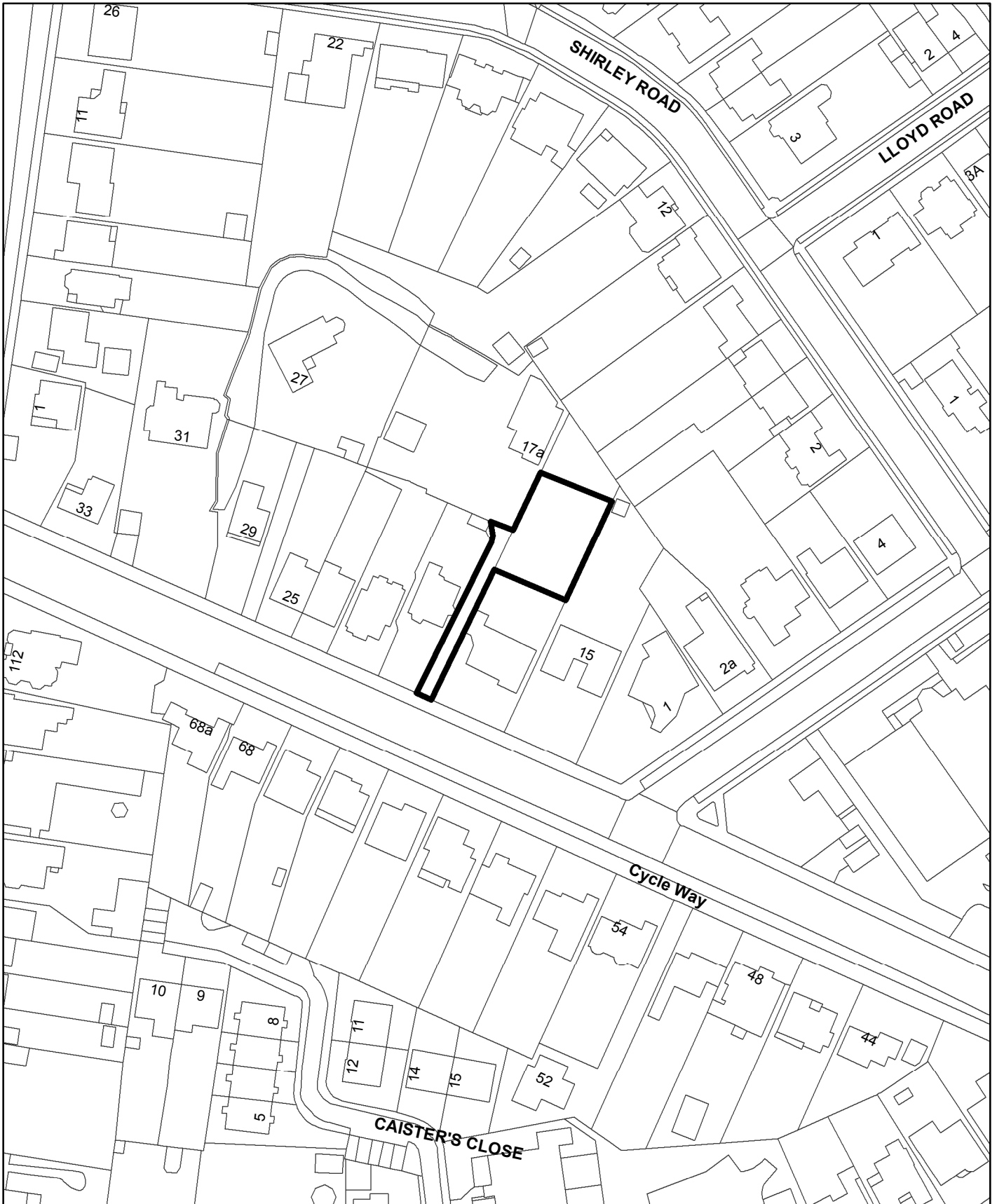
Should the committee be minded to approve this application I would ask them to consider the removal of permitted development rights to ensure that any subsequent enlargement or alteration be fully considered before being approved for development on this site.

ITEM H

**BH2019/03758
17 Old Shoreham Road
Full Planning**

DATE OF COMMITTEE: 17th September 2020

BH2019 03758 - 17 Old Shoreham Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/03758	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17 Old Shoreham Road Hove BN3 6NR		
<u>Proposal:</u>	Erection of 1no two storey dwelling (C3) over ground & lower ground floors on land to rear of existing care home (C2).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	19.12.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	13.02.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	10.09.2020
Agent:	DK Architects 9 Hove Park Villas Hove BN3 6HP		
Applicant:	Mr Khalid Chaudhry 117 Hempstead Road Watford WD17 3HE		

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	NJCL 729_02_05020	-	16 July 2020
Report/Statement	Arboriculture Assessment	-	16 July 2020
Location Plan	190502/S0	B	17 August 2020
Block Plan	190502/P0	B	17 August 2020
Proposed Drawing	SK2.01	D	27 August 2020
Proposed Drawing	SK2.02	-	17 August 2020
Proposed Drawing	SK2.03	-	17 August 2020
Proposed Drawing	SK2.05	-	19 December 2019
Proposed Drawing	A1	-	19 December 2019

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):

- a) samples of all brick, cladding and roofing (including details of the colour of render/paintwork to be used)
- b) samples of all hard surfacing materials
- c) details of the proposed window, door treatments

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 residential unit hereby approved shall not be occupied until the 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.

5. The residential unit hereby approved shall not 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.

6. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) 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.

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

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

8. 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.

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

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

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

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

11. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the City Plan Part One.

12. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

13. 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.

14. Prior to first occupation of the development hereby permitted details of the proposed boundary treatment (meaning fencing and/or soft landscaping) between all garden areas shall have been submitted to and approved in writing

by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

15. The ground floor windows located on the eastern elevation of the development hereby permitted shall be obscure glazed and thereafter shall be permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

16. Louvres/privacy screening measuring at least 1 metre in height shall be erected to the eastern and southern boundary of the balcony hereby approved and thereafter shall be permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

17. Tree planting must be minimum extra heavy standard - 16-18 cm nursery stock size. Stock must be home grown nursed specimens avoiding directly imported stock.

Reason: To enable early establishment and clear visibility of replacement boundary vegetation and to reduce the risk of the introduction of pests and diseases and to comply with policy QD15 of the Brighton & Hove Local Plan.

18. The proposal to mitigate the loss of five trees on site with four *Ulmus lobel* and three *Betula utilis* 'Jacquemontii' on drawing no. NJCL 729_02_05020 shall be carried out in the first planting and seeding season following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application relates to the rear garden of 17 Old Shoreham Road Hove, a detached Residential Care Home 'Loxwood' located on the northern side of Old Shoreham Road in Hove. The existing Care Home features a sizable plot with a large rear garden to the north. There are already developed backland plots sited between the rear garden spaces of Old Shoreham Road, Shirley Drive and Shirley Road adjacent and in close proximity to the application site.
- 2.2. Planning permission is sought for the erection of 1no. two-storey dwelling (planning use class C3) over ground and lower ground floors on land to rear of existing care home (planning use class C2). During the course of the application the scheme has been amended to reduce the footprint of the dwelling so that it now comprises three bedrooms rather than four.

3. RELEVANT HISTORY

- 3.1. **PRE2019/00182-** Erection of two storey four bedroom house. Closed (pre-application advice provided).
- 3.2. **BH2014/04115-** Erection of single storey rear extension with associated landscaping and parking alterations. The reason for refusal was as follows:
 1. Having regard to the excessive scale and footprint plot coverage of the proposed extension in relation to the existing property and surrounding area, the proposal would significantly detract from the character and appearance of the host building and stand out as an inappropriate and unsympathetic addition. The coverage of the plot is disproportionate to the scale of the building and surrounding area and the proposal is considered overdevelopment of the site. The scheme is therefore contrary to policies QD1, QD2, QD14 & HO11 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide for Extensions and Alterations.
- 3.3. **BH2014/00433-** Erection of single storey rear extension with associated landscaping and parking alterations. The reasons for refusal were as follows:
 1. Having regard to the excessive scale of the proposed extension in relation to the existing property and surrounding area, the proposal would significantly detract from the character and appearance of the host building and stand out as an inappropriate and unsympathetic addition. The coverage of the plot is disproportionate to the scale of the building and surrounding area and the proposal is considered overdevelopment of the site. The scheme is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide for Extensions and Alterations.
 2. Given the scale and projection of the proposed extension in close proximity to the boundary with 15 Old Shoreham Road, the proposal would result in an increased sense of enclosure and an unneighbourly form of

development. The scheme therefore results in a loss amenity and is contrary to policies QD14, QD27 and HO11 of the Brighton & Hove Local Plan.

- 3.4. **BH0130541**- Extension to the care home and separate building at rear of garden for supported living facilities- Closed (pre-application advice provided).

4. REPRESENTATIONS

- 4.1. **Five (5)** letters of representation have been received objecting to the proposal for the following reasons:

- Access issues
- Damage to water sewerage pipes and access
- Endanger and hinder children
- Building work disruption
- No turning point for vehicles
- Increase difficulty in exiting the site
- Highly visible
- Overlooking loss of privacy and loss of outlook
- Loss of garden space and trees
- Destroys green space
- Fewer plants and wildlife
- Increased noise disturbance and light pollution
- No access
- Sense of enclosure and loss of amenity
- Poor design and unattractive
- Poor materials
- Out of keeping
- Large for plot size
- Overdevelopment
- Overpowering and disproportionate
- Increase traffic
- Reduce property values

- 4.2. **Following re-consultation one (1)** letter of representation has been received objecting to the proposal for the following reasons:

- Despite amendment scheme will result in loss of privacy, trees and valuable garden
- Overlooking and loss of privacy
- Poor design and out of keeping
- Access unsafe and impractical
- increased light and noise pollution

5. CONSULTATIONS

- 5.1. **Transport:** Seek amendments- 09.01.2020

The vehicular access could be accepted subject to it being a minimum width of 4.2m for the majority of its length and no less than 3m wide prior to occupation and an expected vehicle turning space provided on-site. Also the Highway Authority at least seeks clarification on the waste and recycling collection arrangements if not detail if it's not on-site for this application to avoid refusal. The proposal can be supported subject to these amendments, and the recommended conditions and informatives.

Approve subject to conditions- 27.08.2020

5.2. **Arboriculture:** Seek further information- 25.05.2020

There does not appear to have been a BS 5837 : 2012 Trees in relation to design, demolition and construction. Recommendations tree survey or arboricultural method statement submitted within the BH2019/03758 documentation. This would be expected as part of SPD 06 and QD 16 (Trees & Hedgerows), I note sk 2.05 states root protection zones, however there is no mention of what this protection will entail or how it will be implemented. I will also require further detail on both the construction methods for the resin bonding and granite sett inlays, it is unclear whether these are currently in situ or proposed hard landscaping. These appear to be within the canopy of retained trees.

Approve- 16.07.2020

5.3. The application requires the removal of five trees currently on site. The Arboricultural Assessment (NJCL 729) tree survey identifies all five as category C using BS5837:2012 'Trees in relation to design, demolition and construction Recommendations'. In this instance I concur, although arboriculture regret the need to remove healthy trees, the proposal to mitigate the loss with four *Ulmus lobel* and three *Betula utilis 'Jacquemontii'* is acceptable (Proposed Planting Plan NJCL 729_02_05020). The proposed replacement planting using 45-65 litre pot nursery stock should be increased to 16-18 nursery stock specification, advanced heavy standard and conditioned as part of consent. Grant subject to the above landscaping condition.

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 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 but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

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

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise nuisance
SU11	Polluted land and buildings
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, its design and character, the standard of accommodation to be provided, the impact on neighbouring amenity, transport, and sustainability and issues.
- 8.2. Please note that in view of the ongoing COVID-19 restrictions a site visit has not been conducted. It has been possible to fully assess the application based on available photographic records of the site and surrounding area.

Principle of Development

- 8.3. The application relates to the rear garden of 17 Old Shoreham Road Hove, a detached Residential Care Home 'Loxwood'. The proposal would result in the creation of a new residential plot and dwelling that would be formed from the subdivision of the rear garden. Access to the site would be from an existing alleyway between no. 15 and 19 Old Shoreham Road.
- 8.4. The immediate area surrounding the application site is residential in character, including neighbouring properties, so a residential use would be in keeping with the area.
- 8.5. 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.
- 8.6. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to four 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).
- 8.7. The pattern of development within the immediate area consists of residential properties set in deep plots that create a spacious character. There are examples of similar 'backland' developments within the immediate area, notably at 17A and 27 Old Shoreham Road to the west of the site.
- 8.8. Previous planning decisions and pre-application advice for development at the site raised strong reservations regarding plot size and building footprint. The present proposal has reduced the building footprint and positioning of the dwelling and is now considered to sit appropriately within the plot. The building footprint relative to the plot size would be in keeping with the surrounding character and pattern of development.
- 8.9. Given this context and that local planning policies support the principle of a more efficient use of land, a new dwelling in this location is supported in principle.

Design and Character:

- 8.10. Policy CP12 of the Brighton & Hove City Plan seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.
- 8.11. The proposed dwelling would be contemporary in style, featuring cladding, brickwork, aluminium fenestration and a sedum roof. Local planning policies encourage contemporary design, and given that the area comprises a range of building styles and materials the design approach and materials is considered acceptable. The combination of cladding at ground floor level and brick at lower level would allow for a relief in appearance and the addition of a green roof is welcome and would enhance and add subtlety to the building. The 'sunken' lower ground floor would utilise the available space on site, and help to minimise its impact, with the fenestration pattern exhibiting a degree of detail which works effectively.
- 8.12. The development is therefore considered acceptable in terms of its design.

Standard of Accommodation

- 8.13. 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 living spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.14. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm.
- 8.15. The new dwelling would have a gross internal floor space of approximately 110sqm which would meet the NDSS which states that a three bedroom, six person, two storey property, as is presently proposed, should have a minimum gross internal floor area of 102sqm, which it does. The property would consist of three double bedrooms, each of which meets the minimum national space standards. The proposal would provide suitable circulation space within the living spaces and bedrooms and access to natural light is available for each habitable room. The glazing of the ground floor east facing windows would not prejudice this.

- 8.16. The scheme proposes a sunken lower level to accommodate 3no bedrooms, bathroom and en-suite. The window openings for the bedrooms have windows set at ground floor level as they are half submerged allowing for sufficient light to serve the rooms and outlook would not be severely restricted.
- 8.17. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed garden amenity space to the front and side of the dwelling is sufficient for the nature and scale of the development.
- 8.18. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. A platform lift could be possible externally and a stair lift internally which would allow the building to comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations, therefore conditions have been applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 8.19. The proposal is therefore considered to be acceptable in terms of the standard of living accommodation provided.

Impact on Neighbouring Amenity:

- 8.20. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.21. The proposed building would be sited close to the eastern boundary which is adjacent to the rear garden space of 15 Old Shoreham Road. The building would be approximately 3m higher than the existing boundary treatment at its highest point. However, given the size of the adjacent garden, it is not considered that the building would give rise to harmful overshadowing to the garden space of no.15, and would not have a significant adverse impact upon the amenities of neighbouring properties in terms of overshadowing, loss of light or loss of outlook.
- 8.22. The fenestration pattern has been designed to avoid overlooking and thereby protecting neighbouring amenity from loss of privacy. The fenestration at lower ground level would face boundary treatment; the south-facing ground floor window has louvres to the balcony to mask any view back into the Care Home; the western and northern windows would not impinge upon privacy because of distance; and a condition is proposed requiring that ground floor windows facing east (closest to the boundary) are obscure glazed. Conditions are also recommended requiring the louvre on the balcony to extend along the eastern side to protect privacy, and adequate boundary treatment.
- 8.23. The existing garden of the Care Home is large in size and is proposed to be split to provide a garden space for the new development. It is considered that the size

of the garden space remaining (some 245m²) would be sufficient to serve the Care Home which currently has twelve residents. The existing rear garden is exceptionally large when compared to other Care Homes within the City. .

- 8.24. The proposed boundary treatments between the adjoining garden spaces are intended to be a mixture of planting and trees, including the garden space of the Care Home. A condition is therefore attached requiring details of the proposed boundary treatment which will ensure that the development would not be visibly intrusive within its surroundings and to safeguard the privacy of adjoining properties
- 8.25. The development would not give rise to substantial noise pollution or light pollution or intrusive overlooking over and above that to be expected in a developed residential area of this type and, therefore, no resulting harm to living conditions of the occupiers of neighbouring properties.
- 8.26. Access to the dwelling would be from the from the existing alleyway between no. 15 and 19 Old Shoreham Road. Given that the existing alleyway is used by pedestrians/cars of adjoining properties and the number and frequency of occupants using the access way/expected level of car parking spaces the use of the access is unlikely to be so intensive as to result in significant harm.

Transport:

- 8.27. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 8.28. The vehicle access road is acceptable, allowing for access by the emergency services. A turning head would be provided, allowing a vehicle to safely leave the site in forward gear which is acceptable.
- 8.29. The applicant is proposing two car parking spaces which does not accord with the maximum standards however is considered acceptable given the site's distance from the nearest alternative on-street parking.
- 8.30. The Highway Authority does not wish for the development to be made car free, given that the average percentage of permits issued is 22% in CPZ P, which demonstrates that the CPZ is not likely to be over-capacity (80% uptake being a typical threshold where Highway Authorities become concerned).
- 8.31. A cycle store is indicated at the front of the site, with details of the cycle parking to secured via a condition.

Sustainability:

- 8.32. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. These measures are secured via condition.
- 8.33. Refuse and recycling storage has not been shown on the plans however there would be adequate space to provide two bins, and whilst the location would be some way from the highway given the existing arrangement with adjacent

properties this is considered acceptable. It is proposed that the provision of this is secured via condition.

Ecology:

- 8.34. 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.
- 8.35. The applicant has submitted a Biodiversity checklist which shows that the existing site does not show signs of any protected species being located on site. The proposal requires the removal of 5 trees on site. The Arboricultural Assessment identifies the trees as category C and whilst their loss is regrettable the proposal includes the planting of a number of trees which is welcome. Overall, the proposal will not have any negative impacts on existing biodiversity on site.
- 8.36. A green roof is proposed which would have environmental benefits. A bee brick and a swift box shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

9. EQUALITIES

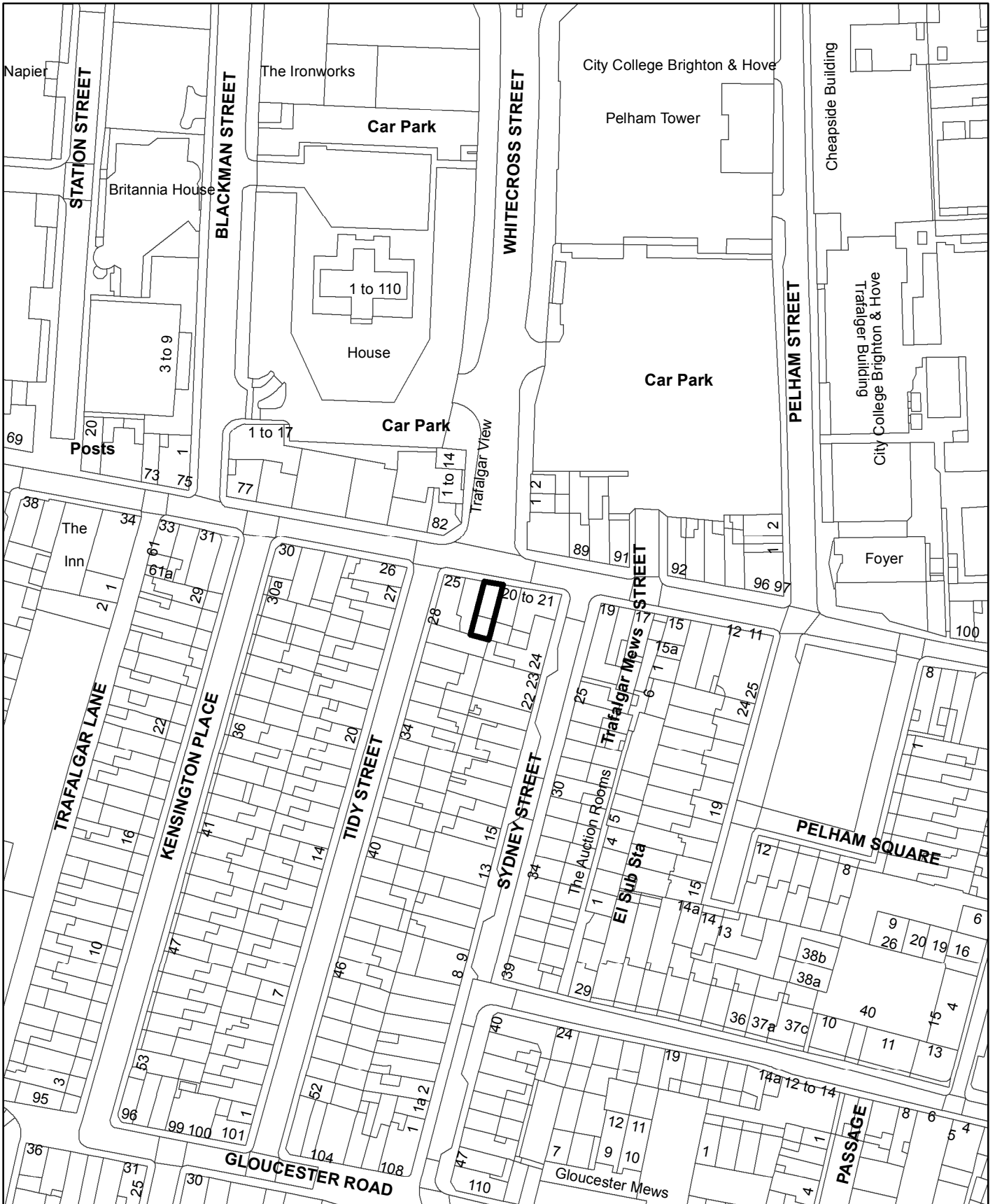
- 9.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Conditions will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

ITEM I

**BH2020/01548
23 Trafalgar Street
Full Planning**

DATE OF COMMITTEE: 17th September 2020

BH2020 01548 - 23 Trafalgar Street



N



Scale: 1:1,250

<u>No:</u>	BH2020/01548	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	23 Trafalgar Street Brighton BN1 4EQ		
<u>Proposal:</u>	Change of use of basement and ground floors from retail (A1) to mixed use retail and drinking establishment (A1/A4), installation of new shopfront incorporating separate entrance to upper floor maisonette, installation of external stairs and seating to rear, revised fenestration and associated works.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	04.02.2020
<u>Con Area:</u>	North Laine	<u>Expiry Date:</u>	31.03.2020
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Woolf Sung Limited 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 be **GRANT** planning permission subject to the following Conditions and Informatives as set out hereunder.

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	01-01		22 January 2020
Proposed Drawing	09-01	B	4 February 2020
Proposed Drawing	09-02	B	4 February 2020
Proposed Drawing	09-03	B	6 March 2020
Proposed Drawing	02-01	C	6 March 2020
Report/Statement	Management Strategy		21 August 2020

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

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

3. The premises hereby permitted shall only be occupied by customers between the hours of 11:00-22:00 Monday to Sunday, including Public and Bank

Holidays. With the exception of a maximum of two customers without beverages, the outside rear patio area shall be closed at 18:00 Monday to Sunday, including Public and Bank Holidays.

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

4. The playing or generation of live music and the provision of any kind of associated entertainment shall not take place either inside or outside the premises hereby permitted.

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

5. The premises hereby permitted shall not be first used until the soundproofing details shown on drawing nos. 09-04, 09-05 and 09-06 have been installed in accordance with those specifications and they shall be retained in perpetuity in accordance with those details thereafter.

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

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to the basement and ground floor of a three storey terraced property within a terrace of six properties, only one of which (no. 20) is not three storey. The building is located on the south side of Trafalgar Street opposite the junction with Whitecross Street.
- 2.2. The ground floor of the site currently comprises a retail unit with associated storage at basement level and a rear yard. There is a two bedroom maisonette (Planning Use Class C3) on the first and second floors. This parade is comprised of commercial uses on the basement and ground floors (all Planning Use Class A1) apart from an NHS dental practice (Planning Use Class D1) over the upper floors of no. 21 with residential on the upper levels.
- 2.3. The building is within the North Laine Conservation Area and subject to an Article 4 direction, but is not a listed building or in the vicinity of one. The site is also within Controlled Parking Zone (CPZ) Y and is within the Prime Retail Frontage.
- 2.4. The current application seeks planning permission for the change of use of the basement and ground floors from retail (Planning Use Class A1) to a mixed use of retail and drinking establishment (Planning Use Classes A1 and A4).

This would involve the installation of a new shopfront incorporating a separate entrance to the existing upper floor maisonette, the installation of external stairs and seating to the rear, revised fenestration to the rear and new ramped access to the front. The proposed development to be considered is within the current use classes, as advertised, since the application was submitted before the 1st September 2020.

3. RELEVANT HISTORY

3.1. **BH2020/00215:** Change of use of basement and ground floors from retail (A1) to mixed use retail and drinking establishment (A1/A4), installation of new shopfront incorporating separate entrance to upper floor maisonette, installation of external stairs and seating to rear, revised fenestration and associated works. Refused at Planning Committee 6th May 2020 and decision issued 21st May 2020 for the following reasons:

1. The proposal will lead to an unacceptable loss of residential amenity by reason of noise and nuisance contrary to Policy QD27 of the Brighton & Hove Local Plan.
2. The proposal would primarily be for a use falling within Use Class A4 and, as a consequence, would lead to an unacceptable loss of retail (Use Class A1) within a Prime Retail Frontage of the Regional Shopping Centre and an over-provision of non-retail and evening / night-time economy uses along Trafalgar Street, contrary to Policies SR4 in the Brighton & Hove Local Plan in addition to SA2 and CP4 of the City Plan Part One.

4. REPRESENTATIONS

4.1. **Two (2) objections** have been received to the proposal for the following grounds:

- The revised scheme does not allay concerns set out in the previous letter.
- Works are already underway, including the removal of a tree in the rear garden of no. 22 that provide a habitat for birds.
- The outdoors area will continue to be open to smokers until 22:00 and Sussex Police's letter also notes the potential for noise and the need for a condition that alcohol is ancillary to food prepared on the premises and served at tables, which doesn't appear to be the case.
- There may be additional noise from people leaving and entering the premises, if there's music being played and / or air conditioning units.
- The restrictions on not taking drinks out and there being a maximum number of people allowed will not be regularly enforced.
- Arguments about the establishment being frequented by a different class of people, inferring less noise and other anti-social behaviour, is an example of classist discrimination.
- The use is inappropriate for the site's location and it is a pub by stealth.
- It is not the case that the layout has changed dramatically between the previously refused application and the current one.

- The provision of only one toilet shows that the building, having been built to be a shop, is wholly unsuited for its proposed use as a drinking establishment.
- 4.2. An objection has been received from the **North Laine Community Association** raising the following points:
- Whilst the scheme has been significantly revised to increase the emphasis on the A1 space, this proposal is for a mixed A1/A4 use and both these uses are complementary to one another and the way in which the shop is used will fluctuate throughout the day / evening and the year.
 - The proposed use is inappropriate for the site's location and we agree with the Planning Committee that it is a pub by stealth, without the offer of food.
 - The proposal contravenes Policies SR4 in the Local Plan in addition to SA2 and CP4 of City Plan Part 1 resulting in an over-provision of non-retail and evening and night-time economy in Trafalgar Street.
 - The proposed outdoor rear area remains a concern as it is unclear how any conditions on its use will be enforced. Customers still being able to smoke in the area until 10pm, but without their drinks, will affect the residents above, on either side and at the rear, added to by live or recorded music and the noise from the air conditioning units. These concerns therefore contravene Policy QD27.
 - It is not the case that the layout has changed dramatically between the previously refused application and the current one, and it is hoped that this was an error by the applicant.
- 4.3. 84 letters of support have been received on the following grounds:
- A whisky specialist retailer with a tasting / sampling area is something that this City does not have and would put it "on the map" for whisky drinkers.
 - There is substantial existing demand for a whisky specialist retailer.
 - The building would be better controlled and better suited as a whisky bar rather than an off licence given its proximity to a college.
 - This is good for the local community and the leisure / tourism industry, and more individual enterprises such as this should be supported.
 - As a specialist whisky venue, this would not cause any social issues and would not become another "night out" type establishment.
 - It would play an important role in creating jobs and boosting the local economy. This also increases commercial revenues for the Council.
 - It is a great idea and vision for the building, which was in desperate need of repair, and offered nothing that wasn't already well catered for on the same road. This should not be rejected.
 - This is an ideal location, being within walking distance to the station.
 - Serious whisky connoisseurs tend to be thoughtful people, are not in it for the alcohol and so would tend not to be inconsiderate or rowdy for the neighbourhood.
 - Granting this permission will not harm the local amenities of other retail and residents occupiers in any way. Licencing are happy with the proposed use.
 - The proposed scheme will have only positive impact on the appearance of the Conservation Area and will enhance the character of the building.

- 4.4. **Councillor Deane** has objected to the application. A copy of the correspondence is attached to the report.

5. CONSULTATIONS

5.1. **Designing Out Crime Officer:**

There are no major concerns with the proposals at this location, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

- 5.2. There is a cumulative impact policy in place within Brighton and it is suspected they are aware the premises falls within the cumulative area / centre of the night time economy. The applicant and their partners are strongly advised to take note of the Brighton & Hove City Council Statement of Licensing Policy in relation to licensed premises in the Cumulative Impact Area.

- 5.3. Having re-consulted with Sussex Police Licensing it is understood that the applicant has talked at length with them about this resubmission.

- 5.4. Requisite sound proofing to windows and doors would help reduce any associated anti-social noise pollution to the ground floor area spilling out to residential areas.

- 5.5. As the premises will be stocking bottles of high value alcohol the installation of an intruder alarm system is recommended.

- 5.6. To enable staff on the ground floor to monitor the basement level and exterior terrace the installation of a CCTV system to monitor all levels is also recommended.

- 5.7. It is noted that there will be a reduction in opening hours, the doors and windows are to be closed after 21:00, the garden area is to be closed and cleared at 18:00, and any smokers using the garden area after this hour will be limited to two, but will not be permitted to take drinks with them.

- 5.8. Implementing these measures will reduce disturbance to neighbouring residential properties, but there are still some concerns as to potential associated noise within the garden area when being used by smokers as the premises will still be open until 22:00. Essentially if this application is granted it will be a matter for staff to manage this in the most appropriate manner due to the potential for the surrounding amenities to be disturbed.

5.9. **Environmental Health:**

No objection since details of the acoustic separation are noted on the section drawings and are considered adequate always provided that a high level of workmanship is employed in their implementation.

- 5.10. The voluntary conditions noted in the applicant's agent's letter regarding hours and limited numbers are acceptable.

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 Joint Area Action Plan (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The Council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SA2	Central Brighton
SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
SU9	Pollution and nuisance control

SU10	Noise nuisance
QD5	Design - street frontages
QD8	Shopshutters
QD10	Shopfronts
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
SR4	Regional shopping centre
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD02	Shop Front Design
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, design and heritage, the impact on neighbouring amenity and on the highways network.

In view of the ongoing COVID-19 travel restrictions a site visit has not been conducted. It has been possible to fully assess the application based on available photographic records of the site and surrounding area.

Principle of development:

- 8.2. The application site falls within Special Area SA2 of the Brighton and Hove City Plan Part One which aims to reinforce Central Brighton's role as the city's vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses by, in this case:
- Supporting proposals to improve and refurbish existing retail units and shop frontages and recognise the role of small independent/local traders in maintaining the Regional Centre's viability and attractiveness.
 - Promoting a balanced range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups, avoid a spread of large bars/pubs and night clubs and address public safety concerns.
- 8.3. City Plan Part One Policy CP4 identifies Brighton as being a Regional Centre and aims to maintain and enhance Brighton & Hove's hierarchy of shopping centres by encouraging a range of facilities and uses, consistent with the scale and function of the centre, to meet people's day-to-day needs, whilst preserving the predominance of A1 use classes.
- 8.4. Local Plan Policy SR4 outlines that the change of use of existing Class A1 use (shops) to Class A2 (financial services), A3 (food and drink), A4 (pubs/bars) or A5 (hot food takeaway) uses within the defined prime frontages of the regional centre will be permitted provided that all of the following criteria are met:

- a. as a result of the proposal there would not be a significant break in the shopping frontage of more than 10m;
 - b. it would not result in either the number of non-retail units or the proportion of frontages exceeding 25% of the shopping street(s) to which it relates;
 - c. it would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and
 - d. the development would not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the area.
- 8.5. In this case, the change of use proposal would not result in the loss of the entire A1 (retail) usage. The applicant has advised that the mixed use is approximately half A1 (retail), half A4 (drinking establishment) and the proposed floor plans submitted with this application now show that. As opposed to the previous application where the ground floor was to be mainly used as a bar with consumption on the premises mainly occurring within the basement and in the rear patio outside, the ground floor would now be more representative of an A1 use with display and payment areas, and no seating. The basement would be used as tasting lounge also with a till point with the outside rear patio area offering spill-out space for customers drinking beverages exclusively bought on the premises. As such, it has been demonstrated that the proposal would not primarily be for a use falling within Use Class A4, rather a mix of A1 and A4.
- 8.6. The latter part of the second reason for refusal is based on the proposal causing an unacceptable loss of retail within the Prime Retail Frontage and an over-provision of non-retail and evening / night-time economy uses along Trafalgar Street. The most recent retail survey of Trafalgar Street by the Council (the Brighton & Hove Retail Study Update 2011) found that there were 22 shop units within the prime retail frontage, of which 20 were A1 retail units. Whilst there are still the same number of shop units, 18 (81.8%) are now in A1 use so the proposal would result in 77.3% of the prime retail frontage being in sole A1 use. This therefore complies with the requirement of Local Plan Policy SR4 for at least 25% of the units to be in non-retail use.
- 8.7. The proposal complies with Policy SA2 given that it supports a small independent / local trader and provides a complementary evening / night-time economy use. Furthermore, it is considered to encourage combined trips and would attract pedestrian activity.
- 8.8. Local Plan Policy SR12 relating to large Use Class A4 (pubs and bars) is not relevant here since the total resultant internal public floorspace is 43m², not the 150m² required to invoke the policy. It is worth noting that as the premises would not be an A3 unit, the condition requiring that alcohol is ancillary to substantial food (which is prepared on the premises, served at a table and is available at all times) cannot be added.
- 8.9. As such, no in-principle objection is raised to the change of use from A1 to a mixed A1/A4 use. As such, subject to a consideration of part (d) of Policy SR4

(which is assessed later in this report), the proposal is compliant with Policies SA2 and SR4.

Design and Heritage:

- 8.10. 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.
- 8.11. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.12. None of the shopfront appears to be original, and even the Victorian style black and white tiles between the red brick public footway and the shopfront seem to be a later addition. The shopfront does, however, feature a stallriser and a sign that fits the size of the fascia board behind.
- 8.13. Given the above, no in-principle objection is raised to the removal of the existing shopfront. The proposed shopfront, although timber, would also be of a modern style. However, it would feature a recessed doorway (which may have been an original feature), a new painted timber fascia board and panelled stallriser. Given that it would be unreasonable to insist on a shopfront being installed that is faithful to what was original, it is considered that the proposed shopfront is in keeping with examples on surrounding buildings, if not an improvement. It is a cohesive approach, through the detailing, colour scheme, materials and overall design strategy, which is in line with Local Plan Policy QD10. The large 'glass plate' shopfront is a distinctive modern element and causes less than substantial harm, considered to be outweighed by the provision of a ramp to provide access for those with a mobility-based disability. As a whole, the shopfront is considered to be an improvement on the existing and would therefore enhance the appearance of the conservation area.
- 8.14. In terms of the shop shutters, Local Plan Policy QD8 outlines that solid shutters, including those with the "pin hole" design, that obscure the window display are not permitted. In this case a thin-framed roller grille over the shopfront window and a demountable security grille over the entrance door are proposed, which would be hung on wall hooks when not in use. These are therefore considered to be acceptable. Furthermore, concealing the housing for the roller grille behind the new fascia boxing is supported.
- 8.15. In terms of the other changes to the front, the provision of separate access to the existing maisonette and proposed A1/A4 unit is supported. The applicant has confirmed in writing that a lightwell is now not a possibility.
- 8.16. Numerous, although largely minor changes, are proposed to the rear of the building. This is not visible from the public realm and therefore the alterations are considered to have very little impact on the character and appearance of the conservation area. Whilst the loss of the bay window is regrettable, this would not warrant a refusal of the application. The treatment of the new and

replacement rear fenestration - aluminium frames - is uniform and therefore supported. The increased amount of glazing would help to bring light into the rear of the seating and bar areas. The provision of a new handrail and balustrade to the existing steps is welcomed as is the slatted timber enclosure to hide the pipework. No objection is raised to painting the rear boundary wall white or moving the AC condenser unit 80cm higher and the exterior raised planter would help to soften the hard paved yard area.

- 8.17. As such the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15, Local Plan Policies QD8 and QD10 as well as SPD02.

Impact on Neighbouring Amenity:

- 8.18. 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.
- 8.19. The responsibility for mitigating the impact of noise is firmly on the new development. The onus is on new noise-generating uses proposed close to existing noise-sensitive uses to ensure its building or activity is designed to protect existing users or residents from noise impacts. Measures such as soundproofing can be put in place to mitigate any noise impacts for neighbouring residents and businesses.
- 8.20. The main impact from the proposal would be on the maisonette on the upper floors of the host building, the three flats at 22 and the flat at 24 Trafalgar Street in terms of noise and general disturbance from the proposed A4 element. None of the windows would provide opportunities for overlooking into adjacent residential properties, and the door would be installed into an existing opening, and therefore would not result in any additional overlooking.
- 8.21. The existing opening hours of the retail unit are unknown. However, those proposed for the mixed A1/A4 use are 11:00-22:00 Monday to Sundays including Public / Bank Holidays. It is noted that the applicant's licencing application for those hours has been approved. These hours are a reduction from the previous application which proposed closing times of 01:00 Monday to Saturdays and 00:00 on Sundays. Furthermore, the outside rear patio area is proposed to be closed to customers at 18:00 every day with the exception of two smokers at a time without their drinks until the premises closes, which is also a condition of the premises' alcohol licence. The doors and windows are to be kept closed after 21:00 hours apart from for access and egress. It is recommended that the proposed hours of operation are secured via condition. None of the other licence restrictions are considered to meet the NPPF tests for conditions and would be enforced by the Council's licencing team in any case.
- 8.22. However, Officers consider that a condition is required to prevent the playing or generation of live music to prevent the risk of statutory noise nuisance to the occupiers of the maisonette above, which would sufficiently restrict the activities which could be carried out within the premises and outside area.

- 8.23. Noise transfer to the nearby dwellings would still occur through patrons using the premises. To that end, drawings have been submitted showing the extent of sound proofing that would be installed, which details the following:
- The floor construction between basement and ground floors in addition to between ground and first floors would achieve a reduction in airbourne noise of approx. 51dB and in impact noise of 55dB.
 - The wall around the double height void would achieve a reduction in airbourne noise of approx. 11dB over the existing structure.
 - The wall to the residential staircase would achieve a reduction in airbourne noise of approx. 48dB.
 - The entrance wall to the premises would feature a total of 160mm thick Rockwool mineral wool insulation.
 - The new fixed rear window would be a bespoke 6mm thick toughened double glazed piece of glass.
 - The shopfront would feature a 8.8mm thick piece of acoustic glass fitted at a slight angle thus rebounding sound back into the building rather than into the street.
- 8.24. Part E of Building Regulations requires that the acoustic performance targets for flats is met or surpassed where shops are the subject of a material change of use. These targets of 43dB for walls and for floors should be exceeded for airbourne noise and should be lower for impact noise at 62dB. As such, the proposal demonstrably achieves these and offers significant reductions. Therefore, noise emanating from the proposed use within the building would be minimal and would not cause a material disturbance to neighbouring occupiers.
- 8.25. Compliance with the specifications on the drawing is recommended to be secured by condition.
- 8.26. Besides noise, any disturbance from patrons is likely to occur outside and at the entrance to the premises on the ground floor. Given that smokers can use the outside patio area to the rear, it is unlikely that customers would loiter at the entrance. Sussex Police have not raised this as a significant issue. However, they do advise that CCTV should be provided, with care taken to ensure any lighting is commensurate with the CCTV equipment. As such, the proposal is considered to be in accordance with Policy QD27.
- Impact on Highways:**
- 8.27. It is not anticipated that the provision of a mixed A1/A4 use at this premises would lead to increased traffic generation or parking stress on surrounding streets given that the site is within CPZ Y, which would therefore prevent overspill parking. No car parking spaces are proposed, but since this is commercial development, a condition cannot be added to prevent future occupiers from applying for a parking permit.
- 8.28. No cycle parking spaces are required. It is expected that refuse and recycling arrangement would remain as existing.

- 8.29. It is not considered that the proposed ramp at the front entrance, as it is wholly within the demise of private land, would cause an obstruction to those using the adjacent public footway.

9. CONCLUSIONS

- 9.1. The proposal, by reason of the retention of the A1 element, would continue to contribute to the Regional Centre's viability and attractiveness, whilst also providing a complementary evening / night-time economy use, encouraging combined trips and attracting pedestrian activity through the provision of the A4 component. Subject to conditions, the latter would not have any significantly adverse impact on neighbouring amenity. Furthermore, the proposed shopfront and other alterations would largely enhance the special appearance of the conservation area. This application is therefore recommended for approval.

10. EQUALITIES

- 10.1. As previously noted, the proposal would provide a ramp to provide access for those with a mobility-based disability, which is welcomed given the premises currently features a large step up to shop floor level.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Lizzie Deane
BH2020/01548 – 23 Trafalgar Street

29th June 2020:

I write in my capacity of ward councillor in support of local residents and the North Laine Community Association in their objection to this planning application.

The previous application relating to this premises was refused by Planning Committee and I ask that this one is refused under delegated powers.

Should officers be minded to grant I would ask that it again comes before Planning Committee for debate and decision by elected Members.

ITEM J

**BH2020/01509
46 Queens Gardens
Full Planning**

DATE OF COMMITTEE: 17th September 2020

BH2020 01509 - 46 Queens Gardens



N



Scale: 1:1,250

<u>No:</u>	BH2020/01509	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	46 Queens Gardens Brighton BN1 4AR		
<u>Proposal:</u>	Loft conversion incorporating the installation of one front and one rear conservation style rooflight and the replacement of windows and doors to the rear and side elevations with uPVC double glazed units, and the replacement of front windows and doors with timber double glazed units to match existing, and associated works.		
<u>Officer:</u>	Charlie Partridge, 292193	tel: <u>Valid Date:</u>	05.06.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	31.07.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Wang Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	Huanyu Li 46 Queens Gardens Brighton BN1 4AR		

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	1918 PL1 07	C	30 July 2020
Proposed Drawing	1918 PL1 04	C	30 July 2020
Location and block plan	1918 PL1 01		5 June 2020

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

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

3. The development hereby permitted shall not be commenced until full details of all new sliding sash window(s) and external doors and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with concealed trickle vents. New doors shall be of traditional timber panel construction. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The rooflight(s) hereby approved shall have steel or cast metal frames, colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two-storey terraced property on the eastern side of Queens Gardens, within the North Laine Conservation Area. The site is covered by an Article 4 Direction which, among other things, removes 'permitted development' rights relating to improving/altering front facades and roofs.
- 2.2. Planning permission is sought for a loft conversion, incorporating the installation of one front and one rear 'conservation-style' rooflight, and the replacement of windows and doors to the rear and side elevations with uPVC double glazed units, and the replacement of front windows and doors with timber, double-glazed units to match the existing, and associated works.
- 2.3. Since submission of the application the description has been amended to better reflect what is proposed, including the removal of front rooflights.

3. RELEVANT HISTORY

- 3.1. **BH2016/05033** Certificate of Lawfulness for proposed conversion of 2no. flats to 1no. residential dwelling (C3). Approved 05.12.2016
- 3.2. **BH2017/01075** Enlargement of existing rear dormer Refused 26.02.2018
- 3.3. **BH2019/03445** Roof alterations incorporating raising ridge height, reroofing, installation of 2no. front and 1no. rear rooflights. Replacement of all windows, doors and rooflights with uPVC double glazed units. Refused 17.01.2020

4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received objecting to the proposal on the following grounds:
 - Overlooking
 - Privacy
- 4.2. **One (1)** letter has been received from The North Laine Community Association objecting to the scheme on the following grounds:
 - Rooflights altering roof line
 - Use of UPVC windows and doors contrary to Article 4 direction
 - Detrimental to the character/appearance of the North Laine conservation area
- 4.3. **Councillor Deane** has objected to the proposal. A copy is attached to the report.

5. CONSULTATIONS

- 5.1. **Heritage 27.07.2020**

Due to the covid-19 pandemic, officers have been unable to attend site. Therefore, the following assessment is based on information and photographs submitted with the application.
- 5.2. An Article 4 Direction is in place for the North Laine conservation area, removing a number of permitted development rights including improvement or other alteration to the front facades and roofs of dwelling houses and applies to the subject site.
- 5.3. The justification behind implementing Article 4 Directions within the North Laine conservation area was to resist the loss of important architectural features which make a positive contribution to the character and appearance of the conservation area such as timber windows and doors.
- 5.4. The proposed alterations include one horizontally proportioned three-light roof light to the front elevation of the subject site. Few rooflights exist on street facing slopes along Queen's Gardens and there are no examples where properties have such horizontally proportioned rooflights on the front roof slope. Therefore, only one conservation style vertically proportioned (metal flush fitting) rooflight would be appropriate to the front roof slope. This rooflight should also relate to the scale and proportions of the elevation below, guidance is provided in SPD12. Similarly, to the rear, the rooflight is horizontally proportioned and does not relate to the windows below.
- 5.5. The proposed windows and entrance door to the street elevation are acceptable, however large scale details of these will be required, either at application stage or as a condition (should the application be determined favourably).
- 5.6. The proposal fails to respect, preserve or enhance the North Laine conservation area and will have a detrimental impact on the areas character and appearance.

The proposal fails to meet the criteria of policy HE6 and is recommended for refusal.

- 5.7. Further comments (06.08.2020): Previous concerns/comments have been addressed through amended drawings.
- 5.8. **Heritage 06.08.2020 Approval recommended**
The following comments relate to amended plans received on 4th August 2020 and should be read in conjunction with the initial heritage comments above.
- 5.9. The amended plans show the front rooflight has been revised to a vertically proportioned conservation style roof light in line with one of the windows below. The Agent has also agreed to a condition for window and door details.
- 5.10. The revised proposal respects the North Laine conservation area and will not have a detrimental impact on the areas character and appearance. The proposal meets the criteria of policy HE6 and is recommended for approval with conditions.

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 Joint Area Action Plan (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained

weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design
CP15	Heritage

Brighton & Hove Local Plan (retained policies March 2016)

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

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
-------	---

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character of the North Laine Conservation Area.
- 8.2. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight". When considering whether to grant planning permission for works within 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.
- 8.3. Pre-existing, existing and proposed plans have been submitted as part of this application. The pre-existing plans relate to ongoing works for a previously approved certificate of lawfulness (BH2016/05033) for the conversion of 2no flats to 1no residential dwelling (C3).

Design and Appearance:

- 8.4. The proposal seeks to install one conservation-style rooflight with metal fittings to the front elevation and one to the rear elevation. Following the initial comments from Heritage Officers, amended drawings have been received which show the front and rear rooflights as vertically-aligned, as opposed to horizontally, and positioned in line with the window/door below, improving the appearance of the proposed development.
- 8.5. Permission is also sought to replace the front door with a white-framed light grey timber door, and the front windows with double glazed timber sash windows. At the rear of the property, permission is sought to replace the existing window and doors with UPVC double glazed units and the first-floor timber balustrades with

glass balustrades. The two ground floor side windows are to be replaced with three uPVC, double-glazed bi-folding doors. It is noted that these rear replacement features would not be visible from the street scene and as such are not expected to be detrimental to the character or appearance of the North Laine Conservation Area.

- 8.6. All of the proposed replacement fenestration, except for the front door, would be white to match the colour of the existing fenestration of the dwellinghouse.
- 8.7. A similar application to the proposed (BH2019/03445) was submitted in 2019 which sought permission for the raising of the ridge height, two front rooflights, one rear rooflight and the replacement of all existing windows and doors with uPVC double glazed units. This proposal was refused on the grounds of harm to the appearance of the host building and North Laine Conservation Area. The full reason for refusal is outlined below:
- *The proposed development, by reason of the disruption to the pattern of roof ridgelines on Queens Gardens caused by the proposed raised roof ridge, the erosion of the uniformity of the fenestration on Queens Gardens caused by the proposed uPVC replacement fenestration and the cluttered appearance given to the roofslope by the 2no proposed front rooflights, would harm the appearance of both the host building and the wider North Laine conservation area, contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan.*
- 8.8. The current proposal under consideration addresses the visual amenity concerns from the previous application by removing the harmful features from the design. The current proposal does not seek to alter the ridge height or replace the fenestration to the front elevation of the building with uPVC - timber is the proposed material in the current application. The number of proposed front rooflights has also been reduced to one and the one proposed has slightly reduced in size to that previously proposed. This rooflight is positioned so that it aligns with the first-floor window below, by comparison it was off-centred in the refused application. Because this proposal has taken these previous reasons for refusal into consideration, it is no longer deemed to cause significant harm to the host building or North Laine conservation area and does not warrant a refusal in this instance.
- 8.9. Following receipt of the amended drawings and subject to the conditions recommended, it is considered the proposed works would not harm the character or appearance of the host building or wider North Laine conservation area, in accordance with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Impact on Amenity:

- 8.10. With regard to amenity, the proposed front rooflight would not provide any additional compromising views into neighbouring properties and as such does not warrant a refusal on this ground. The rear rooflight would not result in any additional privacy issues over those experienced through existing doors within the roof. The replacement window and doors would be located in the same

position as those currently on the property. As such, the proposal is considered to comply with policy QD27 of the Brighton & Hove Local Plan.

9. EQUALITIES
None identified



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Lizzie Deane
BH2020/01509 – 46 Queens Gardens

18th June 2020:

I write in my capacity of ward councillor in support of the North Laine Community Association and local residents in their objection to this application.

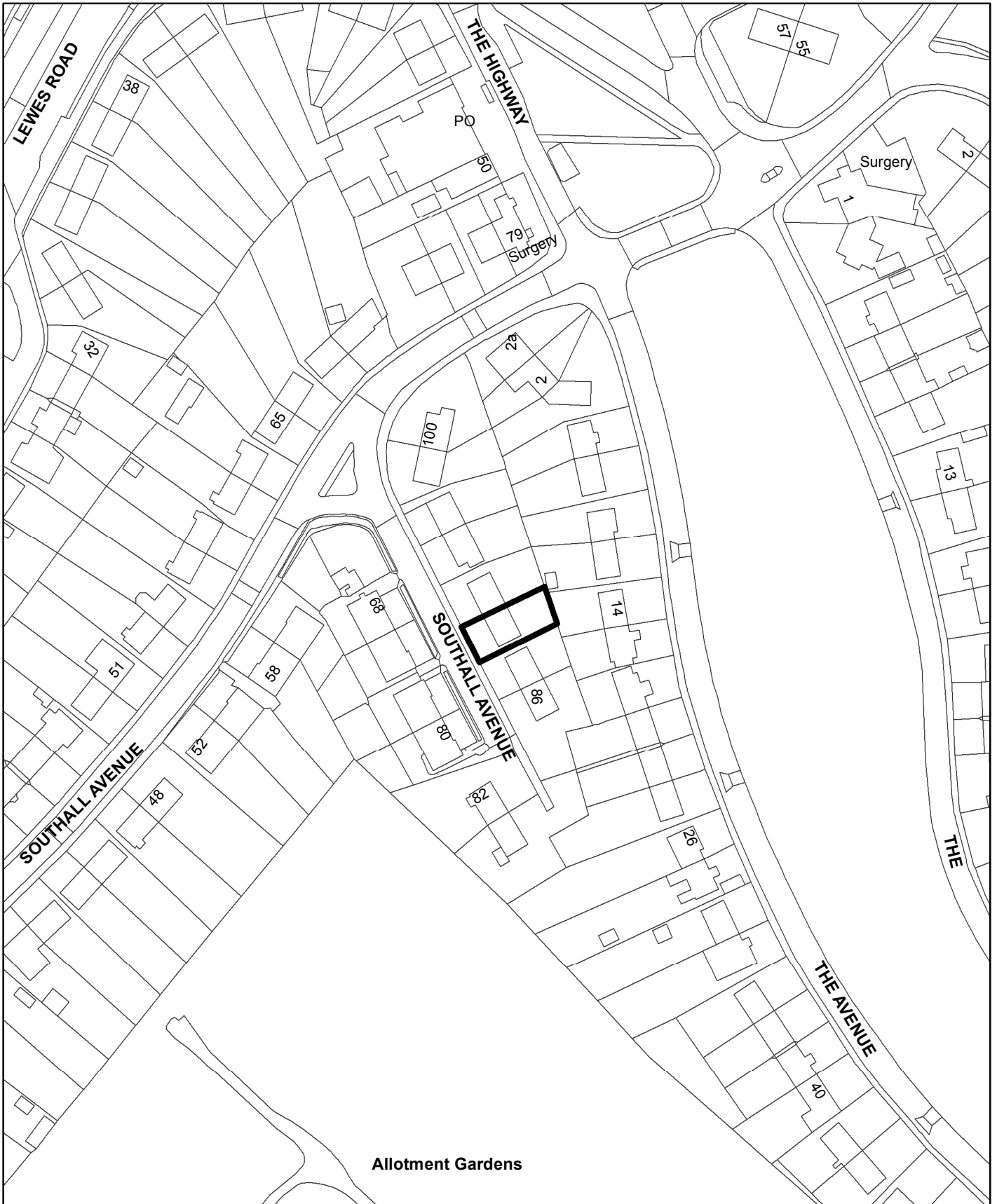
Given the officers' comments in December 2019, as outlined in the NLCA's letter, I would ask that this application be refused under delegated powers and that, should officers be minded to grant, the application be brought to Planning Committee for consideration by elected Members.

ITEM K

**90 Southall Avenue
BH2020/00995
Full Planning**

DATE OF COMMITTEE: 17th September 2020

BH2020 00995 - 90 Southall Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2020/00995	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	90 Southall Avenue Brighton BN2 4BB		
<u>Proposal:</u>	Change of use from (C3) dwelling to (C4) small house in multiple occupation incorporating the erection of a single storey rear extension and minor fenestration alterations.		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	03.04.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	29.05.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr T Mole Care Of Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

This application was deferred from Committee on the 2nd September 2020 to further investigate other HMOs in the vicinity.

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	01		3 April 2020

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

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

3. The 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.

4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
5. The external finishes of the single storey rear extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.
6. The area marked as Kitchen/diner and the area marked as Living area as detailed on drawing 01, received 3rd April 2020 shall be retained as communal space at all times and shall not be used as bedrooms at any time.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan
7. 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.
8. The existing fence separating the rear terrace from the neighbouring building at 92 Southall Road shall be retained, or if replaced an equivalent fence or other solid screening of at least 1.8m shall be installed and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

2. 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 & APPLICATION DESCRIPTION

- 2.1. The application site is one of a pair of semi-detached houses on the north side of Southall Avenue in Bevendean. It is a two storey, pebble-dashed house with a front porch, with car parking on the hardstanding to the front of the house.
- 2.2. The application seeks to change the use of the site from planning use class C3 (dwellinghouse) to use class C4 (House in Multiple Occupation (HMO) for use by 3 to 6 unrelated individuals), with an associated single storey rear extension.
- 2.3. The whole city is now covered by an Article 4 Direction which removes 'permitted development' rights which would otherwise allow the change of use from a single dwellinghouse (C3) to small HMO (C4) without the need for a planning application. However, the Moulsecoomb And Bevendean Ward, in which the site is located, has been subject to this restriction since 2013 under an earlier Article 4 direction.

3. RELEVANT HISTORY

- 3.1. 65/2131: Formation of hardstanding including new vehicular access (Approved 23/11/65)

4. REPRESENTATIONS

- 4.1. Two (2) letters have been received from neighbours, objecting to the proposed development for the following reasons:
 - Imbalanced community/too many HMOS in the area already;
 - Noise and disturbance; and
 - Poor management.
- 4.2. Councillor Yates has objected to this proposal. A copy is attached to this report.

5. CONSULTATIONS

- 5.1. **Housing:**
No objection
No objection or comment other than the requirement to apply for an HMO licence.
- 5.2. **Planning Policy:**
No Comment
- 5.3. **Sustainable Transport:**

No objection (comment provided verbally)

No objection. There is room at the front or rear of the property for three cycle parking spaces. A slight increase in vehicle trips is anticipated but not significant enough to warrant refusal.

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 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 but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD18	Species protection
QD27	Protection of amenity

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the proposed change of use; the standard of accommodation provided; the acceptability of the proposed rear extension in design terms; the impact of the proposed change of use on the amenity of the neighbourhood; and the transport implications of the proposals.

Principle of the Proposed Change of Use:

- 8.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use, or to a larger House in Multiple Occupation ('sui generis' - not falling in any use class) and states that:
- *'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*
 - *“More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.”*
- 8.3. A mapping exercise was undertaken (confirmed on 3rd September 2020) which indicated that there are 34 properties within a 50m radius of the application property. Within this radius, four other properties have been identified as being in HMO use.
- 8.4. However, one of these, at 98 Southall Avenue, while shown as an HMO on the mapping system is excluded from that total. The Council has evidence that the property has been managed under a headlease arrangement with the University of Brighton since 2001, and as such the property is not considered as an HMO but falls within the use class as a C3(c) residential dwelling. The council does not have any information regarding when the university will cease to manage the property in this way, but regardless of when that arrangement ceases, as the

property is located in an area covered by the Article 4 Direction, a planning application for change of use from C3 to C4 would be required should the owner wish to use the property as a HMO. This would then be subject to policy CP21 based on the information regarding other HMO's in the vicinity at the time that permission is sought.

- 8.5. The property at 98 Southall Avenue is highlighted on the HMO mapping as it has a licence granted, which is as a result of changes in licencing legislation requiring headlease properties to be licenced. However for planning purposes with regards to policy CP21, the property remains in use as C3 rather than a C4 HMO and as such is not included within the calculations.
- 8.6. The mapping exercise also includes the adjoining property, number 92 Southall Avenue which has various planning permissions to change use to a HMO, but there is uncertainty over whether these have been lawfully implemented. Nonetheless, it has been included as a HMO for the purposes of the calculations required for this application with regards to policy CP21.
- 8.7. Excluding the property at 98 Southall Avenue from the consideration of the numbers of properties within 50m of the application site, but including number 92, there are three qualifying properties out of the 34 properties. This means that in total, there are 8.8% HMOs within 50m.
- 8.8. Based upon the existing percentage of neighbouring properties in HMO use, which is not greater than 10%, the proposal to change of use to a six bed house in multiple occupation would not be in conflict with the aims of policy CP21.

Standard of Accommodation:

- 8.9. Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.10. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them, indicating a 'direction of travel' on behalf of the Local Planning Authority. The NDSS provide useful guideline on the acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². To be included in the minimum floor space, there must be a head height above 1.5m.
- 8.11. The existing dwelling comprises a large living room, dining room and kitchen with internal store at ground floor level, with three bedrooms, a shower room and a separate WC at first floor level.

- 8.12. The proposed layout, including the proposed rear extension, would comprise six bedrooms: two on the ground floor and four on the first floor. The floor areas of these vary between 7.5m² and 8.5m², excluding any areas such as 'mini-corridors' behind doors where the floor area would not be considered usable. All rooms show a good layout, including an indicative furniture arrangement, with good access to natural light. As such, it is considered that all of the bedrooms shown would be suitable for single occupancy, giving a maximum occupancy for the property as a whole of six persons.
- 8.13. The property also offers a shared shower-room on each floor, and a small utility area on the ground floor. The property would provide approximately 27m² of communal space, divided between a kitchen/dining area and a living room to be provided in the proposed single storey rear extension. Given that all the rooms are at or close to the minimum level that the NDSS supports as an acceptable standard of accommodation, potential future occupants would be expected to want to make more use of the communal space available, and so in such circumstances, it is appropriate to pay special attention to the standards within this space.
- 8.14. The layout and arrangement of the items of furniture shown on the plans is recognised as being indicative only, but this is considered to represent what the applicant accepts as a plausible solution to the constraints on space within the ground floor communal area. It is noted that the space is broadly divided into two areas, linked by steps down from the kitchen to the living room, with a dining table located by the bannister of those steps. It is accepted that not all occupants may not be using these spaces at the same time and that in total the plans show a total of ten seats (five dining and five living room). However it is not considered that the space available in the dining area would realistically be able to accommodate five people at once as the table shown is small and there is little around the table for access and manoeuvring. Nonetheless, seating for more than six people would be available.
- 8.15. The layout on the ground floor allows ample space for cooking and adequate space for moving around and through the rooms, with sufficient seating in the various areas for six people. In light of the limited space in the bedrooms and the consequent increased demands that would be placed on the communal space, it is considered that the layout of the proposed HMO would provide a suitable standard of occupation for up to six occupants.
- 8.16. On this basis, the standard of accommodation to be provided is considered acceptable.

Design and Appearance:

- 8.17. The proposed scheme would result in changes to the appearance of the rear of the property, with a new single storey side extension, the replacement of a side door with a bathroom window, and the removal of a window on the rear first floor. The proposed extension would measure 3m deep and 5.4m wide, and would be finished in render to match the main dwelling.

- 8.18. If the property was in use as a dwelling (use class C3), the proposed extension could be constructed under 'permitted development' rights. Because of the proposed HMO use this is not the case, so the extension must be assessed as part of the overall proposal, though it is relevant to note that the extension could previously have been added without the need for a planning application.
- 8.19. Notwithstanding this, the small scale of the extension, and its location to the side of the property furthest from the conjoined property at 92 Southall Avenue, with a 1.5m gap to the boundary and a 3m gap to the nearest property at 88 Southall Avenue, means in design terms, it is considered acceptable. Being at the rear, it would not have any adverse impact on the streetscene or wider area. The design and arrangement of windows is considered to be consistent with those of the host building.
- 8.20. Conditions are proposed requiring materials to match those of the host building. On this basis, the scheme is considered acceptable in terms of design and appearance.

Impact on Amenity:

- 8.21. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.22. The proposed extension would not be immediately adjacent to any neighbouring buildings or gardens and is not considered to cause any potential harm to neighbours as a result of overlooking, overshadowing, or the creation of an overbearing structure. The use of the extension as a living area would not result in harm beyond that which may be experienced by the normal residential use of such a property in this location.
- 8.23. The site is not in an area that currently has above 10% of properties within 50m of the application site being in HMO use. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not sufficient to warrant refusal of the application on the grounds of potential amenity impact.
- 8.24. The application also includes a proposal to include an area of decking at the rear of the property, accessed from the proposed extension and adjacent to the boundary with 92 Southall Avenue. The potential for decking to increase harmful impact on the amenity of neighbours arises when it would increase the level of use of an area, or bring a use close to sensitive parts of residential accommodation. In this case, it is not considered the decking would increase the use of or access to the rear of the property, and the location would not be immediately adjacent to bedrooms of the occupants of the application site or neighbouring property. There is a fence between the application address and 92 Southall Avenue which would prevent mutual overlooking between these two properties. A condition is recommended to ensure retention of this boundary treatment.

- 8.25. The potential for overlooking on to other properties from the terrace has been assessed. It is considered that although the rear garden slopes down towards the properties to the north on The Avenue, the distance between them and the application site, and the minimal impact on the height of the vantage point by including a terrace, is such that there would not be significant additional overlooking from this point beyond that which is already possible.
- 8.26. As such it is considered that there would be no significant increase in harm to the amenity of the occupants of the proposed property or neighbours as a result of this application.

Sustainable Transport:

- 8.27. The application does not propose to vary the parking arrangement from the existing one space in front of the property and this is acceptable. The property is not within a Controlled Parking Zone and as such there is neither need nor opportunity to require the development to be permit free.
- 8.28. The garden is considered to have ample room at either front or rear for secure covered cycle storage sufficient for the storage of a minimum of three bicycles. This will be secured by condition.

Biodiversity:

- 8.29. The council now requires provisions to be made for biodiversity in all applications. While none have been specifically proposed as a part of this application, such measures will be secured by condition, with a requirement to include bee bricks and swift boxes in the final scheme.

9. EQUALITIES
None identified

Cllr. Dan Yates
BH2020/00995 – 90 Southall Avenue

10th May 2020]:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Residential Amenity
- Traffic or Highways

Comment: Reasons for objection:

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the current and previously held licensing registers to check their impact on the 10% rule is properly taken into consideration. Should the recommendation on this application be to approve I would like this application to come to committee please.

Should the committee be minded to approve this application I would ask them to consider the removal of permitted development rights to ensure that any subsequent enlargement or alteration be fully considered before being approved for development on this site.

PLANNING COMMITTEE

Agenda Item 50

Brighton & Hove City Council

NEW APPEALS RECEIVED 06/08/2020 – 02/09/2020

<u>WARD</u>	CENTRAL HOVE
<u>APPEALAPPNUMBER</u>	BH2019/02675
<u>ADDRESS</u>	71 Church Road Hove BN3 2BB
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey one bedroom dwelling to rear at lower ground floor level incorporating cycle storage.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/08/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2020/01125
<u>ADDRESS</u>	239 Queens Park Road Brighton BN2 9XJ
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from dwelling house (C3) to four bedroom small house in multiple occupation (C4).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	07/08/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HOVE PARK
<u>APPEALAPPNUMBER</u>	BH2020/00047
<u>ADDRESS</u>	71 Woodland Drive Hove BN3 6DF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey first floor front extension and two storey rear extension, conversion of garage into habitable space, alterations to fenestration, installation of rear rooflight and dormer and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	17/08/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2019/02666
<u>ADDRESS</u>	8 & 9 Lucraft Road Brighton BN2 4PN
<u>DEVELOPMENT DESCRIPTION</u>	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 STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 19/08/2020
APPLICATION DECISION LEVEL Delegated

WARD

REGENCY

APPEALAPPNUMBER BH2020/00714
ADDRESS 4A Montpelier Place Brighton BN1 3BF
DEVELOPMENT DESCRIPTION Display of 1no internally illuminated fascia sign.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 02/09/2020
APPLICATION DECISION LEVEL Delegated

WARD

WISH

APPEALAPPNUMBER BH2019/01352
ADDRESS Shermond House 58 - 59 Boundary Road Hove
BN3 5TD
DEVELOPMENT DESCRIPTION Extension to the roof of existing building to create new office space (B1), installation of external lift tower at rear of building, increased vehicle and cycle parking and new bin storage to the ground floor car park.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 13/08/2020
APPLICATION DECISION LEVEL Delegated

WARD

WISH

APPEALAPPNUMBER BH2020/00905
ADDRESS Shermond House 58 - 59 Boundary Road Hove
BN3 5TD
DEVELOPMENT DESCRIPTION Erection of additional storey to create new office space (B1), installation of external lift shaft at rear, revisions to vehicle and cycle parking.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 27/08/2020
APPLICATION DECISION LEVEL Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 19/08/2020 AND 02/09/2020

WARD

GOLDSMID

APPEAL APPLICATION NUMBER

APL2020/00057

ADDRESS

23 Lansdowne Road Hove BN3 1FE

DEVELOPMENT DESCRIPTION

Extension of existing building and erection of adjoining new dwelling to form 2no semi-detached units (C3) and associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/03162

APPLICATION DECISION LEVEL

Delegated

WARD

WESTBOURNE

APPEAL APPLICATION NUMBER

APL2020/00056

ADDRESS

4-6 Pembroke Gardens Hove BN3 5DY

DEVELOPMENT DESCRIPTION

Roof alterations incorporating raising of ridge height, rear dormer and rooflights, installation of first floor front balcony and removal of side projection at ground floor level to facilitate conversion of property from 2no flats (C3) to 2no one bedroom, 1no two bedroom and 1no four bedroom flats (C3).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/03448

APPLICATION DECISION LEVEL

Delegated
