

Planning Committee

Date: **4 August 2021**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Barnett, Fishleigh, Janio, Moonan, Shanks, C Theobald and Yates

Conservation Advisory Group Representative

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AGENDA

11 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.

12 MINUTES OF THE PREVIOUS MEETING

1 - 14

Minutes of the meeting held on 7 July 2021.

13 CHAIR'S COMMUNICATIONS

14 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 29 July 2021.

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

In relation to easing of current Covid restrictions site visit arrangements would be re-introduced incrementally. It was noted that some Members had visited sites independently and that if requested socially distanced or virtual site visits could take place. Enhanced visuals continued to be provided at present in order to assist Members in their decision making.

16 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

A BH2016/02850 - 2 Montefiore Road, Hove - Full Planning **15 - 38**

MINOR APPLICATIONS

- B BH2021/01810 - Saltdean Lido, Saltdean Park Road, Saltdean - Full Planning **39 - 74**
- C BH2021/011811 - Saltdean Lido, Saltdean Park Road, Saltdean - Listed Building Consent **75 - 96**
- D BH2021/02074 - Nevill Court, Nevill Road, Hove - Full Planning **97 - 114**
- E BH2021/01735 - 1-3 Bedford Street, Brighton - Full Planning **115 - 132**
- F BH2021/00570 - 169 Portland Road, Hove - Full Planning **133 - 146**
- G BH2021/01985 - 98 Portland Road, Hove - Full Planning **147 - 158**
- H BH2021/00795 - Benfield Valley Golf Course, Hangleton Lane, Hove - Full Planning **159 - 174**
- I BH2021/01914 - Flat 2, 236 New Church Road, Hove - Full Planning **175 - 186**

J	BH2021/01017 - 20 St Helens Drive, Hove - Householder Planning Application	187 - 200
K	BH2021/01272 - 78 Hangleton Valley Drive, Hove - Full Planning	201 - 212
L	BH2021/00426 - The Mews House, Adelaide Mansions, Hove - Householder Planning Application	213 - 224
M	BH2021/00427 - The Mews House, Adelaide Mansions, Hove - Listed Building Consent	225 - 234
N	BH2021/01064 - 173 New Church Road, Hove - Householder Planning Application	235 - 244

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

INFORMATION ITEMS

18 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **245 - 246**

(copy attached).

19 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

20 APPEAL DECISIONS **247 - 250**

(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>

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

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FURTHER INFORMATION

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

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- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 7 JULY 2021

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Ebel (Deputy Chair), Barnett, McNair, Moonan, Shanks and Yates.

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

Officers in attendance: Jane Moseley (Planning Manager), Luke Austin (Principal Planning Officer), Russell Brown (Senior Planning Officer), Robin Hodgetts (Principal Planning Officer), Tim Jeffries (Planning Team Leader), Fraser McQuade (Senior Urban Design Officer), Wayne Nee (Principal Planning Officer), Andrew Renaut (Head of Transport, Policy and Strategy), Emily Stanbridge (Senior Planning Officer), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services Officer).

PART ONE

1 PROCEDURAL BUSINESS

a) Declarations of substitutes

1.1 Councillor McNair substituted for Councillor Theobald

b) Declarations of interests

1.2 Councillor Moonan declared that they had attended a site meeting on item G as a ward councillor prior to being on the Planning Committee and would withdraw if the item was called for discussion. Councillor McNair declared they had submitted letters of representation on item F and would withdraw if the item was called for discussion. Councillor Littman declared they had received lobbying on items A and F, and stated they knew one of the objectors on item J as a ward resident, but this would not impact on their determination of the applications.

c) Exclusion of the press and public

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

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

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 9 June 2021 as a correct record.

3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair of the Planning Committee stated the following:

Welcome everyone to Planning Committee. In our continuing battle against Covid, and in line with the protocol agreed by all group leaders, in addition to social distancing measures, masks are to be worn for this meeting. You are asked to continue to wear your mask while seated unless you are exempt. To assist those with hearing difficulties, closed captioning is on, and transparent visors are apparently available. If you'd like to use one, please inform one of the Democratic Services Officers.

I'd like to encourage everyone with an interest in planning in their area to sign up to our planning register. The planning register is designed to make it easier for people to find out about planning applications near to their homes and businesses, get involved with planning decision-making, and track the progress of their own planning applications.

You'll receive regular updates on planning applications, you can set up alerts to let you know when comments are submitted or a decision has been taken and you can look up information about where planning applications are using a map of the area. To sign up, go to the planning section of our website at www.brighton-hove.gov.uk/planning-applications and select 'find and comment on planning applications'.

It's also worth noting that we publish new applications weekly on our planning web pages and this is highlighted on our social media, so look out for postings on the council's Twitter and Facebook.

We have a packed agenda today, and we will give every application the attention it deserves. However, I will do everything in my power to ensure we finish in time for everyone who wants to, to get home to watch the England/Denmark semi-final. For me, that means wrapping up by five past seven at the latest. With that in mind, let's get on with it.

4 PUBLIC QUESTIONS

- 4.1 There were none.

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

- 5.1 There were none.

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2019/01180 - Vallance Hall, 49 Hove Street, Hove - Full Planning

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

Speakers

2. Ian Coomber addressed the committee as an objector and stated that Futurelab are a tech firm located next to the application site. The proposed office space appears to not be needed. Futurelab are not able to work remotely and will be disturbed by construction works as there is only a brick wall on the boundary. The loss of the tree outside the building is regrettable. The committee were requested to refuse the application.
3. Teresa Sutherland addressed the committee as an objecting neighbour and stated that they felt the neighbours were not consulted and the development would have a severe impact on their property with loss of daylight and being overbearing. The objector stated they worked from home and that seven windows of their property face the development site and these are the only source of daylight. The neighbour requested an assessment of daylight/sunlight impacts on their property but was informed that any concerns would be considered at officer level, however, it appears the 45⁰ rule was not used and what was the energy efficiency of the project? The neighbour had extreme concerns regarding the impact on the development on their own property.
4. Peter Young addressed the committee as architect for the scheme and stated that the application was coming before the committee three years after the pre-application advice was received. The project has had four case officers and four design changes. The development will be lower than the road and set back from the pavement. The application was considered to be a positive regeneration of the area and much needed office space. A daylight and sunlight assessment stated there would be no reduction for the neighbouring property as the windows affected are not principal windows. The proposed windows facing the neighbour will be obscured glazed and louvered. The scale of the project has been reduced. The development includes cycle parking and a green roof. The officer recommendation to approve is welcomed. The committee were requested to support the application.
5. The case officer clarified that the 45⁰ rule was used to assess the scheme and some overshadowing would result from the development, however the harm was considered to be small and on balance acceptable. All the proposed windows are to be obscure glazed and louvered. It was considered there would be some loss of light, however, none of the windows affected were the only window in the room.

Questions

6. Councillor Shanks was informed that the underground car park would accommodate 28 cars and that Building Regulations would look at how the car park was to be constructed.
7. Councillor Ebel was informed that the development was one storey higher than the neighbouring offices and that daylight was considered sufficient. The number of workers to be accommodated was not known at this stage.

Vote

8. A vote was taken, and the committee voted unanimously that planning permission be granted.
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 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 as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 7 October 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of the report.

B BH2020/02801 - 27-31 Church Street, Brighton - Full Planning

1. The case officer introduced the application to the committee.

Speakers

2. Ward Councillor Deane submitted a speech which was read out to the committee by a Democratic Services officer as follows:

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. While it is true to say that this site needs to be developed, having lain vacant for many years, it is important that it is not 'developed at any price'. The proposed building is overly large and overbearing. It will totally dominate and overshadow this narrow street that adjoins the North Laine Conservation area, creating an unpleasant canyon.

There have been numerous applications for this site over the years, many containing proposals for retail and residential, i.e. mixed use. For this site to be used only for offices takes away the mixed use element in a way that will do nothing to enhance the local area or provide amenity for local people. The city does not need a monstrous office block at this location, it desperately needs new homes, and by granting this application today, the committee will be throwing away an opportunity to do something that might otherwise help to alleviate the city's housing crisis.

I believe residents are right to point out that the pavement along Church Street is too narrow for the amount of footfall along it, the proposed bike stands will cause an obstruction, and the parking bays in front of the building will narrow the pavement even further. The frontage should be scaled back to allow for better pedestrian access.

While the site had lain dormant, it has developed a covering of wildflowers that attract insects and a potential habitat for small mammals and has acted as a small oasis in the urban environment. The landscaping suggested for this development is minimal and misses an opportunity to provide any significant outside space, as the footprint of the proposed building will cover almost the entire area.

The privacy of local residents in the immediate vicinity will be severely compromised by the outlook over Portland Street, the row of small terraced houses will be completely overshadowed, and the homes in Windsor Street will lose too much natural light for the scale of this building to be acceptable.

In summary, this is an overbearing building that constitutes over- development, does nothing to alleviate the housing crisis and misses the opportunity to add to the city's biodiversity. For these reasons, I would ask that the proposal be refused.

3. Paul Burgess addressed the committee as the agent for the applicant and stated that the site had been derelict since 1990s and had been identified in the City Plan part 2 as a brownfield site. The site has two extant planning permissions. There is a shortage of grade A office space in the city and the sustainable office space will be flexible, creating approximately 350 new jobs. The development company has delivered other schemes in the city and has had detailed discussions with the council with support from the Heritage Team and Conservation Advisory Group (CAG). The development is considered to respect the location with a glazed ground floor area to add interest at street level. The proposals include two green walls and a green roof. The regeneration of the site is supported by the council. The committee are requested to approve the application.

Questions

4. Councillor Yates was informed that the general advice was given regarding the mansard roof and dormer windows, requesting a reflection of the building opposite. The Senior Urban Design Officer stated that no detailed advice had been given regarding the scale of the dormers. A nod to the building opposite had been requested and a balance was to be struck in the design of the building.

Debate

5. Councillor Barnett considered it a shame that no housing was proposed, however, she agreed there was little office space in the area, which needed to be made more respectable. The councillor supported the application.
6. Councillor Yates acknowledged the resident's concerns, however, the design was considered to understand the environment they are operating in. The design of the mansard roof is a good contemporary design. Mixed use would have been better; however, this is the scheme before the committee. The councillor supported the application.
7. Councillor Ebel considered the site an eyesore at the moment and high quality office space was needed in the city. The site has good transport links. The councillor supported the application.
8. Councillor Littman noted there was very little grade A office space in the city and the proposals were well designed.

Vote

9. A vote was taken, and the committee agreed unanimously that planning permission be granted.
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 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 as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 7 October 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of the report.

C BH2020/00931 - Former Dairy, 35 - 39 The Droveaway, Hove - Full Planning

1. The case officer introduced the application to the committee.

Speakers

2. Kevin Brown addressed the committee as an objector, in the presence of another objector, Ms Wright, and stated that the application was not the same as before and that the conservation aspects of the site were important. Concerns related to the high number of proposed dwellings and the density of the development. The proposed rooflights are a concern with regard to loss of privacy and noise. The lower sill heights are also a concern. leading to overlooking. Light pollution as well as the loss of sea views are a concern, as is overshadowing and overlooking. The planned vehicle access from Mallory Road raises concerns regarding parking and traffic, and the access of construction traffic. The committee were requested to condition that no weekend working will take place and there will be no construction traffic access from Mallory Road.
3. Joseph Pearson addressed the committee as the agent for the application and stated that the key matters were the general design and footprint. The properties on the northside of the site will be 1.7m lower than the approved development, with ridge heights as before. Only one unit will face Mallory Road. Rooflights proposed will be angled so there will be no overlooking for the neighbours. It is noted that the council Heritage Team support the application. The site has been vacant since 2016 and it has been a challenge to deliver commercial space in the scheme for this mixed use site. The number of homes has been increased following negotiation with officers.
4. The case officer informed the committee that the ground floor plan was similar to the extant permission and the ridge heights on the north elevation facing the objector at no.6 was lower than the extant permission.

Questions

5. Councillor Moonan was informed that the materials would include clay tiles, and flint walls with brick dressing. It was noted that the developer would be required by condition to copy the existing and samples will need to be supplied to the council for agreement. The new buildings in the development will have painted masonry, brick work with grey metal roofing and aluminium windows. It was also noted that there was no condition regarding access from Mallory Road.

6. The Senior Solicitor stated that condition 8 related to a construction management plan and that the council would agree the routes into the site under this plan. If the Members wished to add a condition it would need to be fair and reasonable.
7. The case officer noted that the proposals include 2 parking spaces accessed from Mallory Road, and these were unallocated, the same as with the extant permission. Condition 20 requires details of parking areas, allocation and management.
8. The Conservation Advisory Group (CAG) representative was informed that the existing barn roof tiles are to be repaired and retained. The existing long strips of rooflights are to be retained in the commercial buildings to look less residential. The existing buildings are locally listed, not nationally, and are currently vacant. The benefit of the development is considered to outweigh the harm. It was noted that the pantiles are to be replaced with clay tiles and that materials are by condition to be approved. The CAG representative requested that the pantiles be saved and used in the new development.
9. The case officer noted that the pantiles did appear to be mentioned in the extant permission and the heritage comments did not mention the pantiles either.
10. The Planning Manager noted there was no objection from the Heritage Team to the removal of the pantiles and it would be unreasonable to condition their retention.
11. Councillor Barnett was informed that there would be 26 parking spaces, less than the extant permission, on balance appropriate for the scheme. Less parking has allowed for extra amenity space with the increase in the size of gardens. The key issue is to retain the historic buildings on site, and the shared courtyard as a historic space.
12. Councillor Shanks was informed that the artistic component of the s106 agreement would be used on site and that local residents are able to contribute to the discussions via their ward member.

Debate

13. Councillor Yates considered that the use of non-heritage roof tiles was not good and felt it was expected that the pantiles be retained. The councillor requested a condition to retain the pantiles.
14. The Senior Solicitor noted that conditions need to be reasonable and that the Planning Manager had advised against the addition of such a condition.
15. Councillor Yates proposed a motion to add a condition to retain the pantiles. The motion was seconded by Councillor Moonan.
16. Councillor Shanks stated their support for the application.
17. Councillor McNair stated the surrounding area consisted of large individual properties and the proposed scheme was not similar in design. The proposals were not considered to match the surrounding area and was an overdevelopment of the site.

Vote

18. A vote was taken on the motion to retain the existing pantiles by condition and agreed by 4 to 2, with 1 abstention.
19. A vote was taken, and the committee voted by 5 to 2, that planning permission be granted.
20. **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 as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 7 October 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of the report.

D BH2021/00780 - Land at Junction of Foredown Road and Fox Way, Portslade - Outline Application

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

Questions

2. Councillor Shanks was informed that the affordable housing would be provided on a second site the developer is bringing forward, which would be secured through the legal agreement.
3. The Planning Manager noted that a commuted sum was not being sought and the legal agreement will bind the developer to build the cluster of affordable homes.
4. The Senior Solicitor advised that the s106 agreement would require that the affordable housing would need to be built by a certain stage in the development.
5. Councillor Yates was informed that the access shown in the plans was for bins and a portacabin and the 'dog leg' road would be used for amenity reasons. Condition 5 included a highways agreement to improve the footways.

Debate

6. Councillor Yates stated they liked the proposals, which was a good use of the site, with the density not out of keeping with the other new dwellings nearby.
7. Councillor Littman stated that they considered the ecological conditions to be good and they supported the application.

Vote

8. A vote was taken, and the committee agreed unanimously that planning permission be granted.

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 be MINDED TO GRANT planning permission subject to a s106 agreement to secure 30% affordable housing (four dwellings) provided off site and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **7th January 2022** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12.1 of the report.

E BH2020/03291 - 83 Lustrells Crescent, Saltdean, Brighton - Householder Planning Consent

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

F BH2021/01013 - 4 Keymer Road, Brighton - Full Planning

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

Speakers

2. Joanne Avison addressed the committee as an objector and stated that the key aspect of their objection to the application was the impact on the neighbouring properties. The proposals will block daylight, be overbearing and result in a loss of privacy, contrary to planning policy. The case officer did not view the property from the neighbour's property; however, ward Councillor McNair did visit. The two storey development will result in a loss of daylight and privacy. The scheme is broadly the same as the previously refused application. The small garden means the development will be too near the neighbouring property. A bungalow would be more suitable as it would be smaller. The committee are asked to look at it again.
3. Ward Councillor McNair addressed the committee and stated that they were not aware of the previous reasons for refusal, however, 18 letters of objection have been received. It is considered that the scheme will have an overbearing impact on the neighbour's property contrary to planning policy. The balance between garden and dwelling will be different from the surrounding area. The councillor also stated they had visited the neighbours' homes. There is no parking and cycles will not be suitable in this hilly location. Nearby projects have been granted with parking, so why not here. The development will result in a loss of amenities with loss of light and space, and no parking. The neighbours will be in the shadow of the development and the scheme will set a precedent.
4. Nick Jones addressed the committee as the agent for the application and stated that the application was for a two storey dwelling and the design has been worked from first principles not from the previously refused applications. The design is sensible and

considerate and responds to the reasons for refusal of the previous applications. The proposals are significantly lower than the previous scheme and smaller. It was noted that there is a significant level change between the objecting neighbour and the application site, and the parking accords with parking standards. No parking was given for the previously refused schemes.

5. The case officer informed the committee that the separation distances between the proposed dwelling and the neighbour were approximately 12 to 14 metres. The neighbour and the proposed dwelling will be set at an oblique angle so the view from the windows will not be direct.

Vote

6. A vote was taken, and the committee agreed by 5 to 1 that planning permission be granted.
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 in the report.

G BH2021/01750 - 8 Blatchington Road, Hove - Prior Approval Retail/Bank to Dwelling

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GIVE** prior approval for the development and the following Conditions and Informatives as set out in the report.

H BH2021/01453 - Henge Way, Portslade - Removal or Variation of Condition

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

I BH2021/01163 - Garages opposite 6-10 St Johns Road, Hove - Full Planning

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

Speakers

2. Mr Wickson addressed the committee as an objecting neighbour and stated that they had rescued several flats in Adelaide Crescent and now occupied one of them to the rear of the application site where marginal light is received. Neighbours were not notified

of the proposals and no site visits have taken place. The daylight and sunlight into the neighbouring property will be affected as the officer failed to notice windows facing the scheme. The architect's drawings do not show that the neighbouring flats are at a lower level to the proposals. The flats at lower levels will be held to ransom with the fire exits closed off by the development. The garages on the site are used. The flat roof design of the proposals will cast shadows and the development will reduce parking. The neighbours have not been contacted at any time during the three month application process time.

3. Julia Mitchell addressed the committee as the agent for the applicant and stated that there are no vehicle repair businesses on site, and the garages are only used for storage. The proposed scheme will bring benefits to the conservation area as residential use is less harmful than commercial use. The design is to match the existing dwellings and the scheme will be car free with close- by amenities. It was noted that the Highways Team support the scheme. To protect the neighbours' amenities the development is stepped back on the first floor away from Adelaide Crescent. The daylight report noted that the neighbours' windows facing the development were in rooms with more windows. The four new dwellings were considered to help with housing targets and to be sustainable. The committee were asked to grant planning permission.
4. The case officer informed the committee that the site was currently used as vehicle storage. Site notices were put up and the immediate neighbours to the application site were notified of the application. Reasonable steps were taken to inform neighbours of the proposals.

Questions

5. Councillor Shanks was informed that the proposals were 3.5 metres higher than the existing buildings.
6. The Conservation Advisory Group (CAG) representative was informed that the proposals would be the same distance from the rear neighbouring properties as the existing buildings and the design has been agreed by the Heritage Team.
7. Councillor McNair was informed that the development would be car free and this was supported by the Highways Team.

Debate

8. Councillor Yates stated they understood the comments by the CAG representative however the councillor had no objections to the design. It was considered that a car free scheme was good and in keeping with the area. The loss of the garages is not considered to be significant and four new dwellings will be good for the city. The design was on balance acceptable. The councillor supported the application.
9. Councillor Ebel considered the existing garages did not look nice and the development would be an improvement. The councillor supported the application.

10. Councillor Littman noted the changes to residential from commercial in the area and considered the design to be clever and to reduce the impact of the development. The councillor supported the application.

Vote

11. A vote was taken, and the by a vote of 4 to 2 planning permission was granted. (Councillor Moonan did not take part in the discussions or decision-making process).
12. **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 as set out in the report.

J BH2021/01360 - 1-13 Shelldale Road Portslade - Full Planning

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

Speakers

2. Robert Rosenthal addressed the committee as an objecting neighbour and stated that they were speaking on behalf of other neighbours to the site and they did not object to the proposals as such. Concerns related to the impact on the fabric of the adjoining property. It was considered that the developer had taken a cavalier attitude to the neighbours who sought assurance that the developer will reach an agreement with the council's building control team. Other concerns related to the amount of excavation that the development will require, some 8,000 cubic metres approximately. The construction works will create noise and disturbance. The council were asked to send a clear message to the developers that agreements must be reached with neighbours during demolition and construction.
3. The Senior Solicitor noted that Building Control matters were separate to planning matters and not for this committee to consider, as with the matters under the Party Wall Act which were civil issues. The committee could not make assurances requested by the objecting neighbour.
4. Jon Puplett addressed the committee as the agent for the applicant and stated that the application related to a redundant brownfield site and the previous use for car repairs disturbed the neighbours. The design of the development extends the terrace and pays respect to the existing buildings. Soft landscaping is to be added and the new dwellings would be of a sustainable design including modern office space. The location is accessible, and the scheme will enhance the street scene. The developer has paid full regard to the neighbours and respects the Party Wall Act and the development plan.

Questions

5. Councillor Yates was informed that the agent has spoken with the neighbour and answered questions and is happy to answer more in future. The applicant is a responsible developer and notes the conditions attached to the report. The Party Wall Act is a civil matter in which the developer will engage. The neighbour's concerns are noted, and the developer wants to be a good neighbour.

Debate

6. Councillor Ebel considered the proposals to be a great improvement on the existing buildings and noted the much needed four new large family homes to be constructed. The councillor supported the application.
7. Councillor Shanks considered the development to be a good use of the site and encouraged the developer to have discussions with the neighbour.
8. Councillor McNair considered the four new family homes with garages to be good, however, the grey appearance was not considered to mimic other existing houses in the area. It was considered that the narrow window design made the new dwellings look narrow, however, in general the design was good.
9. Councillor Yates considered the application to be a good mixed use scheme with four new dwellings and office space. The councillor supported the application.

Vote

13. A vote was taken, and the committee voted unanimously that planning permission be granted. (Councillor Moonan did not take part in the discussions or decision-making process).
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 as set out in the report.

K BH2021/00320 - 56 & 58 Barn Rise, Brighton - Full Planning

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

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

7.1 There were none.

8 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

9 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

9.1 There were none.

10 APPEAL DECISIONS

10.1 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 addendum to the agenda.

The meeting concluded at 5.28pm

Signed

Chair

Dated this

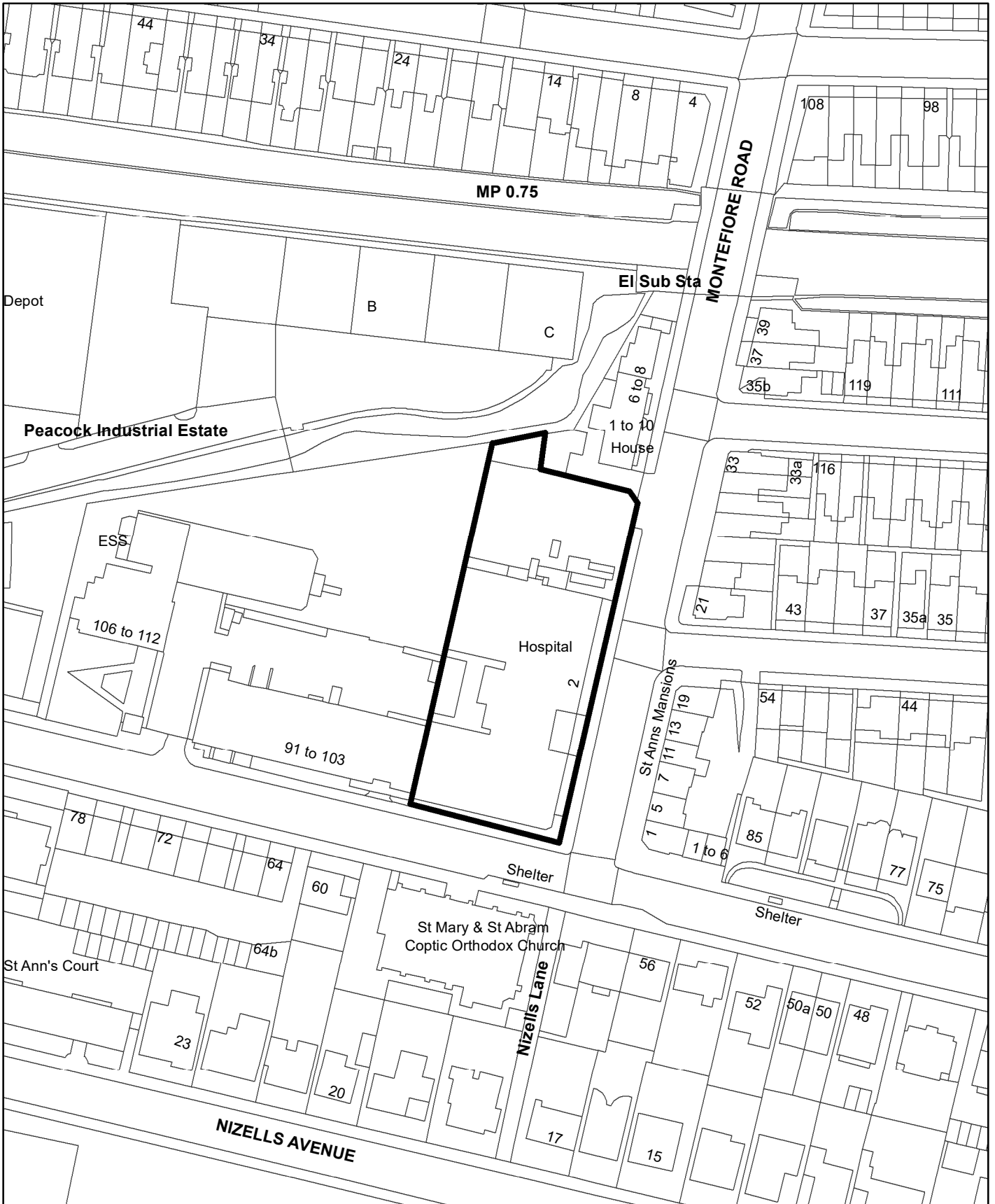
day of

ITEM A

**2 Montefiore Road
BH2016/02850
Full Planning**

DATE OF COMMITTEE: 4th August 2021

BH2016 02850 - 2 Montefiore Road



N



Scale: 1:1,250

<u>No:</u>	BH2016/02850	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	2 Montefiore Road Hove		
<u>Proposal:</u>	Erection of four storey side extension with roof top plant to existing hospital with re-arrangement of existing vehicular access and car parking. (Amended Plans)		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	25.08.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.11.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis and Co Planning SE Ltd Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Spire Healthcare c/o Lewis & Co Planning SE Ltd 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 **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 27 October 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of this report:

S106 Heads of Terms

- 1.2. Employment:
- Submission of an Employment & Training Strategy
 - A financial contribution of £18,290 towards the Local Employment Scheme
- 1.3. Replacement Trees:
- A scheme to secure four replacement street trees for every tree lost within five years of commencement of development.

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	AR-WS-00-PL-100-001 7 S2		14 May 2021
Proposed Drawing	AR-XX-XX-EL-251-002 5 S2		14 May 2021
Proposed Drawing	AR-XX-XX-EL-251-005 4 S2		14 May 2021

Proposed Drawing	AR-XX-XX-SE-251-012 5 S2		14 May 2021
Proposed Drawing	AR-WS-RF-PL-200-012 5 S2		14 May 2021
Proposed Drawing	AR-WS-RF-PL-200-011 5 S2		14 May 2021
Proposed Drawing	AR-XX-XX-EL-251-003 5 S2		14 May 2021
Proposed Drawing	AR-WS-02-PL-200-007 5 S2		14 May 2021
Proposed Drawing	AR-WS-BA-PL-200-001 5 S2		14 May 2021
Proposed Drawing	AR-XX-XX-EL-251-001 5 SC		14 May 2021
Proposed Drawing	AR-WS-00-PL-200-004 6 S2		14 May 2021
Proposed Drawing	AR-WS-00-PL-200-003 5 S2		14 May 2021
Proposed Drawing	AR-WS-03-PL-200-009 5 S2		14 May 2021
Proposed Drawing	AR-WS-01-PL-200-005 5 S2		14 May 2021
Report/Statement	J52.56	AIS	29 July 2016
Report/Statement	GE15346GAR		2 August 2016
Report/Statement	H18836/2.3F		13 January 2017

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. Access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or 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 and Hove Local Plan.
4. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
5. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-

metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014. In addition, there shall be no significant low frequency tones present.

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

6. No development above ground floor slab level shall be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:

- a) samples or details of brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples or details of all cladding to be used, including details of the treatment to protect against weathering
- c) samples or details of all hard surfacing materials
- d) samples or details of the proposed window, door and balcony treatments
- e) samples or 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 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A 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)
- (iii) 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
- (iv) Details of hours of demolition and construction including all associated vehicular movements
- (v) Details of the demolition and construction compound
- (vi) A plan showing demolition and construction traffic routes

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

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

8. No development (excluding demolition) shall take place until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
9. Within 3 months of first occupation of the non-residential floorspace hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential floorspace built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to the Local Planning Authority for approval.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
10. No development shall take place until a scheme setting out highway works to implement the creation and amendment of the vehicular access points, removal of redundant dropped kerb, and amendment of road lining with related costs of TRO and signage, on Montefiore Road has been submitted to and approved in writing by the local planning authority. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.
Reason: To ensure the safety of all road users and suitable footway provision is provided to and from the development and to comply with Brighton & Hove policies TR7, TR18 of the Local Plan and CP9 of the City Plan
11. The development hereby approved shall not be occupied until details of the delivery bay including directional and warning signage and bollards between the lined bay and the public adopted footway have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to occupation of the development.
Reason: To ensure that the movements associated with the delivery bay do not cause additional highway safety concerns and to comply with Policy TR7 of the Brighton & Hove Local Plan.
12. Notwithstanding the plans hereby approved, prior to first occupation of the development hereby permitted, a revised parking plan for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the parking needs of all staff and visitors, including disabled user and cycle parking, to the site and to comply

with Brighton & Hove policies TR14, TR18 of the Local Plan, CP9 of the City Plan and SPD14 guidance.

13. Within three months of the date of first occupation, an updated Travel Plan for hospital including mitigation measures for the new extension and details of a real time information sign shall have been submitted to and approved in writing by the Local Planning Authority. The updated Travel Plan shall thereafter be fully implemented in accordance with the approved details.

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

14. All hard surfaces 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 and Hove City Plan Part One.

15. The development hereby permitted shall not be commenced and no other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Tree works Specification and means for their implementation, supervision and monitoring during works. This will include details to protect all adjacent roadside trees in the vicinity of the development site.
- ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees; No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

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

- 16.
- (1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS

10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;

And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

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

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

- 17. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird boxes, bat boxes and bee bricks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

- 18. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Preliminary Drainage and Flood Strategy 15648/01/FRA submitted with the application has been submitted to and approved in writing by the Local Planning Authority. The approved

drainage system shall be implemented and maintained in perpetuity accordance with the approved detailed design.

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

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 relates to a four storey building to the west of the junction of Davigdor Road and Montefiore Road. The building does not fall within a conservation area, however it is a locally listed heritage asset, and is finished in a mixture of red brick and render with a corner domed turret. The building was originally constructed as a furniture depository and was later converted to office use before being converted into its current use, the Montefiore Hospital.
- 2.2. The existing hospital on site is private and operates alongside a number of private hospitals across the UK under Spire Healthcare. The building covers the majority of the southern section of the site, other than a rear courtyard and the northern section of the site is currently used as a carpark serving the hospital. The surrounding area is mixed in character with mid-rise commercial buildings and several taller recent residential blocks to the west, and low rise residential streets to the east and south. Davigdor Road is a main transit route travelling east and west whilst Montefiore Road is more domestic in scale and character.
- 2.3. The application seeks permission for the erection of a four storey extension with roof plant to the hospital to the northern side, over the existing carpark. The proposal would provide an additional GIA of 1,829sqm.

3. RELEVANT HISTORY

- 3.1. **BH2012/02344** - Installation of external lighting to the South and East elevations and within the car park area. Approved 26.09.2012.
- 3.2. **BH2012/01546** - Display of 3no internally and halo illuminated fascia signs and 1no internally illuminated sign. Approved 23.07.2012.
- 3.3. **BH2011/01999** - Installation of emergency generator within existing bin compound in North part of car park and replacement of existing surrounding fence. Approved 07.09.2011.

- 3.4. **BH2011/01997** - External alterations including new entrance doors, alteration to layout of plant equipment to roof, replacement of first floor windows, infilling of two open bays at first floor, creation of rear terrace with escape stairs, removal of flue and insertion of doors to North elevation and erection of separate medical gasses storage building and covered cycle store. Approved 05.09.2011.
- 3.5. **BH2010/03127** - External alterations incorporating new entrance doors, replacement of plant with extension to plant room on roof, infilling of two open bays at first floor, creation of new stair and open terrace to west elevation, removal of flue and insertion of doors to north elevation and erection of separate medical gasses storage building and covered cycle store. 18.11.2010.
- 3.6. **BH2010/02400** - Change of use of office building (B1) to Clinical Diagnostic and Treatment Centre with overnight patient accommodation (C2). Approved 15.10.2010.
- 3.7. **BH2010/00206** - Change of Use of Basement, Ground and Second Floors only from (B1) offices to specialist orthopaedic and sports injury clinic (D1). Approved 21.05.2010.
- 3.8. **BH2004/03536/FP** - Replace existing standby generator bulk fuel tank with new tank. Approved 11.04.2005.
- 3.9. **BH1997/01372/FP** - Installation of 2 no. fire escape stairs within glazed curtain walling to rear/ side elevations of premises. Approved 24.10.1997.

4. REPRESENTATIONS

- 4.1. This application has been revised twice since the original submission, each of which has been subject to a separate public consultation.

Initial Consultation:

- 4.2. The initial consultation took place in September 2016 and received **four (4)** letters objecting to the proposed development for the following reasons:
- Poor design
 - Would not relate to the original building
 - Not in keeping
 - Noise pollution to local residents
- 4.3. **One (1)** further letter was received from the September 2016 consultation, providing the following comments on the proposed development:
- Hope that the planning department will seek to ensure that the no adverse noise pollution will impact on Russell House.

Second Consultation:

- 4.4. The second consultation took place in May 2018 and received **eight (8)** letters objecting to the proposed development for the following reasons:
- Too tall
 - Noise impact

- Poor design
- Too close to boundary
- Increase in traffic and air pollution
- Increase in parking pressure
- Lack of consideration for neighbours
- Loss of trees
- Disturbance during construction

Third Consultation:

4.5. The final re-consultation took place in June 2021 and received **seven (7)** letters objecting to the proposed development for the following reasons:

- Noise impact from roof plant
- Lorries parking on road
- Loss of light to neighbours
- Increase in parking pressure
- Too tall
- Too close to neighbouring block
- Increase in litter
- Lack of smoking area for staff
- Overshadowing/overlooking
- Highway safety
- Traffic generation
- Loss of trees

4.6. **Conservation Advisory Group:** Recommend Refusal of the proposed development for the following reasons:

The proposed extension is unsympathetic in its fenestration and bears no reflection on the attractive host building. The contemporary design of the extension will cause significant harm to the integrity of the locally listed building and is detrimental to the existing street scene. The loss of the plane tree(s) is not satisfactorily offset by 3 birch trees.

5. CONSULTATIONS

Internal:

5.1. **Arboriculture:** Objection

The proposals for the extension at the side and changes to the roof top will not have minimal impact from an arboricultural perspective. The changes to the access way and car parking involve the loss of one Council owned street tree and potential root damage to another.

5.2. **City Regeneration:** No objection

City Regeneration has no adverse comments to make regarding this application.

5.3. The additional 19 FTE jobs are welcome with recognition of the city's aims and objectives in respect of employment and business growth.

- 5.4. An employment and training strategy in addition to a contribution of £18,290 should be secured via s106.
- 5.5. **Environmental Health: Comment**
The proposed application looks to erect a four storey side extension to the existing hospital, with roof top plant. The extension will be closer to noise sensitive receptors than the existing premises, and with a large amount of unspecified plant on the roof, Environmental Health is concerned over the potential noise impact.
- 5.6. Due to these concerns Environmental Health requested further information on the mitigation that would be put in with regards to the noise from the plant. As such an acoustic report has now been submitted in relation to the application by The EQUUS Partnership Ltd (ref: EPL/6562/ENA/MP/01), dated April 2016.
- 5.7. This report has been carried out in line with BS 4142:2014 requirements, and it is considered robust. The assessment shows that with appropriate mitigation that the achievable sound level is lower than that which is required by the council's standard conditions.
- 5.8. In order to ensure that this mitigation is put in place, the council's standards conditions should be attached.
- 5.9. **Heritage: No objection**
Following amendments, the applicant has responded positively to previous concerns and approval is recommended.
- 5.10. **Planning Policy: No Comment**
- 5.11. **Sustainability: Comment**
The application is recommended for approval, with conditions to ensure that the BREEAM 'Excellent' rating is targeted and a reduction of at least 19% in carbon emissions is targeted.
- 5.12. **Sustainable Drainage: No objection**
No objection subject to conditions securing a management and maintenance plan of surface water drainage.
- 5.13. **Sustainable Transport: No objection**
No objection subject to s278/condition to secure a new delivery bay, a revised car park plan, and updated travel plan and a CEMP.
- External:
- 5.14. **County Archaeology: No objection**
No further recommendations.
- 5.15. **County Ecology: No objection**
Provided the recommended mitigation measures are implemented, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers

opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act.

5.16. **Southern Water:** Comment

No objections subject to conditions securing detailed design drainage strategy.

5.17. **Sussex Police:** Comment

Sussex Police are satisfied that appropriate measures for security of the new extension are proposed.

5.18. **SGN:** Comment

There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system.

5.19. Safe digging practices should be implemented.

5.20. **UK Power Networks:** No objection

A number of recommendations have been made for the applicants attention relating to site safety and digging practices.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP2 Sustainable economic development

CP3 Employment land

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO20 Retention of community facilities
EM4 New business and industrial uses on unidentified sites
HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE10 Buildings of local interest
HE12 Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part Two

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

DM19 Maximising Development
DM20 Protection of Amenity
DM21 Extensions and alterations
DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets
DM31 Archaeological Interest
DM33 Safe, Sustainable and Active Travel
DM34 Transport
DM35 Travel Plans and Transport Assessments
DM36 Parking and Servicing
DM40 Protection of the Environment and Health - Pollution and Nuisance

DM41 Polluted Sites, Hazardous Substances and Land Stability
DM42 Protecting the Water Environment
DM43 Sustainable Urban Drainage
DM45 Community Energy
DM46 Heating and Cooling Network Infrastructure

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features
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 proposed extension to the hospital, the impact on the character and appearance of the locality, the impact on neighbouring amenity, impact in terms of sustainable transport, sustainability and biodiversity.

Principle of Development:

- 8.2. The application site relates to the carpark of an existing hospital and would involve extending the hospital to provide an additional GIA of 1,829sqm.
- 8.3. Saved Local Plan Policies H019 and H020 seek to retain community facilities whilst promoting suitable community facilities where appropriate.
- 8.4. Policies H019 and H020 are due to be replaced within the Proposed Submission Plan Part 2 by policy DM9 (which can be given significant weight). Policy DM9 states that planning permission will be granted for new community facilities where all of the following criteria are met:
- a) the proposed use is compatible with adjoining and nearby uses;
 - b) the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and
 - c) where feasible and appropriate, community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel (for example at Community Hubs).
- 8.5. As set out above, the proposed extension would be on the site of an existing hospital and would be used in association with the existing operation of the hospital, whilst improving the services that are available to users of the site. The site is in an accessible location, close to main transport routes and hubs within the city centre and would create an additional 19 jobs within the building. As such, the principle of development is supported and would accord with relevant development plan policies.

Design and Appearance:

- 8.6. Policy CP12 of City Plan Part 1 on urban design states that development should comply with certain criteria. The keys points are set out below:

- High quality design
 - Create a sense of place
 - Conserve and enhance the city's built archaeological heritage and settings
 - Achieve excellence in sustainable building design and construction
- 8.7. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 8.8. Saved Policy HE10 of the Brighton and Hove Local Plan, as updated by emerging City Plan Part 2 Policy DM28 (which can be given significant weight) advises that alterations and extensions to a locally listed heritage asset, or new development within its curtilage, should be of a high standard of design that respects the special interest of the asset as set out in the Local List.
- 8.9. The existing building is of visual interest and is considered to contribute positively to the streetscene due to the traditional design, proportions and various features and detailing to the elevations. The existing façade is comprised by a number of bays including rendered sections to the ground and third storey levels with a cornice and gable detail, and brick to the first and second storeys, with an arch at first storey level. The south-east corner of the site includes a domed turret which effectively squares off the street and is one of the key defining features of the building. The rear of the building is finished in brick and includes minimal fenestration, detailing or features. Overall, the building is a good example of an early 20th century warehouse building, which is a relatively uncommon building type in the city. The building contributes greatly to the street scene and the domed corner turret and the high level of decoration makes this building a particularly distinctive local landmark.
- 8.10. A significant amount of roof plant has been added to the building during its many conversions which is visible from longer views and detracts from the overall design, however the majority of the plant is hidden behind the parapet when viewed from Montefiore Road.
- 8.11. The application seeks permission for the erection of a four-storey extension to the northern elevation of the site. The current proposal is the fourth iteration of the proposed design and has been submitted in response to feedback from officers and the Heritage Team. Initial feedback raised strong concerns to the floor-ceiling heights and the knock-on effects on the storey heights and overall height of the extension in relation to the host building. Floor heights have been reduced and the overall height now matches the main building.
- 8.12. The proposed extension would be a contemporary continuation of the eastern elevation and would extend up to the full height of the existing building, continuing the strong parapet and line. The materials would match that of the existing building with rendered sections to the upper and lower levels and brick to the central levels. The extension would effectively mimic the rhythm of the bays and features with fenestration matching the spacing and proportions of the original building. At ground floor level, the extension would include a new

vehicular the entrance and exit to the carpark set into two of the bays. The extension would also include a set-back 3 storey section to the northern end with a stair core to the north-west corner which would be finished in render whilst the main body of the building would be finished in the brick. The western rear elevation would be finished in render with a lightwell/courtyard area adjacent to the north elevation of the original building.

- 8.13. The extension would also include a fairly significant roof plant structure, which does somewhat detract from the overall design, however the plant would be set well back from the frontage of the building and would be commensurate in scale to the existing plant. Furthermore, it is noted that the use of the building as a hospital would require a significant amount of plant to accommodate the various functions within the site. The proposed plant would not therefore warrant refusal of planning permission.
- 8.14. The Heritage team have confirmed that there is no objection to an extension of this scale and siting and the overall mass and footprint would be suitably subservient to the host building, with an appropriate set-back to the frontage and fourth floor level. Furthermore, following amendments, the detailing and elevational treatment and fenestration arrangement is considered to complement the existing building whilst paying respect to the traditional design. Overall, the extension is considered an appropriate addition to the building which would complement the existing design whilst utilising this underused section of the site. The proposed extension is considered acceptable and in accordance with relevant design policies. Full details of materials shall be secured via condition.

Impact on Amenity:

- 8.15. Policy QD27 of the Brighton and Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This can include a loss of privacy, a loss of natural light, a loss of outlook or the creation of a sense of enclosure. In addition, saved policy SU10 and emerging Policy DM40 of City Plan Part 2 (which can be given significant weight) seeks to ensure that proposed developments do not create undue levels of noise and disturbance.
- 8.16. The proposed extension is of a fairly significant scale and would be located in an area which is currently only developed at ground level with a carpark. The site is within a built-up area of mixed character in terms of scale use and form with a number of taller buildings set beside smaller residential dwellings. The extension does respect the general pattern of development in the vicinity, as such introducing an extension of this size and scale is considered to be in keeping with the area.
- 8.17. The closest residential units to the site are:
- 1-19 (odd) St Anns Mansions - a three storey terrace of buildings to the south-east with commercial at ground floor and residential flats above.

- 21- 39 (odd) Montefiore Road - two terraces of 2/3 storey buildings, some with commercial at ground floor and residential above and some in wholly residential use
 - 1-10 Russell House - four storey block of residential flats to the north of the site.
 - 4 Montefiore Road - a three storey, three bedroom dwelling directly to the north of the site.
- 8.18. Although the proposed extension would be visible from the dwellings at St Anns Mansions and 21-39 (odd) Montefiore Road to the east, the relationship would be similar to that of a number of developments and adjacent dwellings within the vicinity, including the existing hospital building on site and Russell House. The building would result in some loss of outlook and some additional overshadowing at certain times of the day to properties to the east, however the resultant scenario will not result in significant harm and is therefore considered acceptable.
- 8.19. 1-10 Russell House and 4 Montefiore Road are located directly to the north of the site and within close proximity and therefore this relationship is more sensitive than those to the east. The applicant has submitted a Daylight and Sunlight Report which has assessed the impact of the proposed development on Russell House and 4 Montefiore Road. The daylight/sunlight report has carried out three tests including; the Vertical Sky Component (VSC) test which evaluates the amount of skylight which reaches window, the annual probable sunlight hours test which evaluates the level of sunlight which reaches a window and finally an overshadowing test of neighbouring gardens.
- 8.20. All windows tested at both Russell House and 4 Montefiore Road would meet the BRE requirements for the VSC test. In terms of the annual probable sunlight hours test, of the windows tested, five windows at 4 Montefiore Road would fail to meet the BRE requirement for both winter and summer, however several of the windows would only fall slightly below the requirements and several would only fail the test within winter months.
- 8.21. The final overshadowing test has only been carried out to the garden of 4 Montefiore Road and there are no other residential gardens within the vicinity. The test concludes that there would only be a slight impact within the afternoon and results would fall well within the BRE guidelines.
- 8.22. Overall in regard to overshadowing and daylight, it is acknowledged that an increased impact will occur to several local residential buildings, however taking into account all factors, including the benefits which the proposed development would deliver, it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.
- 8.23. In terms of loss of privacy and overlooking, the proposed extension would include a number of new windows to the north elevation facing towards Russell House and 4 Montefiore Road, some of which would be at elevated positions. The resulting scenario would therefore result in a level of overlooking to the north

which would impinge on the sense of privacy to adjacent dwellings. The outlook towards the Russell House, would however be to the flank wall of the building which includes only three secondary windows to bedrooms. The main living room and kitchen windows would retain their existing levels of privacy.

- 8.24. The overlooking towards 4 Montefiore Road would be more apparent as the extension would be at a raised level. There is, however, a level of overlooking from the existing hospital which includes large windows and a fully glazed stair core, albeit from a further distance. Furthermore, there is also an existing level of overlooking towards 4 Montefiore Road from a number of windows to the rear elevation of Russell House. It is noted that the closest of these windows are obscure glazed, however several to the stair core are clear. The existing dwelling is therefore already overlooked from a number of windows at higher elevations. Although the proposed extension would add overlooking from another direction, it is not considered significant enough to warrant refusal, as the terrace, garden and east elevation windows are currently overlooked.
- 8.25. The proposed development would have an impact on amenity. Additional overshadowing and overlooking would be caused. The light and views currently available through the section of the site which is at present open car park would be lost. It is however considered that the result scenario and relationships would be in keeping with the pattern of development in the immediate area, and the relationships between buildings which would result are acceptable given the location of the site is central and a degree of enclosure and overlooking caused by larger buildings is expected.
- 8.26. Overall, it is considered that significant harm to neighbouring amenity would not be caused and that the scheme would comply with policy QD27

Sustainable Transport:

- 8.27. The existing vehicle/pedestrian access is from Montpelier Road to the east with a main entrance set centrally and the vehicle access to the north-east corner. The pedestrian entrance would be retained in its current location and the vehicular entrance would be widened a new entrance to a loading bay directly in front on the extension. The sustainable transport team have confirmed the works as acceptable, subject to conditions to secure additional bollards and signage on site.
- 8.28. The council's parking SPD14 document advises that a development of this size should have a minimum of 35 cycle parking spaces in addition to showers and changing facilities. Furthermore, retained Local Plan policy TR14 states that all parking must be secure and user friendly. The proposed development would involve increasing the amount of cycle parking spaces on site to 30 and relocating the parking from the front of the site to several other locations within the parking area. Overall, the quantum of cycle parking would be a significant improvement over the existing scenario and is therefore considered acceptable, despite the shortfall of spaces. There are concerns however relating to the layout and usability of the spaces due to restricted access routes and siting of the parking. It is considered that these concerns can be adequately addressed via condition as part of the revised carpark layout, as set out below.

- 8.29. SPD14 advises that a development of this size should provide 3 disabled parking spaces. Only two spaces are provided in the rearranged carpark, however there is a disabled bay within close proximity to the site and therefore the level of disabled parking is considered acceptable. The Transport team have advised that the layout of the disabled bays do not meet local guidance due to the spacing on either side of each space. On this basis a revised carpark layout shall be secured by condition to address this concern, in addition to other concerns with the layout as set out below.
- 8.30. In general the proposed car park layout is considered acceptable in principle, however there are several areas of concern, including; lack of visibility to space 14, lack of adequate spacing between disabled bays and the layout of the cycle parking.
- 8.31. The level of car parking space is being reduced from the existing amount. The applicant has stated however that, as is existing, the car park is only used by a limited number of senior staff that do not park all day, travelling to and from different sites. The level of reduction in this instance would not therefore warrant refusal of planning permission.
- 8.32. The proposal also seeks permission for a number of on-site and off-site highway works, including the removal of a redundant dropped kerb, the relocation of a disabled bay, the rearrangement of on-street car and motorcycle parking bays and the relocation of a loading bay. The works are considered acceptable and shall be secured via condition.
- Sustainability:**
- 8.33. City Plan Policy CP8 requires non-residential major development to achieve a BREEAM rating of 'Excellent'. A BREEAM Pre-assessment has been undertaken and submitted with the application. This states that a Good rating can be achieved on the scheme with the potential for a 'Very Good' rating to be achieved subject to additional design changes and commissioning additional specialist reports.
- 8.34. The ranges for BREEAM standards are: Good 45-54%; Very Good 55-69%; Excellent 70% and above. The BREEAM Pre-assessment report indicates that if all potential credits are achieved 68.73% could be achieved. This is very marginally below an 'Excellent' score.
- 8.35. Whilst cost is referred to as a barrier to achieving a higher score, little information has been submitted to demonstrate this, and the potential score is very marginally below the expected score of 'Excellent'. It is therefore recommended that the scheme include a condition to secure an 'Excellent' standard.
- 8.36. The scheme could be improved by including: incorporation of renewable energy; greening of development; enhancement of biodiversity; composting provision. Unless measures are incorporated at the early stages, opportunities to secure the most cost effective measures may be lost, and therefore the condition shall be secured pre-commencement.

Arboriculture:

- 8.37. The proposed building would result in minimal impact to neighbouring trees due to the lack of trees within close proximity. It is noted however that the proposed alterations to the crossover will require the removal of one London Plan Tree and will result in some root damage to a second.
- 8.38. Arboricultural officers have raised objections to the proposed works as it would have the potential to result in the loss of two street trees with only one compensatory replacement tree proposed. In response to this, the applicant has proposed four replacement trees of type and location to be agreed with the Arboricultural team. Although the loss of one tree and the potential for loss of another is regrettable, the proposal of four replacement trees is considered to mitigate this harm and shall be secured via legal agreement.

Conclusion:

- 8.39. The proposed development would provide 1,829sqm of additional hospital floorspace within a sustainable location and would improve the efficiency of the site. The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building extension into the street scene and would have a positive visual impact whilst paying respect to the locally listed building.
- 8.40. The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure
- Ecological improvements
 - Highways works/alterations
 - Replacement trees
 - Improved cycle parking provision
 - Compliance with energy standards
 - Contributions towards the Council's Local Employment Scheme.
- 8.41. The scheme would result in the loss of one street tree and would have some negative impact upon neighbouring amenity, however the resultant scenario would be in keeping with the pattern of development in the immediate area and overall the harm which would be caused does not warrant the refusal of planning permission.
- 8.42. Overall, whilst the proposed scheme would result in some harm, it is considered that the scheme would deliver a number of benefits including a significant amount of additional floorspace to the existing hospital, 19 additional jobs and improvements to the overall aesthetic of the street. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. As set out in the BHCC CIL Charging Schedule, Hospital uses are not CIL liable.

10. EQUALITIES

- 10.1. Accessible car parking spaces would be provided and the building would be fully accessible for disabled users.

11. DEVELOPER CONTRIBUTIONS

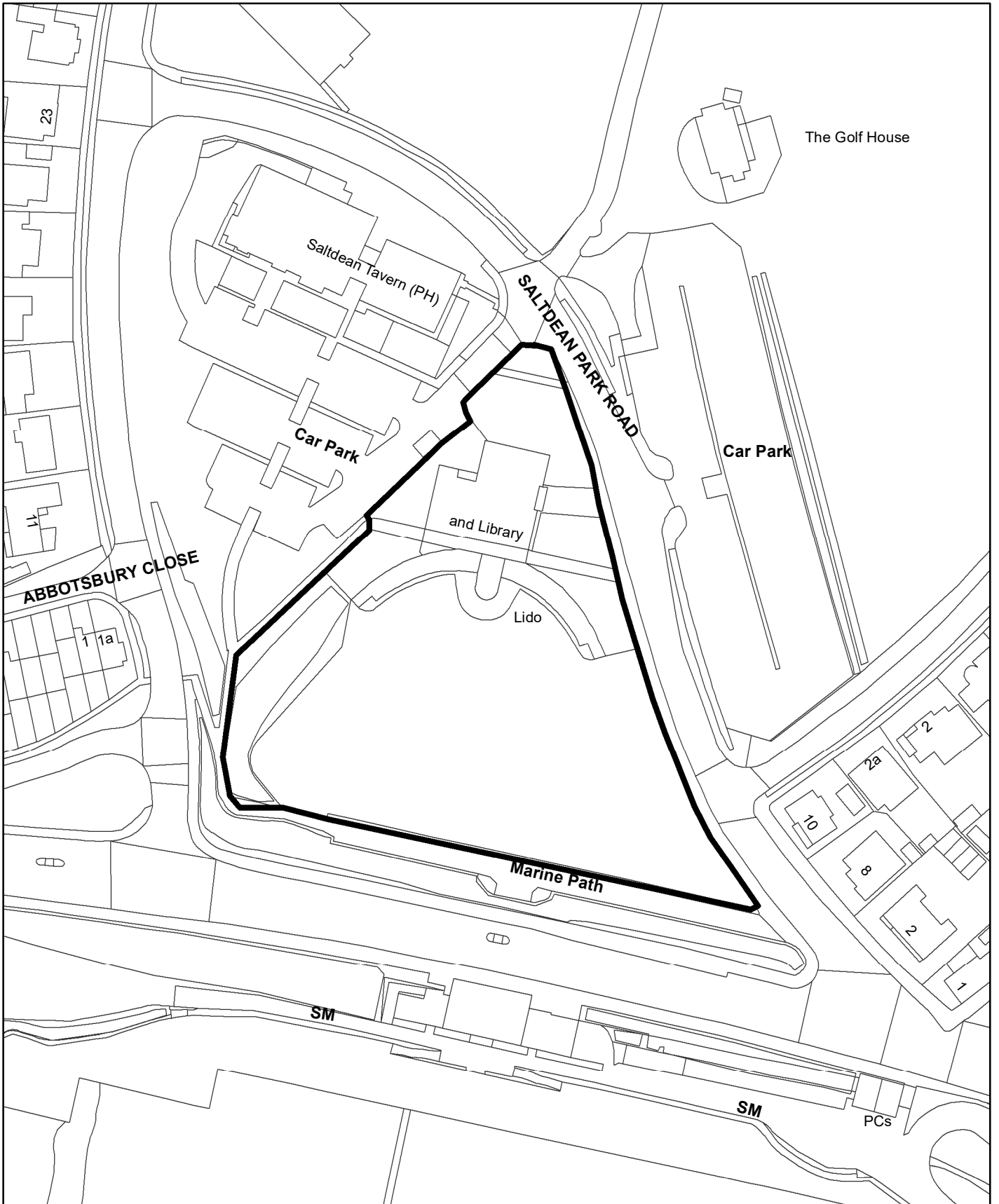
- 11.1. The contributions required would be allocated and spent as follows:
- Submission of an Employment & Training Strategy
 - A financial contribution of £36,250 towards the Local Employment Scheme
- 11.2. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to deliver a skills and employment strategy and in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 2. The proposed development fails to deliver a contribution skills and employment contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide adequate mitigation for the protection of trees adjacent to the site contrary to policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

ITEM B

**Saltdean Lido, Saltdean Park
BH2021/01810
Full Planning**

DATE OF COMMITTEE: 4th August 2021

BH2021 01810 - Saltdean Lido, Saltdean Park



N



Scale: 1:1,250

<u>No:</u>	BH2021/01810	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Saltdean Lido Saltdean Park Road Saltdean Brighton BN2 8SP		
<u>Proposal:</u>	Internal and external alterations to facilitate the continued mixed use of premises for leisure, library, community, café/restaurant, function/events and office uses incorporating expansion of ground floor café, repairs/alteration to render/concrete and balustrading, reinstatement of chimney and flag pole, new windows and doors, infilling of recessed delivery area and associated landscaping, plant and works. Retention and remediation of changing room building.		
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	17.05.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12.07.2021
<u>Listed Building Grade:</u>	II*	<u>EOT:</u>	
<u>Agent:</u>	R H Partnership Architects 30-31 Foundry Street Brighton BN1 4AT		
<u>Applicant:</u>	Saltdean Lido CIC Saltdean Lido Saltdean Park Road Saltdean Brighton BN2 8SP		

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	P0980-RHP-01-XX-DR-A- 5004	P1	17 May 2021
Block Plan	P0980-RHP-01-XX-DR-A-1001	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-1200	P3	14 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2011	P5	14 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2012	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2013	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2051	P10	14 July 2021

Proposed Drawing	P0980-RHP-01-XX-DR-A-2052	P6	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2053	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2054	P1	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2061	P4	14 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2062	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2110	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2111	P2	17 May 2021
Proposed Drawing	P-01-XX-DR-A-2150	P4	2 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2151	P5	2 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2201	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2202	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-5000	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-5001	P1	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-5002	P1	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-5003	P1	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2202	P2	17 May 2021
Location Plan	P0980-RHP-01-XX-DR-A-1000	P2	17 May 2021
Report/Statement	Action proposed to Comply with Planning Permission BH2017/02004 (Phasing Plan)		17 May 2021
Proposed Drawing	FB-400	Rev A	14 July 2021
Proposed Drawing	FB-401	Rev A	14 July 2021
Proposed Drawing	FB-600	Rev A	14 July 2021
Proposed Drawing	FB-500	Rev A	14 July 2021

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

3. No development shall take place until a Phasing Plan for construction and repair works and phasing of different uses for the whole site (including any temporary

phases) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Phasing Plan.

Reason: To ensure key alterations and repairs are delivered in a timely manner prior to the building being brought back into use to ensure the special architectural and historic significance of the Lido is satisfactorily preserved, to comply with policy HE1, HE3 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

4. The remediation of the unauthorised works set out in the document 'Action Proposed to Comply with Planning Permission BH2017/02004 (Phasing Plan) (May 2021) shall be completed in accordance with the phasing plan within that document or within 18 months of occupation of the Lido. No remediation works must be carried out until details regarding the remediation of the following items have been submitted to and approved in writing by the Local Planning Authority:
- The render finish of the changing room building
 - Replacement windows and doors for the changing room and their paint colour
 - Replacement roof of changing room
 - Replacement of domed rooflights
 - Amendments to the flue projecting from the roof to make it more discrete
 - Replacement and painting of rainwater goods
 - Amendments to the plant room flue and/or associated measures such as landscaping to reduce its visibility

Reason: To ensure that the remediation of unauthorised works is delivered in a satisfactory and timely manner to ensure the special architectural and historic significance of the Lido is satisfactorily preserved, to comply with policy HE1, HE3 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

5. No part of each respective phase of the development hereby permitted as agreed under condition 3 shall be first brought into use until a Management Plan has been submitted for the whole site (buildings and grounds), which shall include the following:
- i) Details of how the site will operate over the different phases including any temporary provision of uses on or off site;
 - ii) Details of the operation of day to day activities including how different uses and users will interact and be compatible with each other;
 - iii) Details of how the building and grounds will be used and managed out of peak swimming season (between October and April)
 - iv) Details of how and when functions will close the pool and grounds early during peak swimming times (May-Sept);
 - v) Details of the type of different one-off special events to take place in the building and grounds and their frequency;
 - vii) Details of how noise related to the outdoor areas will be minimised, including noise from large groups of visitors leaving the site late at night ;
 - viii) Details of the type and number of demountable sports equipment to be used within the grounds and arrangements for storage when not in use
 - ix) Details of the types of delivery vehicles, how deliveries will take place and the frequency of deliveries

- x) Details of vehicular access and parking for maintenance purposes
- xi) Details of security and safety measures
- xii) Details of how the site will be accessible for people with a mobility related disability for each different use

The Management Plan and associated measures shall be implemented by all users as approved.

Reason: To ensure the public leisure use of the pool, pool facilities/health suite building and community/library uses are not unduly compromised by other competing uses and potentially non-compatible uses and to protect amenity, to comply with policies to comply with policies SA1, CP5, CP16 and CP17 of the Brighton and Hove City Plan Part One and TR7, QD27, SU9, SU10, SR16, HO19 and HO20 of the Brighton and Hove Local Plan.

6. The uses hereby permitted within the main Lido building and pool facilities/health suite building and grounds shall be as shown on drawings 2061 P4 and 2062 P2 only. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2021 (or any order revoking and re-enacting that Order with or without modification), no change of use of those hereby permitted shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to ensure library, community and leisure uses are satisfactorily maintained at the site and not unduly compromised by competing uses, to comply with policies QD27, SU9, SU10, HO19, HO20 and SR16 of the Brighton & Hove Local Plan and SA1, CP5, CP16 and CP17 of the Brighton and Hove City Plan Part One.

7. The concrete repair works hereby permitted shall not be commenced until detailed method statements and a schedule of works for the stages of the concrete repair or replacement have been submitted to and approved in writing by the Local Planning Authority. The method statements and schedule of works shall include the following:

- investigation, uncovering and enabling works
- concrete repair processes
- replacement of concrete fabric
- making good works

The concrete repair and replacement works shall be carried out and completed fully in accordance with the approved method statements and schedule of works. Prior to commencement of the above works, trial demonstrations and samples are to be agreed on site by the Local Planning Authority and Historic England.

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.

8. No works to the rotunda shall take place until details of the reinstated staircase in elevation and section and an accompanying detailed structural engineer's report 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 prior to first occupation of the main existing Lido building and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

9. Notwithstanding the drawings and details submitted, no works to the windows and doors shall take place until the design and details, including constructional drawings of 1:5 scale, and samples of new and replacement windows (including their cills) and doors have been submitted to and approved in writing by the Local Planning Authority.

Reason: As this is fundamental to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

10. Notwithstanding the details submitted, no works of redecoration shall take place until full details of the proposed exterior surface finishes and paint scheme, including roof and floor coverings, 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 prior to first occupation of each respective phase and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

11. Notwithstanding the drawings and details submitted, no works to the balustrades shall take place until the design and details of the balustrades and infill panels, have been submitted to and approved in writing by the Local Planning Authority.

Reason: As this is fundamental to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

12. Notwithstanding the details submitted, no development of each respective phase of the development hereby permitted as agreed under condition 3 shall commence until samples and details of the following materials to be used in the construction of the external surfaces of that phase of the development hereby permitted (that have not already been explicitly agreed) have been submitted to and approved in writing by the Local Planning Authority:

- (i) samples of any brick, render and tiling (including details of the colour of render/paintwork to be used)
- (ii) samples of any cladding to be used, including details of their treatment to protect against weathering
- (iii) samples of all hard surfacing materials
- (iv) samples of the proposed window and door treatments
- (v) samples of materials for rainwater goods
- (vi) details and/or samples of any signage and illumination
- (vii) details of roof finishes and new rooflights
- (viii) details of all other materials to be used externally

Development of each phase shall be carried out in strict accordance with the approved details.

Reason: As this is fundamental to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

13. Notwithstanding the details submitted, no development of any respective phase of the development as agreed under condition 3 shall commence until a Services Strategy (in relation to proposed heating, lighting, ventilation and drainage) which includes a method statement as to how the visual impact from services to the buildings will be minimised, has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented for each respective phase and maintained thereafter.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1, HE3 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

14. No works shall take place to the roof-top of the Lido building until details, including large scale constructional drawings (of 1:10 scale) for repair and replacement works and alterations to roof top area and pavilion including details of the reinstated chimney stack in elevation and an accompanying detailed structural engineers report, and details of the roof finish and new rooflights 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 prior to first occupation of each respective phase and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

15. No works to the rotunda shall take place until large scale constructional drawings (of 1:5 scale) for repairs to central rotunda columns involving the insertion of new steel work, supported by a detailed structural engineers report and large scale (1:5) drawings and samples of the proposed curtain wall glazing to the ground floor rotunda area, including details of fixings, 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 prior to first occupation of the main existing Lido building and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

16. No development of each respective phase of the development hereby permitted agreed under condition 3 shall be occupied until details of the refuse and recycling storage facilities have been submitted to and approved by the Local Planning Authority. These facilities shall be fully implemented and made available for use before the uses within each phase are first commenced. 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 and policy CP8 of the Brighton and Hove City Plan Part One.

17. Unless evidence is submitted to and agreed in writing by the Local Planning Authority to demonstrate that the existing reeded obscure glazing to the horizontal windows in the east and west wings (former changing rooms) is not original, all the existing reeded obscure glazing shall be retained, and details of its retention shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of any windows within the development. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter before that respective phase of the building is first brought into use.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

18. The proposed screening of the plant under the roof lozenge shall not be erected until details including large scale drawings at 1:5 scale of the screening have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

19. No cables, wires, aerials, pipework (except any rainwater downpipes shown on the approved plans) meter boxes, grilles, flues, security alarms, lighting, cameras, plumbing, soil stacks, vents or ductwork unless shown on approved drawings shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

20. No installation of odour control equipment shall occur until a scheme for the fitting of odour control equipment to the building which includes sound insulation has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of each respective phase of the development as agreed under condition 3 and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

21. No external lighting shall be installed until details, including levels of luminance, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and the locality and to ensure the satisfactory preservation of this listed building, to

comply with policies HE1, QD25 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

22. Unless otherwise agreed in writing by the Local Planning Authority, within 4 months of the main Lido building and changing room building hereby permitted first being respectively occupied, an Energy Performance Certificate (EPC) shall be submitted confirming that the development built has achieved a minimum 'C' rating, shall be submitted to, and approved in writing by, the Local Planning Authority.

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

23. No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

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

24. The leisure uses, including the swimming pool and grounds and associated buildings shall not be operated except between 06.00 and 22.00 hours every day and any associated setting up/clearing away shall only occur between 05.30 and 22.30 hours. Between May-September inclusive, the swimming pool and associated facilities shall be used only for public swimming and leisure uses exclusively and by no other user (including sports groups) between core hours of 10.00 and 18.00 hours at weekends and during school and public holidays except for four days per month (of which only two days per month may be at a weekend), when the leisure use may close early for special events or functions as described in the Management Plan agreed under condition 5.

Reason: To protect amenity and to ensure the site meets the demand for swimming identified within the city and ensure the main leisure use of the site is not unduly compromised by other competing and potentially non-compatible uses such as private events and functions, to comply with policies SA1, CP5, CP16 and CP17 of the Brighton and Hove City Plan Part One and QD27, SU9, SU10 and SR16 of the Brighton and Hove Local Plan.

25. The function/event uses including ancillary kitchen or bar areas hereby approved shall not operate except between 06.30 and 01.00 hours the following day and there shall be no associated use of the pool grounds, external garden or terraces between 23.00 and 06.30 hours the following day except for setting up/clearing up which may occur between 06.00 and 23.30 hours. All windows and doors shall be closed shut except for ingress and egress between 23.00 and 06.30 hours.

Reason: To protect the amenity of nearby residents and the locality in general, to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.

26. The café/restaurant, office space and community/library uses hereby permitted shall not be open except between 06.30 and 24.00 (midnight) hours every day

except when used in connection with events and functions when the permitted hours shall be between 06.30 and 01.00 hours the following day, and there shall be no use of associated external areas between 23.00 and 06.30 hours the following day except for setting up/clearing up which may occur between 06.00 and 23.30 hours. All windows and doors shall be closed shut except for ingress and egress between 23.00 and 06.30 hours the following day.

Reason: To protect the amenity of nearby residents and the locality in general to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.

27. No alcohol shall be sold or supplied within the café or restaurant uses hereby permitted except to persons who are seated at tables. Any bar area for the sale of alcohol associated with the cafe or function/event uses shall be ancillary only.
Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD27, SU9, SU10 and SR12 of the Brighton & Hove Local Plan.
28. The use of the existing library within the Lido building shall not cease until a scheme detailing how, where and for how long it will be temporarily provided on land within applicant's or Council's control, has been submitted to and approved in writing by the Local Planning Authority. The approved temporary facilities shall be made available for public use before the library use vacates the existing building and the library shall occupy them until such time as they are permanently replaced within the newly refurbished Lido building hereby approved.
Reason: To ensure satisfactory library provision is maintained and there is no break in the provision of the library use as a result of the refurbishment of the site, to comply with policies HO19 and HO20 of the Brighton and Hove Local Plan.
29. Within three months of the date of first occupation of each respective phase of the development as agreed under condition 3, a Travel Plan for that phase of the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in each phase in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
30. No respective phase of the development hereby permitted as agreed under Condition 3 shall be first 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 that phase 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 policies TR14 of the Brighton & Hove Local Plan.

31. No respective phase of the development hereby permitted as agreed under Condition 3 shall be first occupied until details of crime prevention measures for that phase have been submitted to and approved in writing by the Local Planning Authority. This could include submission of Secure By Design accreditation. The agreed measures shall be implemented in each phase and retained thereafter.
Reason: To ensure crime prevention is incorporated within the development, to accord with policy CP12 and CP13 of the Brighton and Hove City Plan Part One and the NPPF.

32. Notwithstanding the details submitted, no respective phase of the development as agreed under Condition 3 shall be first brought into use until all details and, if required, samples of a hard and soft landscaping scheme for the whole site 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 including replacement for decking area adjacent to pool facilities/health suite building;
- b. details of all boundary treatments including all new gates and fences;
- c. details of any windbreaks
- d. details of furniture
- e. details of exercise equipment and fixings
- f. details of railings and balustrades
- g. details of painting and screening for pool plant room flue
- h. details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees. The planting shall include edible plants and wildlife friendly species.
- i. details of any external lighting

The hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of each respective phase of the development agreed under Condition 3. 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 each agreed respective phase of the building 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 promote food growing and biodiversity to comply with policies HE3, and QD15 of the Brighton & Hove Local Plan and CP8, CP10, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

33. The Lido shall not be occupied until details of the design and location of the Air Source Heat Pumps have been submitted to and approved in writing by the Local Planning Authority. The Air Source Heat Pumps shall be fully implemented in accordance with these approved details and thereafter retained.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1, HE3 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One, and 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.

34. Noise associated with any plant and/or machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level equal to the existing representative L90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.

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. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
3. The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (iii) Identify targets focussed on reductions in the level of business and visitor car use;
 - (iv) Identify a monitoring framework, which shall include a commitment to undertake an annual travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (iii) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
 - (v) Following the annual survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - (vi) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

4. The acoustic scheme should seek to demonstrate that any plant noise will not exceed 5dB(A) below existing L90(A) background level measured over a representative 15min period 1m from the façade of the nearest premises.
5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
6. The applicant is advised that this planning permission does not override the need to obtain advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
7. The applicant is recommended to give consideration to construction of a lobby at entrances/exits to function rooms to reduce noise breakout where possible and consistent with the listed status of the building.

2. SITE LOCATION

- 2.1. The application site is located within the predominantly residential suburb of Saltdean, on the coast to the east of Brighton and Rottingdean. The site is set back from the seafront, north of the A259 seafront road, and is set down within the valley. The application site comprises the main lido building and associated swimming pool and facilities and the predominant uses on the site are leisure (Class E) and community uses (Class F2).
- 2.2. The Lido is of a 1930s modernist design with cream painted concrete façade. The Lido and its grounds are Grade II* listed. It is one of the few remaining seaside lidos in the country and one of the most important architecturally.
- 2.3. The form and footprint of the original building remains readable but it has been significantly extended to the north and north-west, firstly in the early 1960s to form a library and community centre and then in the mid-1970s to form a further extension to the community centre. The 1960s extension was in similar but less accomplished style. Original windows were lost to form openings through, and further openings were created. The interior of the original building is much altered and original fixtures lost, though hardwood parquet flooring remains at first floor level to the former café. Further external alterations to the rear extension were carried out in the late 1970s.
- 2.4. The Lido building is in a poor state of repair and whilst the City Council library has continued to operate in recent years, the building is largely unused. The site is on the Historic England and Council 'at risk' registers due to its closure,

problems associated with a substantial maintenance backlog and severe deterioration of reinforced concrete and metal-framed windows.

- 2.5. The pool re-opened in June 2017, prior to which the changing rooms building and plant room were added. It should be noted that the changing rooms are currently unauthorised. Changing rooms were granted planning permission in 2016 (see planning history below) but were not built in accordance with the planning consent.
- 2.6. Two car parks serving the Lido are located to the east and west of the application site, providing a total of 240 parking bays (including 7 demarcated disabled parking bays) and secure cycle stands for 10 cycles. There is additional space (un-demarcated) to park disabled cars in the eastern car park.
- 2.7. It should be noted that the western car park is shared with the Saltdean Tavern and the eastern car park is also used by visitors to Saltdean Park and the beach.

3. RELEVANT HISTORY

- 3.1. Whilst there is a substantial volume of historical planning and listed building applications associated with the Lido, the following are considered to be of most relevance:

13 September 2016	<p>BH2016/05288: Partial demolition of existing lido building (mixed D2 leisure, D1 community/library and sui generis beauty salon uses) and alterations including erection of two storey extension to provide: (1) library and community space (D1 use) on part of ground floor; (2) café (A3 use) on part of ground floor; (3) community (D1), leisure (D2) and office (B1) uses in ground floor wings; (4) flexible spaces for D2 functions and live events/A3 restaurant/B1 office/D1 community uses on first and second floors. Alterations to include: Reinstated internal spiral staircase to first floor and external seating area; new entrance area with stairs, lifts and WC's, reconfigured rooftop plant including reinstated chimney stack, new windows and doors and external hard/soft landscaping including pathways, forecourts and cycle parking. Erection of single storey pool facilities/health suite building for D2 leisure use. Planning consent approved on 8th February 2017.</p> <p>BH2016/05289: Partial demolition of existing lido building (mixed D2 leisure, D1 community/library and sui generis beauty salon uses) and alterations including erection of two storey extension, reinstated internal spiral staircase to first floor and external seating area; new entrance area with stairs, lifts and WC's, reconfigured rooftop plant including reinstated chimney stack, new windows and doors and external hard/soft landscaping including pathways, forecourts and cycle parking. Listed Building consent approved on 8th February 2017.</p>
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	<p>The above applications were not fully implemented as the demolition and construction works proved to be financially unviable.</p> <p>However, it should be noted that there are a number of outstanding unauthorised works at the Lido relating to the above planning application that require remediation as follows:</p> <ul style="list-style-type: none"> • The changing room approved under the above applications was not constructed in accordance with the approved plans and remedial works to resolve this are yet to take place. Such remedial works form part of this application. • The pool plant room flue is not authorised and remedial works to improve its appearance form part of this application. <p>A document titled 'Action Proposed to Comply with Planning Permission BH2017/02004 (Phasing Plan) has been submitted with the current application setting out the proposed works and timescales for remediating these issues.</p>
8 August 2016	<p>BH2016/02590: Demolition and re-building of existing main and paddling pools, alterations to paths, steps, ramps, railings, fences, gates and retaining walls with the addition of outdoor barbeques, exercise equipment, boiler flue to existing pool plant room and external lighting and provision of temporary changing rooms, WCs, lockers and other facilities. (Part retrospective). Planning consent approved on 8th February 2017.</p> <p>BH2016/02591 - Demolition and re-building of existing main and paddling pools, alterations to paths, steps, ramps, railings, fences, gates and retaining walls with the addition of outdoor barbeques, exercise equipment, boiler flue to existing pool plant room and external lighting and provision of temporary changing rooms, WCs, lockers and other facilities. Listed Building consent granted on 8th February 2017.</p>
9 October 2014	<p>BH2014/03415 - Erection of pool plant building, alterations to pool to create a single pool, new volleyball court with mesh fencing, re-instatement of paddling pool with canopy over. Five-year consent for 4no portakabins (changing facilities, WC's), with timber deck around, entrance kiosk and beach huts. Approved 8th December 2014.</p>

4. APPLICATION DESCRIPTION

- 4.1. The planning application seeks permission for restoration works to the Lido building to facilitate the continued use of the premises for leisure use (Use Class E), a library (Use Class F1), community space (Use Class F2), a café/function

room (Use Class E), shared office space (Use Class E) and community/events/leisure space (Use Class E/F1/F2/sui generis).

- 4.2. In addition, the application also seeks planning consent for the retention and remediation of the unauthorised changing room building constructed in 2017.
- 4.3. The main external alterations include the following:
 - Repairs to the existing render/concrete and balustrades
 - The extension of the ground floor café space to the rotunda columns
 - Infilling of the recessed delivery area on the west side of the building
 - Installation of acoustic screens around roof level plant
 - Replacement doors and windows with minor elevational changes
 - Reinstatement of chimney and flagpole
 - Repainting of building and new lettering
 - Remediation of the changing room building
 - External hard/soft landscaping
- 4.4. A number of internal alterations are also proposed comprising the following:
 - Reinstatement of ground floor spiral staircase in café and new spiral staircase in kitchen;
 - Removal of partition walls to form enlarged new entrance circulation area with stairs
 - New platform lifts in main entrance foyer and historic plant room providing wheelchair access to first floor
 - New ground and first floor WCs
 - Removal of first floor staging
 - Formation of ancillary kitchen space serving café and ballroom spaces
 - New windows, doors and other associated works
- 4.5. Having regard to the main Lido building, it should be noted that the fundamental difference between the current planning and Listed building applications and the previous applications from 2016 (BH2016/05288 and 05289) is that the current applications do not propose the demolition of the non-original 1960s/70s extensions to the west and north of the building and also do not propose a new two-storey extension to the north.
- 4.6. The previous proposed demolition works and extension were not considered to be financially viable and also resulted in a net loss of floorspace in the Lido building. The current proposal represents a more viable option.

5. REPRESENTATIONS

- 5.1. **Three (3)** representations have been received in relation to this application.
- 5.2. Two of the representations neither object to nor support the planning application. Both of these representations, one of which is from the **Beach Access Team Brighton & Hove**, request the provision of Changing Places facilities as part of the renovation of the Lido to promote and demonstrate inclusiveness and enable

disabled people to address their personal care with dignity in a safe and clean environment.

Note: Discussions are ongoing between the applicant and the Beach Access Team and the outcome of these discussions will be reported in advance of the Planning Committee meeting.

- 5.3. The other representation is from **Councillor Mears** who supports the application on the following grounds. A copy of the letter is attached to the report.

6. CONSULTATIONS

Internal Consultees

- 6.1. **Economic Development:** No comments received

- 6.2. **Environmental Health:** No objection subject to conditions regarding the following:

Swimming pool and related outdoor areas hours of opening/use

- Function rooms hours of opening/use
- Odour control equipment
- Odour control equipment (sound insulation)
- External lighting
- Plant / machinery noise

- 6.3. **Heritage:** No overall objection however further information will be required (by condition)

Overall, it is considered that the proposed alterations would not cause any significant harm to the listed building and that any minor harm would be outweighed by the considerable benefits of repairing the listed building and bringing it back into long term viable use. However, the phasing of the works, the specification for the concrete repairs and the detailing of the external alterations to the original 1930s building will all be crucial to achieving this outcome. The Phasing Plan and as much additional detail as possible should be provided with the application, in order to limit conditions as far as possible.

- 6.4. Matters that may need to be required by condition include:

- Detailed method statements and schedule of works for the stages of the concrete repairs for each specific location.
- Large scale details of: all external doors; the pressed windows cills; the retention/reuse of the reeded obscure glazing; the balustrade infill panel design; the exact colour of the windows & balustrades; the rotunda staircase; the rooftop chimney design; and the screening to the plant under the 'lozenge'.
- Details of internal material and finishes to the public areas of the original 1930s building.
- Details of roof finish and new rooflights
- Details of rainwater goods
- A landscaping plan (to include external lighting)

- 6.5. **Planning Policy:** No comments required.
- 6.6. **Sustainability:** No objection subject to the following conditions:
- BREEAM Certification
 - Carbon emissions reduction demonstrating how the development will meet City Plan Part 1 Policy CP8 including investigation of solar energy technologies; opportunities for synergy with pool heating; and replacing direct electric heating with air source heat pumps wherever possible.
- 6.7. **Sustainable Transport:** No objection in principle, however further information required as follows:
- Pedestrian access routes. Detail of how they shall be continuous and level from the highway and parking areas (incl. disabled bays), to entry and exit points.
 - Any vehicle access amendments. Clarity on 'potential changes to access' stated on Design and access statement.
 - Details of existing and proposed parking provision. Is there to be an increase or reduction in parking to these proposals? Justification if so.
 - How shall vehicle movements relating to bigger events, such as weddings parties, associated with the new venue, be accommodated and managed?
 - Disabled parking and cycle parking – details of layout and amount of the existing and proposed and how they are in line with the City Council's Parking Standards SPD14 and best practice - DfT's Manual for Streets/ Cambridge / TfL guidance (Cycle Parking) - Inclusive Mobility and TAL 05/95 or BS8300 (Disabled parking).
 - Details of proposed differences in servicing and any impact on users on and off the site. For example, the applicant states "To the west deliveries of food and catering supplies will be made via the existing ramp, made accessible from the car park by the re-allocation of some parking bays".

Note: A Highways Statement has been produced by the applicant in response to the above comments and further comments from the Local Highway authority are awaited and will be reported on the Late List for Committee.

External Consultees

- 6.8. **Conservation Advisory Group:** No objection
- The documents are well presented.
- 6.9. The reinstatement of details and refurbishment is welcome and sensitively designed.
- 6.10. **Historic England:** Supportive overall however require further information (by condition)
- Historic England is supportive of the scheme which overall will deliver substantial heritage benefits in the repair, restoration and bringing back into use of this much valued historic Lido. We do however think that further amendments could mitigate the residual harmful impacts we have identified. We recommend that appropriate conditions are imposed to control detailed elements of the design as suggested above and in addition to any that your Authority may identify as necessary. The following conditions are also recommended:

- Detailed method statements and schedule of works for the stages of the
- concrete repair or replacement, for each specific location and to cover: investigation/ uncovering/ enabling works; concrete repair processes; replacement of concrete fabric; making good. Prior to the above works commencing trial demonstrations and samples to be agreed on site;
- Large scale constructional drawings for the new central staircase, supported
- by a detailed structural engineers' report;
- Large scale constructional drawings and samples of new metal windows
- frames and Esavian doors to be approved.
- Details of exterior surface finishes and paint scheme, including roof and floor
- coverings to be approved.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 7.4. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP2 Sustainable economic development

CP5 Culture and tourism

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP15 Heritage

CP16 Open space
CP17 Sports provision
CP18 Healthy city
SA1 Seafront

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
TR15 Cycle network
TR18 Disabled parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO19 New community facilities
HO20 Retention of community facilities
EM4 New business and industrial uses on unidentified sites
SR12 Large A3 uses
HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE4 Reinstatement of original features on listed buildings

Brighton & Hove City Plan Part Two

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

DM9 Community Facilities
DM11 New Business Floorspace
DM15 Commercial and Leisure Uses on the Seafront
DM18 High Quality Design and Places
DM20 Protection of Amenity
DM21 Extensions and Alterations
DM22 Landscape Design and Trees
DM27 Listed Buildings
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health – Pollution and Nuisance
DM44 Energy Efficiency and Renewables

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development and the proposed uses; design, appearance and heritage issues having particular regard to the impact of the proposals on the Grade II star Listed building; impact on residential amenity; sustainable transport issues; sustainability; landscaping and biodiversity.

Principle of Development

- 9.2. Saltdean Lido is an important Grade II star listed building which is in very poor condition and as a result is on Historic England's Heritage at Risk Register. With the exception of the pool and library, the Lido is unused. The proposed scheme, which seeks the comprehensive repair and restoration of the main building, remediation of the existing changing room building, an improvement of the overall site and introduces viable uses, is therefore welcomed in principle. The Lido is a key asset for both the local and wider city community.
- 9.3. The proposed repair and refurbishment of the Lido contributes to the aims of a number of City Plan policies. Most relevant is CPP1 policy **SA1: The Seafront** which states, amongst other things, that *'the council will work in partnership to ensure the on-going regeneration and maintenance of the seafront in an integrated and coordinated manner.'*
- 9.4. The policy goes on to state that 'proposals should support the year-round sport, leisure and cultural role of the seafront for residents and visitors whilst complementing its outstanding historic setting and natural landscape value.'
- 9.5. The policy identifies priorities for the whole seafront including the following:
- Enhancement and improvement of the public realm and creation of a seafront for all; to ensure the seafront has adequate facilities for residents and visitors (including public toilets, waste disposal facilities, seating, signage, lighting and opportunities for shelter and shade);
 - Promotion of high-quality architecture, urban design and public art which complements the natural heritage of the seafront
- 9.6. The policy goes on to identify a number of priorities for the seafront east of the Marina including safeguarding 'the important community and recreation facility at Saltdean Lido.'
- 9.7. The supporting text for this policy, specifically paragraph 3.122 states the following:
'Saltdean Lido, near to the seafront is a prominent listed building and an important community facility including a library and community centre as well as the Lido outdoor swimming pool and health & fitness facilities. The Lido itself is the largest enclosed outdoor swimming facility for the city and therefore has a wider catchment area. The overriding requirement of the council is to seek a

vibrant, accessible, high quality facility that befits the status of the Lido as a key asset of both the local and wider city community.'

- 9.8. Therefore the principle of restoration works to facilitate the continued use of the premises for community and leisure use is clearly established and supported by City Plan policies.
- 9.9. The principle of the restoration works is also clearly established by the previous planning permission BH2016/05288 and Listed Building Consent BH2016/05289 (see planning history section above). It is acknowledged that there are some significant differences between the 2016 permissions and the current applications, most importantly the current applications do not propose the demolition of the non-original 1960s/70s extensions to the west and north of the building and also do not propose a new two-storey extension to the north. Whilst it is noted that the previously approved scheme had the significant benefit of restoring symmetry to the building through the proposed demolition of the 1960s/70s extensions, the decision to no longer progress the demolition and proposed extension was taken following a business case review which identified financial, commercial and environmental benefits to renovating and reconfiguring the existing accommodation.
- 9.10. However, there are considerable similarities with the previous 2016 applications and the overall aims and intentions of the previously approved scheme i.e. to repair and enhance the building and ensure its long-term viability remain. The introduction of office space into the building was previously approved in 2016. Whilst the current application proposes an increase the amount of office space beyond the 2016 planning consent in the form of co-working office space above the library, with a relatively minor corresponding reduction in the amount of assembly and leisure floorspace, the principle of office space within the building has already been accepted and a marginal increase beyond the previous application is considered to be acceptable. Such a use would provide additional revenue earning opportunities to help ensure the long-term viability of the Lido and its ongoing provision of leisure and community uses.
- 9.11. As a lido, the main use of the site would have originally been recreation/leisure use. However, the use of the site has evolved over the years. Most recently the site comprised a mixed-use including gym, swimming pool, community rooms, library, entertainment spaces with bar/lounge areas, storage, ancillary catering and health/beauty uses (the latter have since been relocated). Currently much of the main building is vacant with only the library and pool in operation.
- 9.12. The uses proposed as part of this application comprise the following:
- **Ground floor:** New reception foyer (with platform lift and toilets), library (Use Class F1), café and kitchen (Use Class E), community rooms (Use Class F2), leisure/sports rooms (Use Class E) and offices for the use of the Saltdean Lido Community Interest Company (CIC) (Use Class E).
 - **1st Floor:** Ballroom and restaurant (events space) (Use Class E/F1/F2/sui generis) and co-working office space (Use Class E).

- 9.13. The proposed uses are not dissimilar to the historic uses of the Lido and almost identical to the uses consented in 2016. The scheme is therefore considered to be broadly policy compliant. It is however acknowledged that in order to ensure the future viability and maintenance of the site a flexible range of uses is necessary.
- 9.14. The current Lido has hosted numerous events and functions over the years, and this proposal seeks to incorporate such uses, including wedding events. It is considered that the different uses proposed within the building and grounds are generally compatible but details of how they will all work together will be secured by condition via a Management Plan. By its very nature, the pool will require subsidising and will require income from the other commercial aspects of the scheme to secure the long-term financial viability of the site. On this basis, a degree of compromise between the uses is required to ensure the scheme as a whole is viable.
- 9.15. Given the policy context and the original use of the site, it is considered particularly important that the proposals retain a large leisure presence within the site and this is still the case with the current application. The proposals would allow for a more effective use of the site, which is encouraged by policy.
- 9.16. The existing library would also be refurbished and enhanced with some internal remodelling, thereby enhancing the community space. However, there would be no break in library service provision as a temporary library adjacent the site will be secured by a planning condition.

Design, Appearance and Heritage

- 9.17. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.18. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".
- 9.19. The planning application proposes a number of repairs and alterations to the main Lido building to bring it back into use. The various repairs and alterations are considered in further detail below. As the building is at risk, the enhancement proposals are welcomed in principle.

Structural repairs to the existing concrete

- 9.20. Urgent concrete structural repairs are required to the Lido Building which is deteriorating because of its exposed coastal location and design faults in the original construction. There are no heritage concerns regarding the principle of these necessary repairs and it is not considered that they will harm the significance of the building.
- 9.21. The proposed repair programme includes patch repairs to the concrete and the use of Fosroc protection and repair products. Comprehensive reports by

Sandberg Consulting Engineers and Fosroc have been submitted with the planning application.

- 9.22. Historic England and the Councils Heritage section have advised that further information should be provided in the form of detailed method statements and a schedule of works for the stages of the concrete rehabilitation process or systems for each specific location. In addition to this, large scale constructional drawings for repair and replacement works and any alterations to the roof top area and pavilion, supported by a detailed structural engineers report, should also be submitted. This additional information can be secured by condition.

Replacement of railings on roof terrace and addition of safety panels to railings

- 9.23. The existing balustrades will be removed during the strengthening of the terraces and either replaced with new like-for-like balustrades or, where salvageable, reused. In order to improve the safety of the first-floor balustrading, infill panels will be added to the lower two bands of horizontal rails. Alternative options have been considered such as toughened glass and wire mesh but the applicant considers laser cut anodised aluminium supported off the balustrading to be a more appropriate design solution.

- 9.24. Historic England have expressed some concern that the proposed filigree design of the panels (see the Design & Access Statement) could appear quite busy and contrast with the clean lines of the existing railings. Historic England have therefore requested a different design to minimise the impact on the significance of the building. It has been agreed that further details regarding the panels will be secured via a planning condition.

Replacement doors and windows

- 9.25. Due to their poor condition it is necessary to replace the metal Crittall windows and frames and the distinctive Esavian doors which open from the first-floor cafe/restaurant onto the sun terrace. The existing windows and doors will be replaced with double glazed steel windows and doors to help eliminate the condensation risk to the 1930s fabric. To ensure high quality and, where possible, like for like replacements, details will be secured by a planning condition.

- 9.26. It is also necessary to add a new small projecting cill on the replacement windows to prevent water ingress. While it is considered that this would change the aesthetics of the elevations to a small degree, it is also considered a necessary amendment for the long-term maintenance of the building. Historic England and the Council's Heritage section have both recommend that the metal of the cill be pressed to match the curve of the wall and have requested further detail on this matter. Details will be secured by condition.

Paint colour and lettering

- 9.27. Following a paint analysis of the building, the proposed colour scheme for the building is proposed to be an off-white chalk colour for the main walls and a pale bluey green colour for the window frames, ironmongery and balustrading.

Subject to a condition regarding paint colours and viewing of paint colours on site, Historic England are supportive of the proposed colour scheme in principle.

- 9.28. The existing lettering on the building will be replaced with new sans serif lettering with LEDs. The new lettering will be closer to the original historical lettering than the existing lettering. Again, this is supported by Historic England.

Extension of the ground floor café space to the rotunda columns

- 9.29. As per the previous approved scheme, the ground floor café will be extended slightly to the rotunda columns and enclosed by a glazed screen fixed between the flanks of the perimeter external columns. The glass will be in fixed panes and two opening pairs of framed doors will be provided where the rotunda meets the curved wings to either side. Such an extension has previously been approved and is still considered to be acceptable.

Reinstatement of chimney and other roof level alterations

- 9.30. The flue that was replaced in the 1960s will be reinstated. The chimney will be a like-for-like replacement based on historic images of the Lido prior to its removal. The reinstated chimney was approved as part of the previous 2016 application and is still considered acceptable.

- 9.31. Other roof level alterations include the following:

- Roof lights: As many of the existing roof lights that serve the 1960s and 70s additions are either covered, in a very poor state of repair or problematic in terms of future maintenance, most will be removed and infilled. Those that remain will bring light into the depth of the bar space adjacent to the ballroom and over the main staircase and entrance foyer.
- Rooftop Plant Room: In the space beneath the lozenge roof, 4 No. condenser units are proposed, enclosed by 1.5m high acoustic screens. Further details of screens will be secured via a condition.
- Roof Finishes: As the existing felted roof is un-insulated and in places in need of repair, the intention is to install new insulation above the existing roof, beneath a new roofing finish laid on top. Details and specification are yet to be confirmed but this would contribute to the improvement in the thermal performance of the Lido.
- Balustrading: The perimeter balustrading of the 1930s central building will be repaired where possible or replaced like for like. However, the existing height of the balustrading will remain. They will therefore continue to be non-compliant as barrier rails as well as too low to serve as safe railings for maintenance operatives. To facilitate safe access to the kitchen extract for maintenance, collapsible railings will be installed leading from the new screening.

Fenestration rationalising and other alterations

- 9.32. Other alterations to the building include the following:

- On the ground floor of the east elevation of the building (within the original 1930s part), the fenestration will be increased slightly to help naturally light the internal circulation space.

- On the west facing elevation, one window set is being removed from the 1960s building in order to resolve an existing clash with a retained internal partition.
- The circular windows in the 1960s/70s part of the building are also being replaced with rectilinear windows to match the styles of the remainder of the building.
- The existing east facing timber framed glazed entrance doors will be replaced in new, glazed anodised aluminium framed doorsets.
- The existing west facing service yard will be infilled and used as internal space (kitchen) and finished in a recessed render pane to emphasise the existing lines.
- A new external fire exit door will be installed on the west facing elevation of the library.
- Coping stones on the roof of the 1960s/70s addition will be replaced with a wetted check kerb to match the 1930s roof edge.
- New signage is proposed on the east elevation of the building.

9.33. It is not considered that any of the above alterations would have a harmful impact on the appearance and significance of the Lido and it is considered that cumulatively they would enhance the appearance of the building. The Heritage Team and Historic England are supportive of the proposals in principle.

Remediation of changing room building and plant room flue

9.34. Whilst a changing room building at the Lido was granted planning permission in 2016, the building constructed is of a poor quality and is not in accordance with the approved plans. It is therefore unauthorised. The following works are required for its remediation and this would be secured by a planning condition:

- The render finish needs to be improved and painted the same colour as that agreed for the main building. The building needs finishing at the bottom of the render as well as the cills and reveals, and the columns need rendering;
- The existing temporary windows and doors need to be replaced with aluminium windows and doors and painted to match the colour agreed for the windows and doors on the main building;
- The grey fibre glass roof needs replacing;
- The unsympathetic domed rooflights need replacing with flat rooflights;
- The flue projecting from the roof of the changing room building needs to be reduced in size and made more discrete;
- Any visible rainwater goods should be replaced with cast iron/aluminium goods and painted to match the downpipes on the main building;

9.35. In addition, the visibility of the unauthorised plant room flue needs to be reduced by painting it an appropriate colour and screening it with agreed landscaping.

Internal alterations

9.36. The application also proposes a number of internal alterations. Whilst these are considerations for the accompanying Listed building application (BH2021/01811), the main alterations are as follows:

- Two new platform lifts to provide disabled access to the first floor;

- Removal of plant equipment (with the exception of some plant retained for interpretative displays) from the historic plant room on the ground floor and the plant room converted to community space;
- The reinstatement of the central rotunda staircase connecting the ground and first floor café space;
- The provision of a new spiral staircase connecting the ground and first floor kitchens;
- Removal of internal partitions to both curved wings;
- Creation of accessible WCs on ground and first floor.

9.37. It is worth noting that the Lido's significance is principally derived from the architecture of the building's external envelope and, because of the number of internal alterations that have taken place over the years, little of the original plan form of the internal layout of the building survives. Therefore, it is not considered that the proposed internal alterations would have any harmful impact on the significance of the building. However, the internal alterations would enhance the legibility and accessibility of the building and reinstate a number of original features such as the spiral staircase.

Impact on Residential Amenity

9.38. Policy QD27: Protection of Amenity of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This policy is further supported by policy DM20: Protection of Amenity of the emerging City Plan Part 2.

9.39. The site is currently vacant so the proposed repair and renovation of the building will inevitably result in a more intensive use but it is noted that the Lido is not being extended. The proposed uses are largely similar to the uses that previously existed at the site and are considered appropriate in this already established location.

9.40. Whilst the Lido building is not immediately adjacent residential properties, the wider grounds are in relatively close proximity to properties to the east and west, and the area as a whole is predominantly residential. It is also acknowledged that some of the uses (if not satisfactorily controlled) could have the potential to adversely affect the amenity of nearby residents. It is considered that conditions restricting opening hours, requiring submission of a management plan, details of outdoor event management, provision of odour control etc can adequately protect amenity, in accordance with policy.

9.41. The Environmental Health Team raise no objection on amenity grounds, subject to condition. It should also be noted that no representations have been received from any residents regarding amenity concerns.

Sustainable Transport

9.42. Two large car parks serving the Lido are located to the east and west of the application site providing a total of 240 parking bays (including 7 disabled parking bays) and secure cycle stands for 10 cycles. There is also a BTN

Bikeshare bay outside the Lido. There is additional (un-demarcated) space to park disabled cars in the eastern car park.

- 9.43. Although the car parks are shared with other users (i.e. users of the Saltdean Tavern, and users of the beach and Saltdean Park), this amount of parking is considered sufficient to meet the Lido's day to day requirements. There are also no restrictions preventing on-street parking in the area. Any additional floorspace created by the proposed works (i.e. the infilling of the recessed delivery area) would be negligible and as a result it is not considered necessary to provide additional car parking spaces.
- 9.44. It is proposed to remove two parking bays in the western car park to facilitate access by service vehicles to the west side of the Lido. However, this loss is minimal and it is considered that these lost spaces could be regained in the unmarked eastern car park if necessary.
- 9.45. The Lido is well served by bus routes from Brighton & Hove, Lewes and Newhaven. A Travel Plan for the site will be secured by planning condition to ensure that sustainable travel to the site is maximised and encouraged.
- 9.46. Additional cycle parking will also be provided on site but details of this will be secured by condition.

Sustainability

- 9.47. A number of measures are proposed to enhance the sustainability of the existing building, which are welcomed and include the following:
- Heating and cooling to the Historic Plant Room, café, library, ballroom and rotunda, will be via ceiling mounted fan coil units connected to air source heat pumps (ASHP) / condenser units externally. The use of Air Source Heat Pumps will offer an energy efficient method of heating and cooling the larger open spaces with minimal visual and audible intrusion. They also offer rapid responses to fluctuating occupancy in controlling changes of levels of heating, cooling and overall air quality. The exact details of the condenser units proposed on the north elevation of the Lido will be secured by condition.
 - Other rooms will be heated by low surface temperature, direct electric radiators (DER).
 - The 1930s concrete walls to the curved wings will be lined internally to prevent excessive heat loss.
 - Low flow taps and dual flush WCs will be specified throughout the building.
- 9.48. The applicant does not consider that it would be possible to achieve BREEAM Very Good standard as per policy CP8, due to the constraints of the Grade II* Listed building. However, the measures set out above will clearly help to enhance the sustainability and energy efficiency of the building. It is proposed to attach a condition to any planning permission to ensure that following occupation of the refurbished Lido unit (and enhanced changing room building), and Energy Performance Certificate is submitted demonstrating a minimum 'C' rating.

Landscaping and biodiversity

- 9.49. Detailed landscaping proposals have not been submitted with this application and will instead be secured by a planning condition. However, the general landscaping strategy as set out by the applicant is to reconfigure the smaller portions of grassed areas currently subdivided by footpaths fronting the east facade, remove the existing trees that overshadow the north end of the Lido (and that are too close for scaffold to be erected for future works,) and to create a multi-functional forecourt. This will provide a predominantly hard landscaped space, articulated by tree planting and street furniture, for gathering whilst waiting to enter either pool facilities or the Lido building itself.
- 9.50. The forecourt might also be used as potential overspill space from the cafe, performance space for street artists or buskers, or as a temporary or permanent sculpture yard.
- 9.51. Whilst it is regrettable that the existing trees will be removed, their proximity to the building would make it very difficult to renovate and repair the rear part of the building if they remained in-situ. Any new landscaping scheme will be required to incorporate replacement trees to mitigate their loss.
- 9.52. Enhanced landscaping of the site is welcomed as it will improve the overall appearance and setting of the building and the wider site.

Conclusion

- 9.53. The principle of the comprehensive repair and refurbishment of an 'at-risk' Listed building to bring it back into use is supported by national and local planning policies. The importance of Saltdean Lido as a key community and recreational facility is specifically recognised in CCP1 policy **SA1: The Seafront**.
- 9.54. The Lido will still continue to provide leisure and community uses, and the other uses such as a café and events space are complementary to the leisure and community function. The principle of the use of part of the building as a co-working office space has already been established by the planning consent in 2016 (BH2016/05288) and will help improve the long-term viability of the Lido. A Management Plan will be secured by a planning condition to ensure that all the uses remain compatible and that the leisure and community function of the Lido is not undermined or compromised by other uses.
- 9.55. The proposed external and internal alterations are generally supported by both Historic England and the Council's Heritage section, subject to the receipt of further details which will be secured by condition.
- 9.56. The proposed development would therefore comply with the NPPF, relevant policies within the City Plan Part One, the emerging Policies in the City Plan Part 2, and retained policies in the Brighton & Hove Local Plan (2005), and the approval of planning permission is recommended subject to the conditions above.

10. Community Infrastructure Levy & Developer Contributions

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. However, due to the fact that no substantial new floorspace is proposed as part of this application, the proposal would not be CIL liable.

11. EQUALITIES

- 11.1. Historically within the Lido building there have been no ramps or lifts connecting any of the level changes within the building. However, the proposals would provide a platform lift in the Historic Plant Room and the stairwell of the 1960s/70s extension, providing wheelchair access from the ground floor to the first-floor office space and entrance to the ballroom.
- 11.2. From here a series of ramps provide DDA and Part M compliant access to the main first floor ballroom and the spaces to the north and west of the 1960s extension.
- 11.3. Further ramps will facilitate compliant escape routes, as well as general wheelchair access, between the first-floor ballroom and the external terraces.

Cllr. Mary Mears
BH2021/01810 - Saltdean Lido

14th July 2021:

As a ward councillor for Rottingdean Coastal I am writing to fully support the above planning and consent application for Saltdean Lido.

Finally the SLCIC been able to bring planning forward.

The history around Saltdean Lido goes back many years to when the council as the freeholder brough it back inhouse from the leaseholder at the time. The building then was in a very bad state of disrepair.

BH021/01810 is a fantastic opportunity to continue the mixed use of leisure, library, café/restaurant, function/events office use and so much more, bringing a centre point back to Saltdean which is very much needed and beyond.

The plans are exciting and bold and with the swimming pool will be a beacon at the East of the City.

BH2021/01811 Listed Building Consent Application are the internal and external alterations needed to complete this amazing project, creating a fantastic space for residents and visitors.

It's been 18 years as a ward councillor for Saltdean Lido get to the stage, it would take pages and pages to give the history over the years, so I am delighted to give my full support going forward.

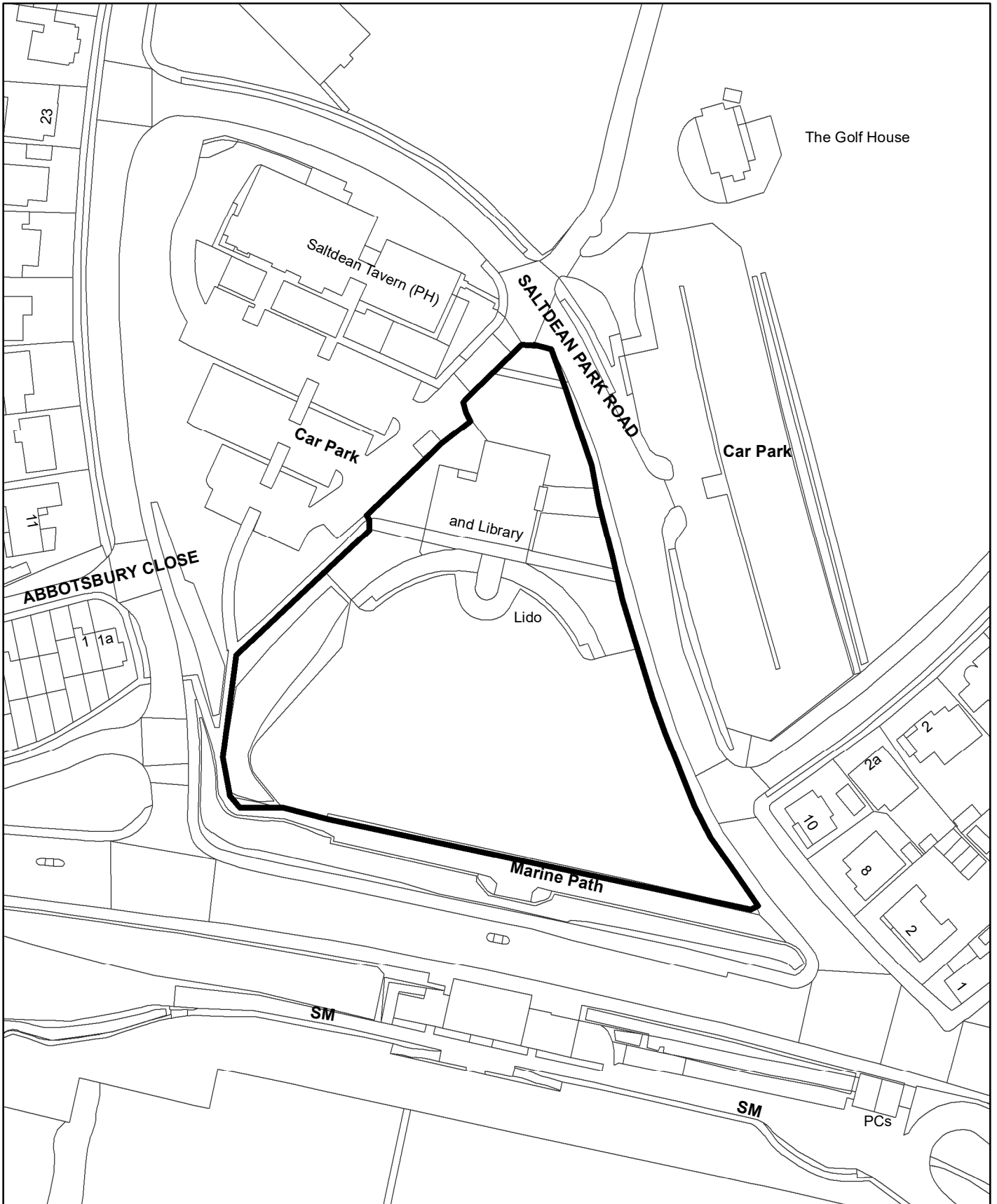
My understanding is these application will come to committee, therefore I wish to reserve my right to speak at the planning committee.

ITEM C

**Saltdean Lido, Saltdean Park
BH2021/01811
Listed Building Consent**

DATE OF COMMITTEE: 4th August 2021

BH2021 01811 - Saltdean Lido, Saltdean Park



N



Scale: 1:1,250

<u>No:</u>	BH2021/01811	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Saltdean Lido Saltdean Park Road Saltdean Brighton BN2 8SP		
<u>Proposal:</u>	Internal and external alterations incorporating expansion of ground floor café to rotunda columns, repairs/alteration to render/concrete and balustrading, reinstatement of chimney and flag pole, new windows and doors, infilling of recessed delivery area, roof plant screening, reinstated ground floor spiral staircase, removal of partition walls to form enlarged new entrance circulation area with stairs, new platform lift, ground and first floor WC's, removal of first floor staging, formation of ancillary kitchen space serving café and ballroom and associated landscaping and works.		
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	17.05.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12.07.2021
<u>Listed Building Grade:</u>	II*		
<u>Agent:</u>	30-31 Foundry Street Brighton BN1 4AT		
<u>Applicant:</u>	Saltdean Lido CIC Saltdean Lido Saltdean Park Road Saltdean Brighton BN2 8SP		

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** Listed Building Consent subject to the following Conditions and Informatives.

Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. No development shall take place until a Phasing Plan for construction and repair works and phasing of different uses for the whole site (including any temporary phases) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Phasing Plan.
Reason: To ensure key alterations and repairs are delivered in a timely manner prior to the building being brought back into use to ensure the special architectural and historic significance of the Lido is satisfactorily preserved, to comply with policy HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
3. The concrete repair works hereby permitted shall not be commenced until detailed method statements and a schedule of works for the stages of the

concrete repair or replacement have been submitted to and approved in writing by the Local Planning Authority. The method statements and schedule of works shall include the following:

- investigation, uncovering and enabling works
- concrete repair processes
- replacement of concrete fabric
- making good works

The concrete repair and replacement works shall be carried out and completed fully in accordance with the approved method statements and schedule of works. Prior to commencement of the above works, trial demonstrations and samples are to be agreed on site by the Local Planning Authority and Historic England.

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. No works to the rotunda shall take place until details of the reinstated staircase in elevation and section and an accompanying detailed structural engineers report 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 prior to first occupation of the main existing Lido building and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

5. Notwithstanding the drawings and details submitted, no works to the windows and doors shall take place until the design and details, including constructional drawings of 1:5 scale, and samples of new and replacement windows (including their cills) and doors have been submitted to and approved in writing by the Local Planning Authority.

Reason: As this is fundamental to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. Notwithstanding the details submitted, no works of redecoration shall take place until full details of the proposed exterior surface finishes and paint scheme, including roof and floor coverings, 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 prior to first occupation of each respective phase and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

7. Notwithstanding the drawings and details submitted, no works to the balustrades shall take place until the design and details of the balustrades and infill panels, have been submitted to and approved in writing by the Local Planning Authority.

Reason: As this is fundamental to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. Notwithstanding the details submitted, no development of each respective phase of the development hereby permitted as agreed under condition 2 shall commence until samples and details of the following materials to be used in the construction of the external surfaces of that phase of the development hereby permitted (that have not already been explicitly agreed) have been submitted to and approved in writing by the Local Planning Authority:
- (i) samples of any brick, render and tiling (including details of the colour of render/paintwork to be used)
 - (ii) samples of any cladding to be used, including details of their treatment to protect against weathering
 - (iii) samples of all hard surfacing materials
 - (iv) samples of the proposed window and door treatments
 - (v) samples of materials for rainwater goods
 - (vi) details and/or samples of any signage and illumination
 - (vii) details of roof finishes and new rooflights
 - (viii) details of all other materials to be used externally

Development of each phase shall be carried out in strict accordance with the approved details.

Reason: As this is fundamental to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. Notwithstanding the details submitted, no development of any respective phase of the development as agreed under condition 2 shall commence until a Services Strategy (in relation to proposed heating, lighting, ventilation and drainage) which includes a method statement as to how the visual impact from services to the buildings will be minimised, has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented for each respective phase and maintained thereafter.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

10. No works shall take place to the roof-top of the Lido building until details, including large scale constructional drawings (of 1:10 scale) for repair and replacement works and alterations to roof top area and pavilion including details of the reinstated chimney stack in elevation and an accompanying detailed structural engineers report, and details of the roof finish and new rooflights 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 prior to first occupation of each respective phase and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

11. No works to the rotunda shall take place until large scale constructional drawings (of 1:5 scale) for repairs to central rotunda columns involving the insertion of new steel work, supported by a detailed structural engineers report and large scale (1:5) drawings and samples of the proposed curtain wall glazing to the ground floor rotunda area, including details of fixings, 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 prior to first occupation of the main existing Lido building and retained as such thereafter.
Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
12. Unless evidence is submitted to and agreed in writing by the Local Planning Authority to demonstrate that the existing reeded obscure glazing to the horizontal windows in the east and west wings (former changing rooms) is not original, all the existing reeded obscure glazing shall be retained, and details of its retention shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of any windows within the development. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter before that respective phase of the building is first brought into use.
Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
13. The proposed screening of the plant under the roof lozenge shall not be erected until details including large scale drawings at 1:5 scale of the screening have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
14. No cables, wires, aerials, pipework (except any rainwater downpipes shown on the approved plans) meter boxes, grilles, flues, security alarms, lighting, cameras, plumbing, soil stacks, vents or ductwork unless shown on approved drawings shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
15. The Lido shall not be occupied until details of the design and location of the Air Source Heat Pumps have been submitted to and approved in writing by the Local Planning Authority. The Air Source Heat Pumps shall be fully implemented in accordance with these approved details and thereafter retained.
Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

16. No internal works of redecoration shall take place until full details of the proposed interior materials and finishes to the public areas of the original 1930s building 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 prior to first occupation of each respective phase and retained as such thereafter.
Reason: To ensure the satisfactory preservation of this listed building to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
17. No external lighting shall be installed until details, including levels of luminance, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and QD25 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	P0980-RHP-01-XX-DR-A- 5004	P1	17 May 2021
Block Plan	P0980-RHP-01-XX-DR-A-1001	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-1200	P3	14 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2011	P5	14 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2012	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2013	P3	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2051	P10	14 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2052	P6	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2053	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2054	P1	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2061	P3	14 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2062	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2110	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2111	P2	17 May 2021

Proposed Drawing	P0980-RHP-01-XX-DR-A-2150	P4	2 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2151	P5	2 July 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2201	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2202	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-5000	P2	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-5001	P1	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-5002	P1	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-5003	P1	17 May 2021
Proposed Drawing	P0980-RHP-01-XX-DR-A-2202	P2	17 May 2021
Location Plan	P0980-RHP-01-XX-DR-A-1000	P2	17 May 2021

2. SITE LOCATION

- 2.1. The application site is located within the predominantly residential suburb of Saltdean, on the coast to the east of Brighton and Rottingdean. The site is set back from the seafront, north of the A259 seafront road, and is set down within the valley. The site comprises the main lido building and associated swimming pool and facilities and the predominant uses on the site are leisure (Class E) and community use (Class F2).
- 2.2. The Lido is of a 1930s modernist design with cream painted concrete façade. The Lido and its grounds are Grade II* listed. It is one of the few remaining seaside lidos in the country and one of the most important architecturally.
- 2.3. The form and footprint of the original building remains readable but it has been significantly extended to the north and north-west, firstly in the early 1960s to form a library and community centre and then in the mid-1970s to form a further extension to the community centre. The 1960s extension was in similar but less accomplished style. Original windows were lost to form openings through and further openings were created. The interior of the original building is much altered and original fixtures lost, though hardwood parquet flooring remains at first floor level to the former café. Further external alterations to the rear extension were carried out in the late 1970s.
- 2.4. The Lido building is in a poor state of repair and whilst the City Council library has continued to operate in recent years, the building is largely unused. The site is on the Historic England and Council 'at risk' registers due to its closure, problems associated with a substantial maintenance backlog and severe deterioration of reinforced concrete and metal-framed windows.

- 2.5. The pool re-opened in June 2017, prior to which the changing rooms building and plant room were added. It should be noted that the changing rooms are currently unauthorised. Changing rooms were granted planning permission in 2016 (see planning history below) but were not built in accordance with the planning consent.

3. RELEVANT HISTORY

- 3.1. Whilst there is a substantial volume of historical planning and listed building applications associated with the Lido, the following are considered to be of most relevance:

<p>13 September 2016</p>	<p>BH2016/05288: Partial demolition of existing lido building (mixed D2 leisure, D1 community/library and sui generis beauty salon uses) and alterations including erection of two storey extension to provide: (1) library and community space (D1 use) on part of ground floor; (2) café (A3 use) on part of ground floor; (3) community (D1), leisure (D2) and office (B1) uses in ground floor wings; (4) flexible spaces for D2 functions and live events/A3 restaurant/B1 office/D1 community uses on first and second floors. Alterations to include: Reinstated internal spiral staircase to first floor and external seating area; new entrance area with stairs, lifts and WC's, reconfigured rooftop plant including reinstated chimney stack, new windows and doors and external hard/soft landscaping including pathways, forecourts and cycle parking. Erection of single storey pool facilities/health suite building for D2 leisure use. Planning consent approved on 8th February 2017.</p> <p>BH2016/05289: Partial demolition of existing lido building (mixed D2 leisure, D1 community/library and sui generis beauty salon uses) and alterations including erection of two storey extension, reinstated internal spiral staircase to first floor and external seating area; new entrance area with stairs, lifts and WC's, reconfigured rooftop plant including reinstated chimney stack, new windows and doors and external hard/soft landscaping including pathways, forecourts and cycle parking. Listed Building consent approved on 8th February 2017.</p> <p>The above applications were not fully implemented as the demolition and construction works proved to be financially unviable.</p>
<p>8 August 2016</p>	<p>BH2016/02590: Demolition and re-building of existing main and paddling pools, alterations to paths, steps, ramps, railings, fences, gates and retaining walls with the addition of outdoor</p>

	<p>barbeques, exercise equipment, boiler flue to existing pool plant room and external lighting and provision of temporary changing rooms, WCs, lockers and other facilities. (Part retrospective). Planning consent approved on 8th February 2017.</p> <p>BH2016/02591 - Demolition and re-building of existing main and paddling pools, alterations to paths, steps, ramps, railings, fences, gates and retaining walls with the addition of outdoor barbeques, exercise equipment, boiler flue to existing pool plant room and external lighting and provision of temporary changing rooms, WCs, lockers and other facilities. Listed Building consent granted on 8th February 2017.</p>
9 October 2014	<p>BH2014/03415 - Erection of pool plant building, alterations to pool to create a single pool, new volleyball court with mesh fencing, re-instatement of paddling pool with canopy over. Five-year consent for 4no portakabins (changing facilities, WC's), with timber deck around, entrance kiosk and beach huts. Approved 8th December 2014.</p>

4. APPLICATION DESCRIPTION

- 4.1. This Listed building application seeks consent for repair and restoration works to the Lido building to facilitate its continued use.
- 4.2. The main external alterations include the following:
- Repairs to the existing render/concrete and balustrades
 - The extension of the ground floor café space to the rotunda columns
 - Infilling of the recessed delivery area on the west side of the building
 - Installation of acoustic screens around roof level plant
 - Replacement doors and windows with minor elevational changes
 - Reinstatement of chimney and flagpole
 - External hard/soft landscaping
 - Repainting of building and new lettering
- 4.3. A number of internal alterations are also proposed comprising the following:
- Reinstatement of ground floor spiral staircase in café and new spiral staircase in kitchen
 - Removal of partition walls to form enlarged new entrance circulation area with stairs
 - New platform lifts in main entrance foyer and historic plant room providing wheelchair access to first floor
 - New ground and first floor WCs
 - Removal of first floor staging
 - Formation of ancillary kitchen space serving café and ballroom spaces
 - New windows, doors and other associated works

- 4.4. Having regard to the main Lido building, it should be noted that the fundamental difference between the current planning and Listed building applications and the previous applications from 2016 (BH2016/05288 and 05289) is that the current applications do not propose the demolition of the non-original 1960s/70s extensions to the west and north of the building and also do not propose a new two-storey extension to the north.
- 4.5. The previous proposed demolition works and extension were not considered to be financially viable and also resulted in a net loss of floorspace in the Lido building. The current proposal represents a more viable option.

5. REPRESENTATIONS

- 5.1. **Four (4)** representations have been received in relation to this application.
- 5.2. Two of the representations neither object to nor support the application. Both of these representations, one of which is from the **Beach Access Team Brighton & Hove**, request the provision of Changing Places facilities as part of the renovation of the Lido to promote and demonstrate inclusiveness and enable disabled people to address their personal care with dignity in a safe and clean environment.
Note: Discussions are ongoing between the applicant and the Beach Access Team and the outcome of these discussions will be reported in advance of the Planning Committee meeting.
- 5.3. **Regency Society** object on the grounds that the patterned infill on the south-facing balconies will look out of place and clear glass panels would look better.
- 5.4. A representation has also been received from **Councillor Mears** who supports the application on the following grounds. A copy of the representation is attached to the report.

6. CONSULTATIONS

Internal Consultees

- 6.1. **Heritage:** No overall objection, however further information will be required by condition
Overall, it is considered that the proposed alterations would not cause any significant harm to the listed building and that any minor harm would be outweighed by the considerable benefits of repairing the listed building and bringing it back into long term viable use. However, the phasing of the works, the specification for the concrete repairs and the detailing of the external alterations to the original 1930s building will all be crucial to achieving this outcome. The Phasing Plan and as much additional detail as possible should be provided with the application, in order to limit conditions as far as possible.
- 6.2. Matters that may need to be required by condition include:

- Detailed method statements and schedule of works for the stages of the concrete repairs for each specific location.
- Large scale details of: all external doors; the pressed windows cills; the retention/reuse of the reeded obscure glazing; the balustrade infill panel design; the exact colour of the windows & balustrades; the rotunda staircase; the rooftop chimney design; and the screening to the plant under the 'lozenge'.
- Details of internal material and finishes to the public areas of the original 1930s building.
- Details of roof finish and new rooflights
- Details of rainwater goods
- A landscaping plan (to include external lighting)

External Consultees

6.3. **Conservation Advisory Group: No objection**

- The documents are well presented.
- The reinstatement of details and refurbishment is welcome and sensitively designed.

6.4. **Historic England:** Supportive overall however require further information (by condition)

Historic England is supportive of the scheme which overall will deliver substantial heritage benefits in the repair, restoration and bringing back into use of this much valued historic Lido. We do however think that further amendments could mitigate the residual harmful impacts we have identified. We recommend that appropriate conditions are imposed to control detailed elements of the design as suggested above and in addition to any that your Authority may identify as necessary. The following conditions are also recommended:

- Detailed method statements and schedule of works for the stages of the
- concrete repair or replacement, for each specific location and to cover: investigation/ uncovering/ enabling works; concrete repair processes; replacement of concrete fabric; making good. Prior to the above works commencing trial demonstrations and samples to be agreed on site;
- Large scale constructional drawings for the new central staircase, supported
- by a detailed structural engineers' report;
- Large scale constructional drawings and samples of new metal windows
- frames and Esavian doors to be approved.
- Details of exterior surface finishes and paint scheme, including roof and floor
- coverings to be approved.

7. MATERIAL CONSIDERATIONS

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

- 7.2. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.3. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 7.4. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

CP12	Urban design
CP15	Heritage

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

QD5	Design - street frontages
QD14	Extensions and alterations
HE1	Listed buildings
HE4	Reinstatement of original features on listed buildings

Brighton & Hove City Plan Part Two

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

DM18 High Quality Design and Places
 DM21 Extensions and Alterations
 DM27 Listed Buildings

Supplementary Planning Documents:

SPD09 Architectural Features

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to whether the proposed alterations and renovations would have a detrimental impact on the character and significance of the Grade II* listed Lido building.

- 9.2. In considering whether to grant Listed Building Consent for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".
- 9.4. Saltdean Lido is an important Listed building which is in very poor condition and as a result is on Historic England's Heritage at Risk Register. With the exception of the pool and library, the Lido is unused. The proposed scheme, which seeks the comprehensive repair and restoration of the main building, remediation of the existing changing room building, an improvement of the overall site and introduces viable uses, is therefore welcomed in principle. The Lido is a key asset for both the local and wider city community.
- 9.5. A number of repairs and alterations are proposed to the main Lido building to bring it back into use. The various repairs and alterations relevant to this Listed building application are considered in further detail below. As the building is at risk, the enhancement proposals are welcomed in principle.
- 9.6. It should be noted that the principle of the restoration works is also clearly established by the previous planning permission BH2016/05288 and Listed Building Consent BH2016/05289 (see planning history section above). It is acknowledged that there are some significant differences between the 2016 permissions and the current applications, most importantly the current applications do not propose the demolition of the non-original 1960s/70s extensions to the west and north of the building and also do not propose a new two-storey extension to the north. Whilst it is noted that the previously approved scheme had the significant benefit of restoring symmetry to the building through the proposed demolition of the 1960s/70s extensions, the decision to no longer progress the demolition and proposed extension was taken following a business case review which identified financial, commercial and environmental benefits to renovating and reconfiguring the existing accommodation.
- 9.7. The proposed alterations and restoration works are as follows:
- Structural repairs to the existing concrete
- 9.8. Urgent concrete structural repairs are required to the Lido Building which is deteriorating because of its exposed coastal location and design faults in the original construction. There are no heritage concerns regarding the principle of these necessary repairs and it is not considered that they will harm the significance of the building.
- 9.9. The proposed repair programme includes patch repairs to the concrete and the use of Fosroc protection and repair products. Comprehensive reports by Sandberg Consulting Engineers and Fosroc have been submitted with the planning application.

- 9.10. Historic England and the Councils Heritage section have advised that further information should be provided in the form of detailed method statements and a schedule of works for the stages of the concrete rehabilitation process or systems for each specific location. In addition to this, large scale constructional drawings for repair and replacement works and any alterations to the roof top area and pavilion, supported by a detailed structural engineers report, should also be submitted. This additional information can be secured by condition.

Replacement of railings on roof terrace and addition of safety panels to railings

- 9.11. The existing balustrades will be removed during the strengthening of the terraces and either replaced with new like-for-like balustrades or, where salvageable, reused. In order to improve the safety of the first-floor balustrading, infill panels will be added to the lower two bands of horizontal rails. Alternative options have been considered such as toughened glass and wire mesh but the applicant considers laser cut anodised aluminium supported off the balustrading to be a more appropriate design solution. Historic England have expressed some concern that the proposed filigree design of the panels (see the Design & Access Statement) could appear quite busy and contrast with the clean lines of the existing railings. Historic England have therefore requested a different design to minimise the impact on the significance of the building. These concerns reflect those of the Regency Society. It has therefore been agreed that further details regarding the panels will be secured via a planning condition.

Replacement doors and windows

- 9.12. Due to their poor condition it is necessary to replace the metal Crittall windows and frames and the distinctive Esavian doors which open from the first-floor cafe/restaurant onto the sun terrace. The existing windows and doors will be replaced with double glazed steel windows and doors to help eliminate the condensation risk to the 1930s fabric. To ensure high quality and, where possible, like for like replacements, details will be secured by a planning condition.
- 9.13. It is also necessary to add a new small projecting cill on the replacement windows to prevent water ingress. While it is considered that this would change the aesthetics of the elevations to a small degree, it is also considered a necessary amendment for the long-term maintenance of the building. Historic England and the Council's Heritage section have both recommend that the metal of the cill be pressed to match the curve of the wall and have requested further detail on this matter. Details will be secured by condition.

Paint colour and lettering

- 9.14. Following a paint analysis of the building, the proposed colour scheme for the building is proposed to be an off-white chalk colour for the main walls and a pale bluey green colour for the window frames, ironmongery and balustrading. Subject to a condition regarding paint colours and viewing of paint colours on site, Historic England are supportive of the proposed colour scheme in principle.

- 9.15. The existing lettering on the building will be replaced with new sans serif lettering with LEDs. The new lettering will be closer to the original historical lettering than the existing lettering. Again, this is supported by Historic England.

Extension of the ground floor café space to the rotunda columns

- 9.16. As per the previous approved scheme, the ground floor café will be extended slightly to the rotunda columns and enclosed by a glazed screen fixed between the flanks of the perimeter external columns. The glass will be in fixed panes and two opening pairs of framed doors will be provided where the rotunda meets the curved wings to either side. Such an extension has previously been approved and is still considered to be acceptable.

Reinstatement of chimney and other roof level alterations

- 9.17. The flue that was replaced in the 1960s will be reinstated. The chimney will be a like-for-like replacement based on historic images of the Lido prior to its removal. The reinstated chimney was approved as part of the previous 2016 application and is still considered acceptable.

- 9.18. Other roof level alterations include the following:

- Roof lights: As many of the existing roof lights that serve the 1960s and 70s additions are either covered, in a very poor state of repair or problematic in terms of future maintenance, most will be removed and infilled. Those that remain will bring light into the depth of the bar space adjacent to the ballroom and over the main staircase and entrance foyer.
- Rooftop Plant Room: In the space beneath the lozenge roof, 4 No. condenser units are proposed, enclosed by 1.5m high acoustic screens. Further details of screens will be secured via a condition.
- Roof Finishes: As the existing felted roof is un-insulated and in places in need of repair, the intention is to install new insulation above the existing roof, beneath a new roofing finish laid on top. Details and specification are yet to be confirmed but this would contribute to the improvement in the thermal performance of the Lido.
- Balustrading: The perimeter balustrading of the 1930s central building will be repaired where possible or replaced like for like. However, the existing height of the balustrading will remain. They will therefore continue to be non-compliant as barrier rails as well as too low to serve as safe railings for maintenance operatives. To facilitate safe access to the kitchen extract for maintenance, collapsible railings will be installed leading from the new screening.

Fenestration rationalising and other alterations

- 9.19. Other alterations to the building include the following:
- On the ground floor of the east elevation of the building (within the original 1930s part), the fenestration will be increased slightly to help naturally light the internal circulation space.
 - On the west facing elevation, one window set is being removed from the 1960s building in order to resolve an existing clash with a retained internal partition.

- The circular windows in the 1960s/70s part of the building are also being replaced with rectilinear windows to match the styles of the remainder of the building.
- The existing east facing timber framed glazed entrance doors will be replaced in new, glazed anodised aluminium framed doorsets.
- The existing west facing service yard will be infilled and used as internal space (kitchen) and finished in a recessed render pane to emphasise the existing lines.
- A new external fire exit door will be installed on the west facing elevation of the library.
- Coping stones on the roof of the 1960s/70s addition will be replaced with a welted check kerb to match the 1930s roof edge.
- New signage is proposed on the east elevation of the building.

9.20. It is not considered that any of the above alterations would have a harmful impact on the appearance and significance of the Lido and it is considered that cumulatively they would enhance the appearance of the building. The Heritage Team and Historic England are supportive of the proposals in principle.

Internal alterations

- 9.21. The application also proposes a number of internal alterations as follows:
- Two new platform lifts to provide disabled access to the first floor;
 - Removal of plant equipment (with the exception of some retained for interpretative displays) from the historic plant room on the ground floor and the plant room converted to community space;
 - The reinstatement of the central rotunda staircase connecting the ground and first floor café space;
 - The provision of a new spiral staircase connecting the ground and first floor kitchens;
 - Removal of internal partitions to both curved wings;
 - Creation of accessible WCs on ground and first floor.
- 9.22. It is worth noting that the Lido's significance is principally derived from the architecture of the building's external envelope and, because of the number of internal alterations that have taken place over the years, little of the original plan form of the internal layout of the building survives. Therefore, it is not considered that the proposed internal alterations would have any impact on the significance of the building. However, the internal alterations would enhance the legibility and accessibility of the building and reinstate a number of original features such as the spiral staircase which would help to enhance the significance of the building.

Conclusion

- 9.23. It is considered that the Listed building application proposes a comprehensive and sensitive repair and refurbishment of an 'at-risk' Listed building to bring it back into use and the application is supported by national and local planning policies.

- 9.24. The proposed external and internal alterations are not considered to have a detrimental impact on the character and significance of the Listed building, and would significantly enhance the building and help to restore it. The application is generally supported by both Historic England and the Council's Heritage section, subject to the receipt of further details which will be secured by condition.
- 9.25. The proposed development would therefore comply with the NPPF, relevant policies within the City Plan Part 1, the emerging Policies in the City Plan Part 2, and retained policies in the Brighton & Hove Local Plan (2005), and the granting of Listed Building Consent is recommended subject to the above conditions.

10. EQUALITIES

- 10.1. Historically within the Lido building there have been no ramps or lifts connecting any of the level changes within the building. However, the proposals would provide a platform lift in the Historic Plant Room and the stairwell of the 1960s extension, providing wheelchair access from the ground floor to the first-floor office space and entrance to the ballroom.
- 10.2. From here a series of ramps provide DDA and Part M compliant access to the main first floor ballroom and the spaces to the north and west of the 1960's extension.
- 10.3. Further ramps will facilitate compliant escape routes, as well as general wheelchair access, between the first-floor ballroom and the external terraces.

Cllr. Mary Mears
BH2021/01811 - Saltdean Lido

14th July 2021:

As a ward councillor for Rottingdean Coastal I am writing to fully support the above planning and consent application for Saltdean Lido.

Finally the SLCIC been able to bring planning forward.

The history around Saltdean Lido goes back many years to when the council as the freeholder brough it back inhouse from the leaseholder at the time. The building then was in a very bad state of disrepair.

BH021/01810 is a fantastic opportunity to continue the mixed use of leisure, library, café/restaurant, function/events office use and so much more, bringing a centre point back to Saltdean which is very much needed and beyond.

The plans are exciting and bold and with the swimming pool will be a beacon at the East of the City.

BH2021/01811 Listed Building Consent Application are the internal and external alterations needed to complete this amazing project, creating a fantastic space for residents and visitors.

It's been 18 years as a ward councillor for Saltdean Lido get to the stage, it would take pages and pages to give the history over the years, so I am delighted to give my full support going forward.

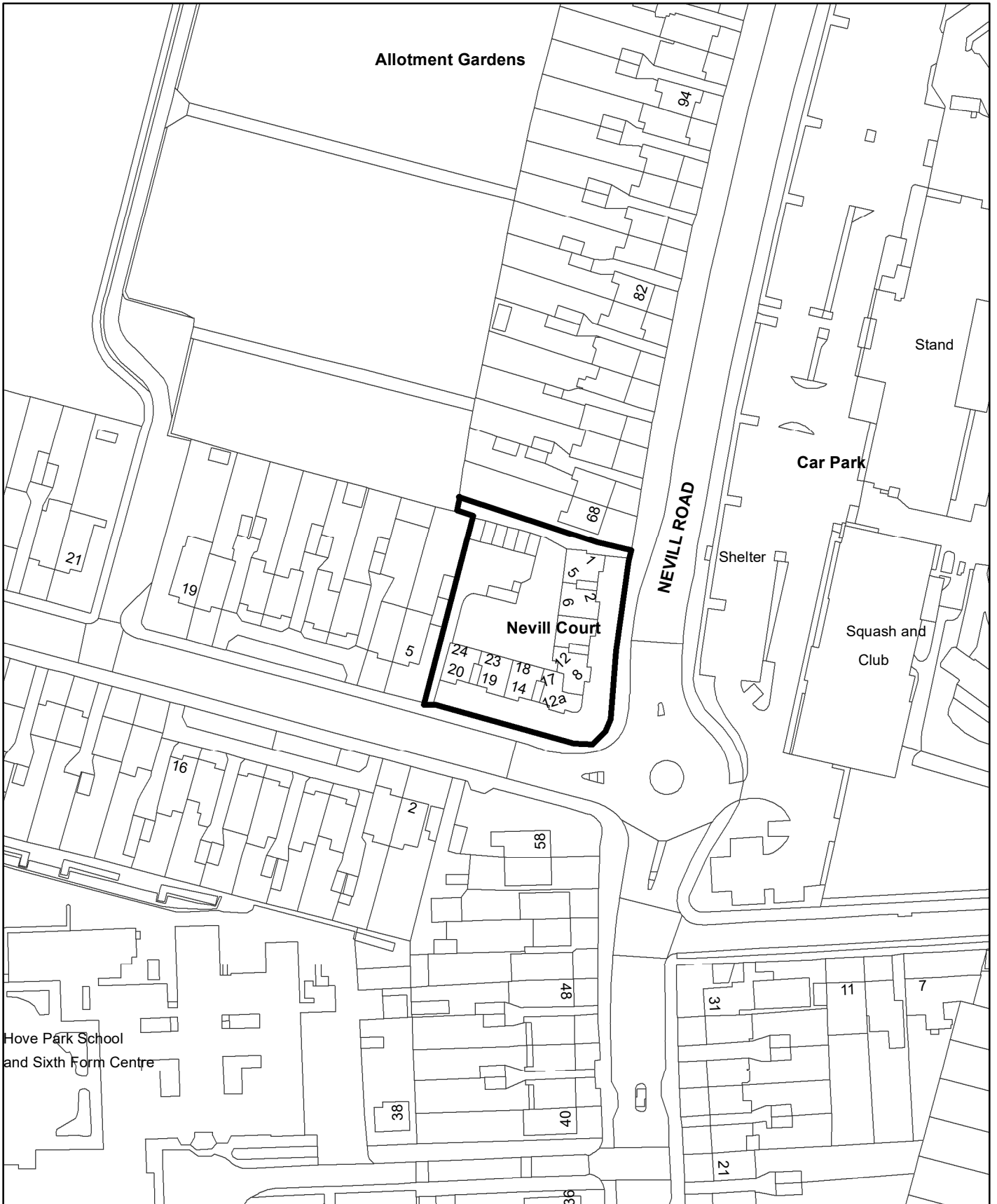
My understanding is these application will come to committee, therefore I wish to reserve my right to speak at the planning committee.

ITEM D

**Nevill Court, Nevill Road
BH2021/02074
Full Planning**

DATE OF COMMITTEE: 4th August 2021

BH2021 02074 - Nevill Court, Nevill Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/02074	<u>Ward:</u>	Hove Park
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Nevill Court Nevill Road Hove BN3 7BS		
<u>Proposal:</u>	Proposed roof extension with 12 PV panels to provide additional 4no. one bedroom flats and 3no. two bedroom flats with balconies, cycle parking and landscaping.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	02.06.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28.07.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Paul Jenkins SF Planning Limited 12 Royal Crescent Cheltenham GL50 3DA		
<u>Applicant:</u>	SAA Investments Ltd C/O SF Planning Limited		

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 **4th November 2021** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12.1 of this report.

Section 106 Head of Terms:

Affordable housing:

- A commuted sum of £135,750

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location plan	98-001	P02	2 June 2021
Block plan	98-100	P02	2 June 2021
Proposed Drawing	00-200	P03	2 June 2021
Proposed Drawing	00-201	P03	2 June 2021
Proposed Drawing	00-202	P03	2 June 2021
Proposed Drawing	00-203	P05	14 July 2021
Proposed Drawing	00-024	P03	2 June 2021
Proposed Drawing	00-220	P04	29 June 2021
Proposed Drawing	00-221	P03	2 June 2021
Proposed Drawing	00-230	P01	2 June 2021
Proposed Drawing	70-601	P01	2 June 2021

Report/Statement	Sustainability & Energy Statement	1.1	2 June 2021
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2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Apart from demolition, no construction works 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:
 - a) samples of all brick (including mortar colour, bonding and pointing) and zinc cladding;
 - b) 1:20 elevations and sections of the proposed windows and doors as well as product specification sheets; and
 - c) samples of all other materials to be used externally such as roof covering.
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with Policies QD14 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM21 of the emerging Brighton and Hove City Plan Part Two.

4. Access to the flat roof 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 and DM20 and DM21 of the emerging Brighton & Hove City Plan Part Two.

5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of 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 Policies TR14 of the Brighton & Hove Local Plan and DM33 of the emerging Brighton & Hove City Plan Part Two and SPD14.

6. 14 swift bricks 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, DM22 of the emerging Brighton & Hove City Plan Part Two and SPD11.

7. 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, DM22 of the emerging Brighton & Hove City Plan Part Two and SPD11.

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. 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.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under Condition 8 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
5. Swift bricks 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.

6. Where possible, be bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application relates to a three storey L-shaped detached block of 24 flats dating from the 1930s and built in an Art Deco style on the junction with Nevill Road (A2023) running north-south and Nevill Avenue heading westwards. The building is set back and up from these streets by raised lawns with a flat roof, a brown multi-stock brick façade, white uPVC casement windows and projecting bays with the white corning line above protruding with them. To the rear (north west corner of the site), there is a row of six garages and one detached garage accessed from Nevill Avenue, a communal soft landscaped area and hardstanding for vehicle parking.
- 2.2. Other than this building, the surrounding area is characterised by two storey semi-detached houses, although allotments and the Nevill Sports Ground are to the north / north east with the Greyhound Stadium to the east.
- 2.3. The site is not within a conservation area, is not a listed building or within the vicinity of one and is not within a Controlled Parking Zone (CPZ). However, it is within Source Protection Zone 1 and an Archaeological Notification Area

3. RELEVANT HISTORY

- 3.1. Pre-application advice **PRE2021/00034** was sought for a roof extension to provide 7no. flats; 3, two bedroom and 4, one bedroom and advice was issued on 1 April 2021.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a proposed roof extension with 12 PV panels to provide an additional 4 one bedroom flats and 3 two bedroom flats (Use Class C3) with balconies, cycle parking and landscaping.
- 4.2. Changes have been made during the course of the application to the size of one of the bedrooms and to rectify inconsistencies.

5. REPRESENTATIONS

- 5.1. **Five (5) objections**, **four (4)** of which are from properties directly affected, were received raising the following concerns:
 - Concerns over the restriction of light to existing residents and overlooking.
 - Concerns over potential damp issues due to some existing flats receiving less sunlight, and an increase in the areas which will receive no sunlight.

- The noise disruption from work taking place to an already poor condition building would be huge and would go on for months, disturbing those working from home. Extra flats would mean an increase in noise.
- If additional housing puts existing housing at risk of being uninhabitable, then the overall aim of the City Plan isn't achieved.
- The height of the proposed building would be above the line of all the surrounding residential properties contrary to NPPF paragraph 118.
- The additional storey will dominate the more domestic scale buildings.
- The visualisation shows that the proposed flats would be materially out of character and not in keeping with the current building, and look top-heavy.
- Carbon-reduction initiatives should be considered, i.e. a green roof.
- As with refuse collection vehicles, larger construction vehicles won't be able to access the back of the site. This roundabout junction is regularly congested, so it should be explained how access, parking and materials storage would be achieved without significant disruption to residents, schools, public transport and nearby amenities.
- Concerns about refuse capacity / storage given the lack of management. The bins should be housed at the rear of the building and only be on the public pathway on collection days.
- The lack of extra car parking provision would cause a problem in an already overcrowded area, which is used by nearby office employees. It is unclear where the developers' contractors will be parked during the build.
- Concerns about subsidence caused affecting neighbouring properties.
- Concerns over building on a roof which has clearly shown movement over time and on top of 3 storeys that have frequently shown wall tie failure.
- The plans lack a fire escape and a standard rescue ladder is unlikely to reach the proposed rooftop development.
- The existing and proposed principle elevations label 68 Nevill Road as no. 5 and 5 Nevill Avenue as 68 Nevill Road. The 'red line' site boundary is also incorrect to the northern boundary.
- There are no modern residential flats nearby, contrary to the assertion on page 2 of the Planning Statement.

6. CONSULTATIONS

6.1. **Private Sector Housing:** No comments

6.2. **Transport:** Seek amendments or approve with conditions

7. MATERIAL CONSIDERATIONS

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

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP1 Housing delivery
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP10 Biodiversity
 CP12 Urban design
 CP19 Housing mix
 CP20 Affordable housing

Brighton & 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
 QD27 Protection of amenity
 HO5 Provision of private amenity space in residential development
 HO13 Accessible housing and lifetime homes
 HE12 Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part 2:

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

DM1 Housing Quality, Choice and Mix
 DM18 High quality design and places

- DM20 Protection of Amenity
- DM21 Extensions and alterations
- DM22 Landscape Design and Trees
- DM31 Archaeological Interest
- DM33 Safe, Sustainable and Active Travel
- DM40 Protection of the Environment and Health – Pollution and Nuisance
- DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

- SPD03 Construction and Demolition Waste
- SPD11 Nature Conservation and Development
- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

Other Documents

- Urban Characterisation Study 2009
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposal, landscaping and biodiversity, its impact on neighbouring amenity and on highways as well as the standard of accommodation created.

Officers undertook a site visit in relation to the present application following the protocols put in place due to COVID and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

Principle of development:

- 9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The Council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.

- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The scheme counts as a small 'windfall site', bringing the benefit of providing seven additional housing units to the city, which would therefore make a small, but important contribution towards the Council's housing target given the importance of maximising the use of sites.
- 9.7. As a 'windfall site', Policy CP19 requires proposals to have considered housing mix and local assessments. Whilst the unit mix would be limited to one and two bedroom flats, it is considered that the amount of floorspace available over a single storey on top of the building limits the size of the flats and in this case it is preferable to maximise the quantum of development over the unit mix given the lack of land for housing in the city. Additionally, the location of the flats on the top floor of an existing block of flats is likely to make them less suitable for large family dwellings (three-plus bedrooms). This is because they would not benefit from any free car parking, practical external amenity space or separate living and kitchen / dining spaces. As such, the LPA considers the unit mix to be acceptable in this instance.
- 9.8. This development would contribute towards meeting the identified housing needs of the city. As such, the principle of the development is considered acceptable. The acceptability or otherwise of the scheme is subject to the design, standard of accommodation, impact on neighbouring amenity and local highways network. This is discussed below.

Affordable housing

- 9.9. As explained within City Plan Part One Policy CP20, the Council negotiates to achieve 20% onsite affordable housing provision on sites of between 5 and 9 (net) dwellings as an equivalent financial contribution. The net uplift on the site would be 7 dwellings.
- 9.10. The calculation of the affordable housing contribution is set out within the Council's Developer Contributions Guidance and since this site is within Zone 2, the amount payable would be £135,750. This shall be secured by a legal agreement.

Design:

- 9.11. There is no in-principle objection to the upward extension of this building, however, the height, scale and massing as well as the materiality are key considerations as to whether such a proposal is acceptable. In this case, it is considered that a single storey extension would be appropriate bearing in mind the heights of buildings in the vicinity and its corner location.

- 9.12. One of the objections refers to paragraph 118 of the NPPF in respect of the proposed development being above the line of all the residential properties surrounding it. Their comments specifically refer to point e): “*support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.*” The objector argues that the paragraph infers that upward extensions that are higher than the prevailing height and of neighbouring properties and the overall street scene should be refused. There is strong design rationale to providing additional height on prominent corners, such as the site this building is on, and the design is of a high quality. Moreover, safe access and egress for occupiers is maintained. The paragraph additionally gives substantial weight to the value of using suitable brownfield land, such as this site, and support the development of under-utilised buildings, especially if this would help to meet identified needs for housing where land supply is constrained. This is such a case in Brighton & Hove where it is constrained by the sea to the south and the South Downs National Park to the north.
- 9.13. In the proposed visualisation, the roof form would step in and out like the projections to the front elevation of the host building, thereby providing an element of shelter above the proposed balconies. This design approach is successful in helping the additional storey to relate well to the host building, as well as providing more usable space balconies.
- 9.14. The visualisation shows brick to match the existing and a grey coloured standing seam zinc cladding. It is considered that this material treatment prevents the building appearing top-heavy and is therefore acceptable in principle, subject to further detailing being recommended to be secured by a condition. The grey coloured cladding would match the colour of the window frames within the proposed extension, which is welcomed.
- 9.15. In terms of the positioning and the scale of the windows and balcony doors, it is considered that they relate well to those on lower floors regarding alignment, style and size, particularly on the street-facing elevations. The toughened and dense opaque laminated glazing treatment in-between the aluminium railings to the balconies is considered acceptable, and would provide some screening to prevent any paraphernalia placed there by future occupier appearing as visual clutter in views from the street while still allowing light to pass through.
- 9.16. It is worth noting that the application would involve the removal of what appear to be plant rooms and chimneys that have no architectural value with the proposed extension featuring PV panels and Automatic Opening Vents (AOV) to assist with heat and smoke ventilation. This is considered to result in an improvement to the streetscene.

9.17. As such, the proposal would be of a high standard of design and would comply with City Plan Part One Policy CP12, Local Plan Policy QD14, emerging Policies DM18 and DM21 of City Plan Part Two, and paragraphs 127 and 130 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area. Furthermore, the latter paragraph makes it clear that design should not be used as a valid reason to object to development where it accords with clear expectations in policies.

Impact on Neighbouring Amenity:

9.18. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.

9.19. In terms of overshadowing, the external amenity areas of 5 Nevill Avenue and 68 Nevill Road would pass the BRE criteria of at least 50% of their areas receiving at least two hours of sunlight or the areas that are not overshadowed being reduced to less than 0.8 times their former size on 21 March. It is noted that the grassed area to the rear of Nevill Court would fail to achieve the BRE criteria with only 32% of its area receiving at least two hours of sunlight and the area being 0.65 of the existing size on 21 March. The report does, however, note that the criteria is achieved two weeks later on 4 April with figures of 50% and 0.77 respectively. It is unclear how much value the existing residents give to this grassed area and whether it is actively used as an amenity space.

9.20. In this particular case, the planning balance weighs in favour of the proposal given the seven new dwellings that are proposed, each providing an acceptable standard of accommodation through a generally well-designed extension to this building.

9.21. It is not considered that any of the neighbouring residential properties would experience a significant loss of outlook or sense of enclosure.

9.22. There are currently windows on the upper floors of the existing building providing opportunities for overlooking of neighbouring residential properties. As such, the new third floor windows are not considered to result in a harmful degree of overlooking. Whilst all views from the proposed balconies are new, they face onto Nevill Road and Nevill Avenue and therefore not do overlook residential properties.

9.23. A condition is recommended to restrict access to the flat roof over the extension for maintenance or emergency purposes only.

9.24. The proposal would lead to a maximum of 19 additional occupiers moving in and around the building. Given that there are already 24 flats within the building, the amount of additional noise and disturbance created within an already predominantly residential area, albeit close to busy roads, is not considered to be significantly adverse.

9.25. As such, the overall impact on neighbouring amenity would, on balance, be considered acceptable and broadly in compliance with Local Plan Policies SU9 and QD27 and emerging CPP2 Policy DM20 which can be given significant weight.

Standard of Accommodation:

9.26. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.

9.27. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight.

9.28. The third floor plan gives Gross Internal Areas (GIAs) for each residential unit, which are all either compliant with or in excess with the figures in the NDSS. All the bedrooms would also be compliant with the NDSS. Internal floor to ceiling heights would be 2.5m and therefore acceptable.

9.29. The proposed dwellings are all at least dual aspect and therefore provide sufficient cross-ventilation, outlook and natural light.

9.30. The provision of external amenity space in the form of balconies for all the flats is welcomed, and they are considered of an adequate size to be useable. Screening treatment has been proposed to avoid privacy concerns between the balconies of Flats 5 and 6.

9.31. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies SU10, QD27 and HO5 and emerging CPP2 Policy DM1 (which can be given significant weight).

Impact on Highway:

9.32. The site is considered to be in a sustainable location given it is a 16 minute walk or five minutes cycling from Hove train station and very close to bus stops on Nevill Road served by four routes plus a night bus. This is despite it being in an 'Outer Area' of the city as set out in SPD14. As such, it is suitable for further development in transport terms. This public transport capacity is therefore sufficient to handle the anticipated increase in trip generation.

9.33. No car parking is proposed by this application, which is in line with SPD14.

- 9.34. 10 cycle parking spaces have been provided, which is more than the 8 spaces required by SPD14. These are mostly 'long stay' i.e. for residents so must be convenient, easy to use, secure, dry and well-lit. Some of the cycle spaces proposed cannot be accessed due to the sliding doors not being full-width, blocking access to five of the spaces. Since future users must be able to wheel a bicycle in and out of all of the spaces, it is recommended to add a pre-occupation condition requiring further details.
- 9.35. Recycling bin storage is available on Nevill Avenue, but the existing refuse and recycling bin storage on site to the rear of the building would be utilised as shown on drawing no. 00-200 Rev P03 with bins collected as per the existing arrangements. The use of these facilities is welcomed.
- 9.36. No alterations are proposed to the deliveries and servicing of the site, which is considered acceptable.
- 9.37. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

Biodiversity and Landscaping:

- 9.38. Details of the landscaping screening and the paving to the covered cycle store have been provided. The medium height laurel hedges would provide some screening to the cycle area, but doesn't completely cover it creating a hidden space which can promote crime or theft. The lightly screened, yet still overlooked cycle store is considered to be in line with Secure By Design standards. The paving would be graphite coloured 'Marshalls Drivesett Argent Piora', which is permeable and therefore acceptable.
- 9.39. City Plan Part One Policy CP10 and SPD11 require net gains for biodiversity and this can be achieved through the provision of bee and swift bricks. Conditions are therefore recommended to secure these.

Archaeology:

- 9.40. As the site is located within an Archaeological Notification Area, a heritage statement has been provided. Given that this is a rooftop development, it is considered that no designated or non-designated heritage assets would be affected by the proposal.

10. CONCLUSIONS

- 10.1. The proposals would provide seven good quality dwellings in Hove, sustainability and biodiversity net gains, and it would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; which are relatively significant benefits of the proposal. The LPA supports the high quality design of the extension, which would not have a significantly adverse impact on neighbouring amenity or on highways safety whilst providing an acceptable standard of accommodation. The proposal is therefore recommended for approval.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The amount of CIL liability for C3 use in Charging Zone 2 is £150 per m². The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

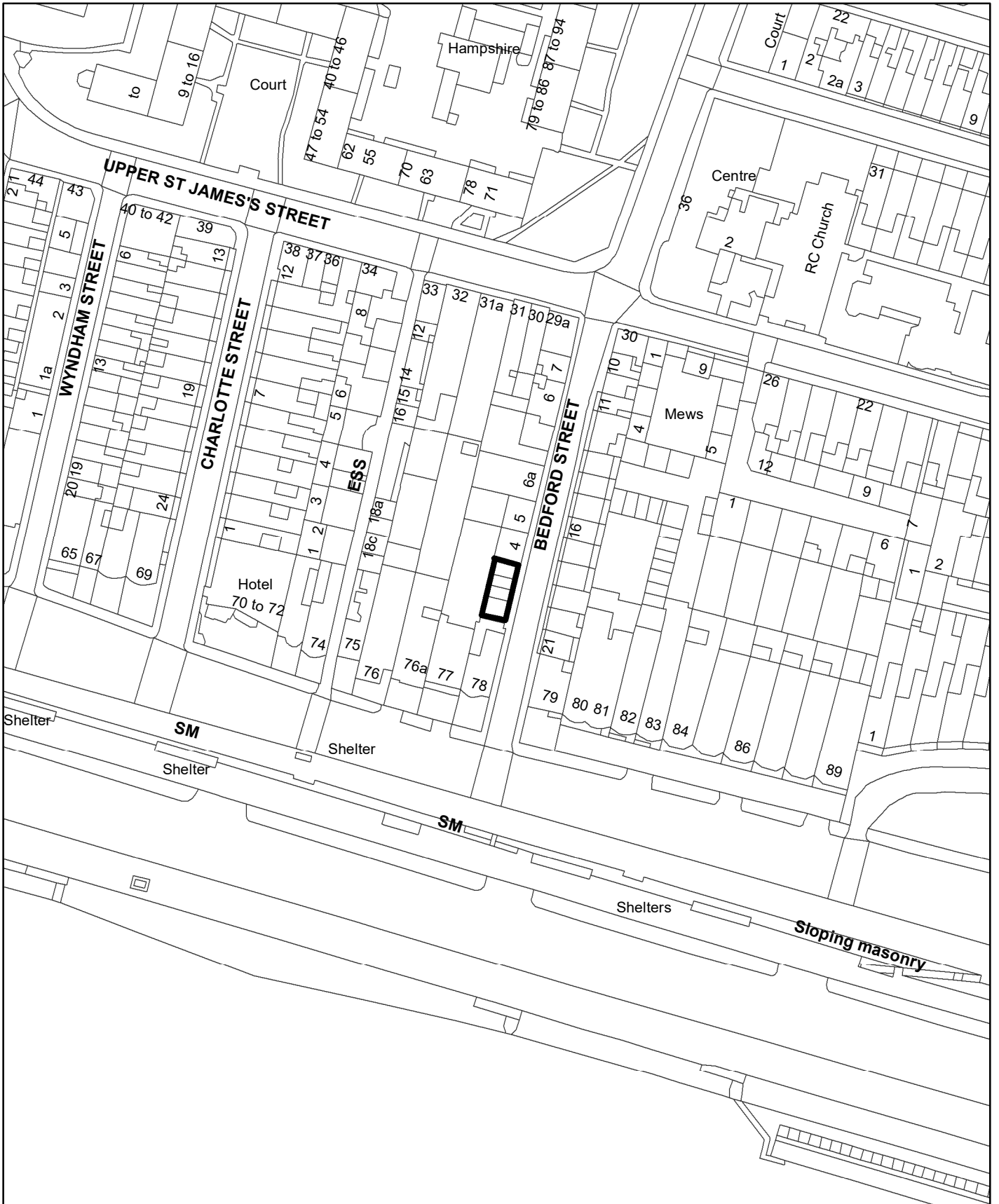
- 12.1. Access to the proposed flats is via the existing internal staircases and external entrance doors facing Nevill Road and Nevill Avenue, which is considered acceptable. In this case, not providing a lift up to the additional floor is condoned given the difficulty of retrofitting one and the limited amount of floorspace available over one floor on top of the building. It is also noted that none of the flats would be wheelchair units.

ITEM E

**1-3 Bedford Street
BH2021/01735
Full Planning**

DATE OF COMMITTEE: 4th August 2021

BH2021 01735 - 1-3 Bedford Street



N



Scale: 1:1,250

<u>No:</u>	BH2021/01735	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1-3 Bedford Street Brighton BN2 1AN		
<u>Proposal:</u>	Conversion of existing garages to form 2no two bedroom houses incorporating first floor extensions with front balconies and associated works.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	11.05.2021
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	06.07.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Acctive Systems Ltd Unit 10 Redland Centre Redlands Coulsdon CR5 2HT		

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	17		28 June 2021
Location and block plan	03		11 May 2021
Proposed Drawing	10	A	28 June 2021
Proposed Drawing	11	B	28 June 2021
Proposed Drawing	12	B	28 June 2021
Proposed Drawing	13	B	28 June 2021
Proposed Drawing	14		11 May 2021
Proposed Drawing	15		11 May 2021
Proposed Drawing	16		11 May 2021
Proposed Drawing	23		11 May 2021

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted

to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Details of all render and tiling (including details of the colour of render/paintwork to be used)
- b) Details of the proposed window, door and balcony treatments
- c) Details of all other materials to be used externally

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

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

4. The window and door openings for the proposed dwellings shall not be constructed until detailed 1:20 scale elevations and sections of the windows, doors and balustrades have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out and retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the buildings and the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. The development hereby permitted shall not be occupied until the redundant vehicle crossover in front of the development site has been converted back 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 Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the ground floor of the approved plans have been fully implemented and made available for use. The ground floor cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

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.

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 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.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application site comprises of 4no garages to the western side of Bedford Street. The garages are located behind Grade II listed properties fronting Marine Parade and opposite Grade II listed properties on the western side of Bedford Street. The garages themselves are single storey over basement.
- 2.2. The site falls within the East Cliff conservation area. The site is not covered by any Article 4 Direction relevant to what is applied for in this application.

3. RELEVANT HISTORY

- 3.1. No relevant history for application site, however it is noted that nos. 4 and 5 Bedford Street are on the site of former building that were demolished to make way for what is there now, application details below.

4-5a Bedford Street

- 3.2. **BH1998/00020/FP** - Demolition of existing buildings and erection of 2x2 storey dwelling houses. Approved 02.06.1998
- 3.3. **BH1998/00021/CA** - Demolition of existing buildings. Approved 02.06.1998

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission to convert the existing garage block with the addition of a first-floor extension to create 2no two-bedroom town houses with retained basements.
- 4.2. The drawings have been amended to address consultee comments from transport and heritage and to provide contextual information regarding surrounding buildings.

5. REPRESENTATIONS

5.1. **Eleven (11)** letter has been received objecting to the proposed development for the following reasons:

- Detrimental effect on property value
- Inappropriate height of development
- Increased Noise
- Overshadowing and loss of daylight/sunlight
- Restriction of view
- Appears to have a terrace/balcony to the side elevation
- Loss of privacy
- Development should not be allowed to be used for Airbnb purposes
- Proposals are not in keeping with other properties within the street
- Too close to boundary
- Additional traffic and congestion
- Construction would be close to a Grade II listed building
- Adversely affects conservation area
- Loss of garages would increase demand for parking
- The development will generate an on-street vehicle parking demand.
- Does not complement existing heritage assets
- No communication from developer about plans
- Additional storey would be within 2 metres of neighbouring windows
- Neighbouring garden would be overshadowed
- Poor design
- Overdevelopment
- Creates a terrace of properties
- Removes access to roof/ rear of property for repairs

5.2. It is noted that one of the above objections has been received from outside of the Brighton and Hove area.

5.3. The **Conservation Advisory Group (CAG)** have reviewed the proposals and have recommended that the application is refused with the following comments:

- The design and style are harmful in relation to nearby listed buildings
- The contemporary design and style are harmful to the character of the area and the streetscene
- A similar style to numbers 4 and 5 would be preferred.

6. CONSULTATIONS

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

6.2. **Heritage:** No objection

First Comment - 3rd June 2021:

The existing garages are not of any integral significance, though they reflect the historic service scale and character of the west side of the street. The principle of 2 storeys houses on the west side has been established at numbers, 4, 5 and

6a and further 2 storey houses on this site would continue to be subservient to the original terrace on the east side, including the 4 storey listed buildings at 17 and 18, and would be subservient to the grand listed seafront buildings at 76a, 77 and 78 Marine Parade and there would remain an appropriate physical and visual gap between the new houses and the rear of number 78. The general character of the street scene would be preserved.

- 6.3. The height of the proposed houses in relation to number 4 suitably reflects the gently sloping topography. The contemporary design of the houses, but incorporating the pilaster and parapet detailing from the garages and garage style ground floor openings, is considered to be generally contextually appropriate. However, the relationship of solid to void is overly tilted towards void and does not sufficiently respect the traditional hierarchy of floors. It is suggested that this could be overcome by making the first-floor balcony doors into double door width only.

Second Comment - 23rd June 2021:

- 6.4. The amended plans satisfactorily address the previous comments, though it is noted that an amended East Elevation drawing has not been submitted. Subject to that approval is recommended subject to conditions regarding materials, details of doors and windows and that elevations facing a highway are free of clutter.

- 6.5. **Housing Strategy :** No comment received

- 6.6. **Private Sector Housing:** No comments to make

- 6.7. **Sustainable Transport:** Unable to recommend approval

First Comment - 2nd June 2021:

- 6.8. The applicant is proposing cycle parking to only be provided in the basement for both the proposed units, this is not accepted in accordance with SPD14. The cycle parking should be revised. No car parking is provided for the dwellings and the application site is within a Controlled Parking Zone (CPZ). CPZ C is considered to be under stress with a parking permit uptake of 94% (averaged). The applicant should provide analysis to demonstrate that there is capacity for a parking demand generated by the development.

- 6.9. Pedestrian access to the site is level and acceptable. In the applicant's supportive letter it states that the existing garages were used for private parking but this has ceased recently, therefore their change of use is acceptable and unlikely to result in an increase in trips to the site, therefore no objection.

- 6.10. The loss of the garages would leave the existing vehicle crossover redundant and therefore this should be conditioned to be removed.

Second Comment - 25th June 2021:

- 6.11. The applicant is proposing one cycle parking space in a store on ground level of each dwelling. This is acceptable being in line with Parking Standards SPD14

and their implementation may be conditioned. However, the parking objection above remains.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing density

CP15 Heritage

CP19 Housing mix

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

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD5 Design – street frontages

QD14 Extensions and alterations

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two

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

DM1 Housing, Accommodation and Community

DM20 Protection of Amenity

DM21 Extensions and alterations

DM26 Conservation Areas

DM29 The Setting of Heritage Assets

DM33 Safe, Sustainable and Active Travel

DM40 Protection of the Environment and Health – Pollution and Nuisance

Supplementary Planning Documents:

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development and the loss of the garages, the design and appearance of the proposals, the impacts of the proposals on the East Cliff conservation area and nearby listed buildings, the standards of accommodation for the proposed residential units, the impact on neighbouring amenity and transport matters.
- 9.2. A site visit has taken place for this application, with the application viewed from the public footway in Bedford Street. This has informed the assessment of the proposals alongside a desktop assessment using streetview and aerial photograph of the site in addition to the photographs provided in the submission. The agent has also provided updated plans to inform the context and neighbouring buildings.

Principle of Development:

- 9.3. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.4. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is

required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.

- 9.5. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.6. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.7. In terms of the overall change of use, the principle is supported as it would make a small contribution to the city's housing targets. The proposed units would have the same footprint as existing with an upward extension and would be accessed directly from the public footway.
- 9.8. The LPA is not aware of any commercial use of these garages and the photographs submitted do not suggest that there has been any recent commercial activity. Furthermore, it does not appear that the Council has collected any business rates from the garages. These garages seem to have been for private storage or parking purposes.
- 9.9. Accordingly, subject to all other matters being acceptable the principle of development is supportable.

Design and Appearance:

- 9.10. The proposed redevelopment of the garages into dwellings involves the retention of some of the garage styling and this has been used to inform the design of the proposals.
- 9.11. As stated in the Planning Statement, the contemporary design of the proposed dwellings has been presented to reflect the historic commercial use of the garages further confirmed by the Heritage Officer. Although the Heritage Officer was largely content with the contemporary design of the properties an amendment to the width of the glazing serving the balconies on the east elevation was requested and made to the proposals. Therefore, contemporary design of the houses, but incorporating the pilaster and parapet detailing from the garages and garage style ground floor openings, is considered to be generally contextually appropriate.
- 9.12. Furthermore, the deviation in style from that of numbers 4 and 5 is not considered significantly harmful to the area or the street. The buildings that existed on the neighbouring site prior to conversion were not garages as they are here. By retaining the garage proportions at ground floor and detailing, the overall design, although counterparty helps to tell the history of the area with a slightly more 'commercial' appearance to the proposed dwellings.

- 9.13. Turing attention to the rear of the proposals and the overall height, it is noted that the proposal has a roof form which is influenced by that of numbers 4 and 5 Bedford street with a 45-degree slop at the rear. It is further noted that the proposal is stepped down in height from that of number 4 and 5. The step down together with the sloping roof lessen the overbearing and overshadowing impacts of the proposed upward extension. In terms of overbearing it is further noted that the only windows within the development are to the east elevation (facing the street).
- 9.14. It is noted that a number of the objection comments refer to a balcony and windows shown in drawings of the southern elevation (both proposed and existing). This is an existing feature of the urban landscape (of another property - 6A Bedford Street) and does not form part of the development site.
- 9.15. In terms of the materials to be used in the design, the walls are proposed to be painted rendered masonry and the roof is proposed to be comprised of natural slate for the rear pitched roof and mastic asphalt for the flat roof. The doors and windows would be painted timber windows. These materials are considered suitable materials that would not cause harm to the wider area. It is noted that the heritage team have requested door and window details and details of the materials to be agreed by condition.

Impact on heritage assets:

- 9.16. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.17. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.18. Although the development site is not listed it is noted that the proposed dwellings would be sited close to the Grade II listed building on Marine Parade, however as noted in the Heritage Officer comments the development would retain an important physical and visual gap between the proposed dwellings and the listed buildings of Marine Parade. It further noted that the addition of a first floor would obscure views of the rear of these properties, but it is not considered to cause significantly harm to their appearance or setting. The important and more grand front elevation of the listed buildings would be unaffected by the proposals.
- 9.19. Accordingly, the proposed design would be appropriate for the site and not have a significantly harmful impact on the street scene, neighbouring buildings or the East Cliff conservation area in accordance with policies HE6 and QD14 of the Local Plan and CP12 and CP15 of the City Plan Part One (and emerging policies DM26, DM29

Standard of Accommodation:

- 9.20. It is noted that the proposals have a similar layout to the neighbouring development approved in 1998 which has been built out, but that this would provide the living space at first floor level and bedrooms at ground floor with ancillary basement space.
- 9.21. 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 & Hove City Plan, policy DM1 of CPP2 proposes to adopt them and can now be given significant weight.
- 9.22. The new residential units would provide a gross internal area (GIA) of approximately 87m² and 107m² respectively. Both properties would be laid out to provide 2-bedroom, 3 person dwellings and would exceed the minimum for this level of occupation. This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation (including when furnished with standard furniture), and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 9.23. Unit 1 (southern dwelling, shown in red on the plans) would have the smaller basement footprint and allow for a utility area and storage or refuse & recycling and a secondary bicycle area is desired.
- 9.24. At ground and first floor levels the habitable rooms are provided with the bedrooms and bathrooms on the ground floor and the kitchen/living and dining space on the first floor. There would be a principal bedroom with an ensuite this would have a combined GIA of 15.5sqm and the second bedroom would be 7.8sqm in size. The living space on the first floor would be just over 30sqm in size not including the external balcony footprint. It is noted that the sloping roof would impact on the usability of the space but the indicative layout with the kitchen to the rear of the space and the living/dining areas toward the front is beneficial in term of the partial reduced head height and availability of natural light from the proposed windows.
- 9.25. Unit 2 (northern dwelling, shown in green on the plans) would have the larger basement area and as with Unit 1 this would provide a utility space, refuse and recycling storage and secondary bicycle storage but as this is larger it would also be capable of being used as storage and as a gym or other ancillary space not dependant on natural light.
- 9.26. Similarly, as with Unit 1 the habitable rooms are at ground and first floor. The layout is identical with slightly different room sizes. Again, the principal bedroom would be ensuite and have a combined GIA of 14sqm and the second bedroom would be 7.5sqm. The living space on the first floor would be just under 28sqm in size not including the external balcony footprint. Again, it is noted that the sloping roof would impact on the usability of the space but the indicative layout

with the kitchen to the rear of the space and the living/dining areas toward the front is beneficial in term of the partial reduced head height and availability of natural light from the proposed windows.

- 9.27. Both new dwellings would have good outlook and access to natural light and ventilation from the proposed windows and that the basement level would benefit from some natural light from sunlight tunnels. Although the dwellings are single (east) aspect this is not considered to be detrimental as the windows are large and have been designed to serve the living and bedroom areas. Although it is not ideal to have a bathroom without windows this would not be a reason for refusal that could be sustained in the overall proposal. It is noted that none of the flats created under this permission would have access to gardens but that balconies overlooking the street are part of the design. While the balconies would not provide any private outdoor space for future residents it is accepted that the proposals make the best use of the available space. It is noted that the development is not far from the seafront.
- 9.28. Accordingly, the development is considered to provide a good standard of accommodation for future residents and is acceptable in terms of polices QD27 and HO5 of the Local Plan and emerging polices DM1 and DM27 of the City Plan Part Two.

Impact on Amenity:

- 9.29. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.30. The application has received a number of objections from adjoining residents. In terms of amenity impact these can be loosely grouped into three main concerns; loss of daylight/sunlight, overlooking/loss of privacy and the structure being overbearing and reducing outlook.
- 9.31. In terms of the loss of daylight and sunlight it is acknowledged that there would be some change in natural light to the rear windows at no. 78 Marine Parade, however this would not mean that habitable rooms are significantly affected. The revised floorplan, including the layout of 78 Marine Parade demonstrate that although northern windows of the rear projection of the building would be affected over ground and first floor levels, the rooms do have other windows that are not in the north elevation. The basement may also be slightly affected but given that there is already a high wall between the application site and no. 78 this together with the roof form is unlikely to result in significant harm in terms of daylight or sunlight.
- 9.32. The proposal would involve some loss of outlook, particularly to the first floor of no 78 Marine Parade, but again although the rear outrigger is affected by this development it has other windows which can provide outlook. There would also

be some impact on outlook, but it is not considered significantly harmful to warrant refusal of the application.

- 9.33. In terms of the impact on the garden area behind the development site, it is not considered that there would be a significant negative impact on this outdoor space to 77 Marine Parade. The design of the roof slopes away from this garden space so it would not be overbearing or cause significant overshadowing. Furthermore, unlike number 4 and 5 Bedford Street there would be no windows in the sloping roof to overlook the garden. The sloping nature of the new first floor roof may make the space feel more hemmed in but this is part of the urban landscape the site and neighbouring buildings are in and would not be so harmful or out of character for the pattern of development as to warrant refusal of the application.
- 9.34. Finally, as noted above there are objections which refer to a 'balcony' and 'windows' to the southern elevation, however this is not a feature of the development site. This is an existing feature of the urban landscape of a property further north (6A Bedford Street) and not part of the development site.
- 9.35. The proposed development would have balconies on the east elevation, these would overlook the street. It is not considered that these small areas of outdoor amenity space would cause not significant harm to neighbouring amenity and would not increase overlooking demonstrably above that which could be achieved from windows. It is also noted that the development site is on the other side of the road from the closest residential properties that would be opposite the new dwellings.
- 9.36. Accordingly, although the development would represent a change to the outlook and surroundings for neighbouring residents, it has been designed to minimise impact in terms of overbearing, overshadowing, loss of natural light/sunlight or harm to outlook. Consequently, no significant harm has been identified and it is therefore considered that the application accords with policy QD27 of the Local Plan and DM20 of the emerging City Plan Part Two.

Sustainable Transport:

- 9.37. The proposed redevelopment of the garages, which have been in use privately for the parking of vehicles recently is not something the Local Highway Authority (LHA) have objected to. Therefore, the loss of the garages is acceptable. As a result of the loss of the garages, the existing vehicle crossover would become redundant and the LHA have requested that a condition is applied to any recommendation to grant approval to ensure the crossover is removed. This has been attached to this recommendation.
- 9.38. In terms of the new residential use this would generate some additional activity at the site in terms of trips to and from the site, however this is not considered to be harmful to the highway network.
- 9.39. The LHA did raise concerns in relation to the sole provision of cycle parking being at basement level in both proposed units with no direct access to this space from the street. It was considered that having to navigate a twisty internal

staircase with a bicycle would not be convenient for future resident. Considering this the plans were amended to demonstrate that an internal cupboard at ground floor level was capable of store a bicycle (in each dwelling). This has been accepted by the LHA as being appropriate provision for the size of the dwellings and it has been requested that an implementation is attached. This has been attached to this recommendation. Furthermore, the agent has advised that the basement would then be capable of providing further cycle parking and/or alternative storage within the dwelling if desired.

- 9.40. Finally, it is noted that the LHA have highlighted concerns that the development could lead to increased demand for on-street parking as there is no off-street parking included in the proposals. The site is in Controlled Parking Zone (CPZ) C. CPZ Z has an permit uptake of 94% (average of last 12 months of available data) which creates concern that the area is experiencing parking stress. However, it is not considered appropriate to impose the car-free condition requested by the LHA because parking in the local area and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone.
- 9.41. Accordingly, the development is considered acceptable in relation to transport matters with the above discussed conditions.

Other Considerations:

- 9.42. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.43. Furthermore, as identified in the planning statement the site falls within an area of the city which is served by communal bins. The closest communal bins to the application site are located at the end of Bedford Street on Marine Parade.
- 9.44. Finally, the proposal has been considered as a conversion with extensions rather than an application which provides a new dwelling. Therefore, it is not considered that conditions relating to sustainability or swift boxes are appropriate in this instance.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £ 10,294.09. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

11. EQUALITIES

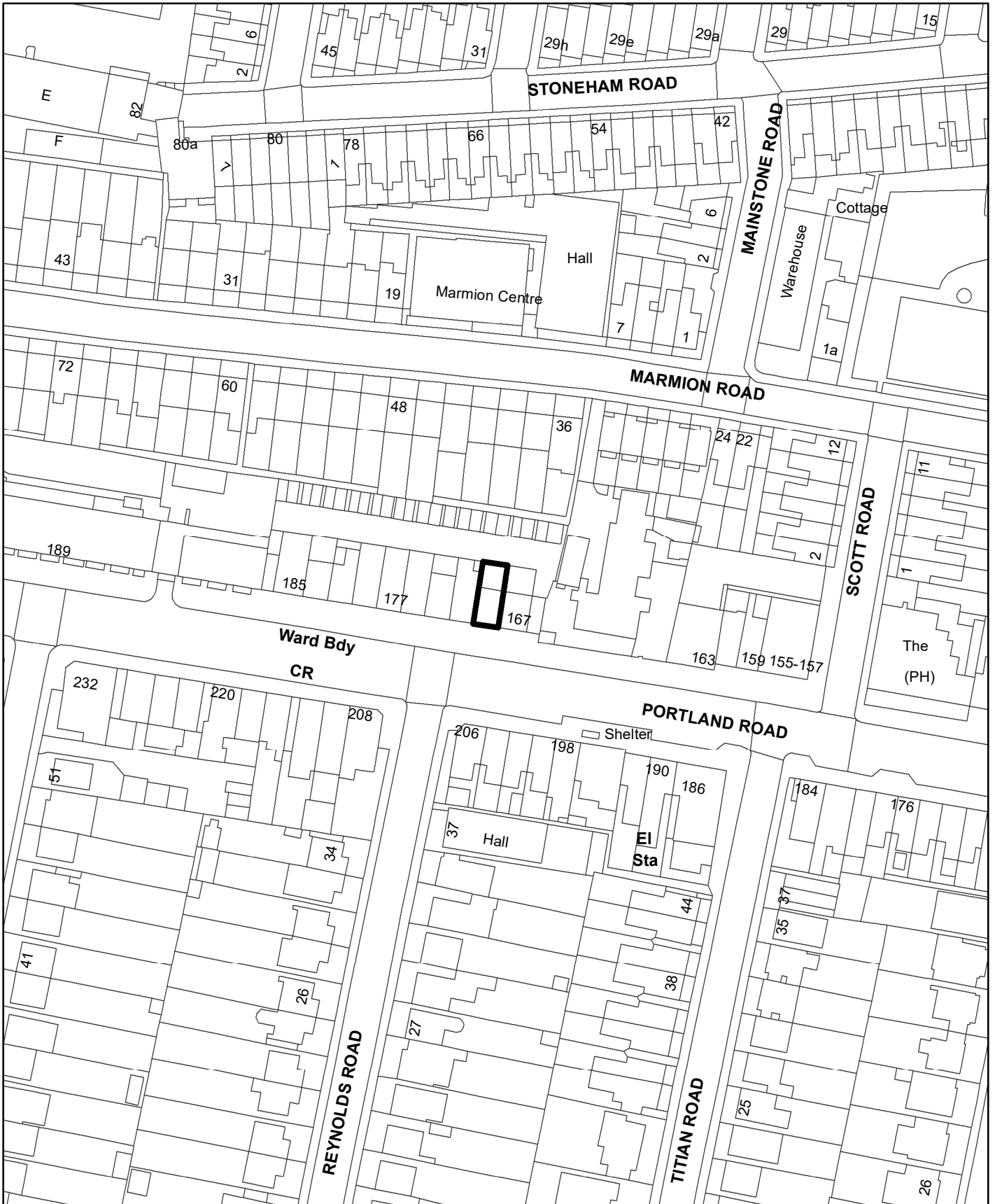
- 11.1. It is noted that the access to the northern property would be level from the street but that there is a slight step up into the southern property from the pavement. Moreover, once inside the properties it would not be possible for daily living to take place on the ground floor as no kitchen/dining or living facilities on this level. As noted above this application is being treated as a conversion with extension so would not need to meet the policy requirements for HO13.

ITEM F

**169 Portland Road
BH2021/00570
Full Planning**

DATE OF COMMITTEE: 4th August 2021

BH2021 00570 - 169 Portland Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/00570	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	169 Portland Road Hove BN3 5QJ		
<u>Proposal:</u>	Change of use from restaurant (E) to takeaway (Sui Generis), erection of single storey rear extension, installation of ventilation/extraction system and flues to rear and associated works. (Part-retrospective)		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	07.05.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.07.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Sepand Sarmadi Flat 8 Harrington Mansions 5A Harrington Road Brighton BN1 6RE		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	-	-	18 February 2021
Proposed Drawing	01	B	24 May 2021
Block Plan	02	-	26 April 2021

2. The rear extension hereby permitted shall have external walls finished in painted render to match the appearance of the rear wall on the host building.

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

3. 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.

4. The development hereby permitted shall not be first occupied until further details of all ducts and extraction equipment associated with the use of the property as a hot food takeaway business have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- Elevational drawings showing the precise dimensions and locations of all ducts and extraction equipment
 - Details of all odour control measures included within the ducts and/or extraction equipment.
 - Details of all noise control measures included within the ducts and/or extractive equipment.

The ducts and extraction equipment shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

5. No customers shall remain on the premises outside the hours of 10:00 to 00:00 (the next day) Monday to Saturday and 10:00 to 23:00 on Sundays, Bank and Public Holidays. No activity within the site shall take place between the hours of 01:00 and 07:30 daily.

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

6. No machinery and/or plant shall be used at the premises except between the hours of 09:30 and 00:30 (the next day) on Mondays to Saturdays and 09:30 and 23:30 on Sundays, Bank or Public Holidays.

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

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

3. The applicant is advised to ensure that any advertisements they wish to display benefit from advertisement consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) prior to their display.
4. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.
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.

2. SITE LOCATION

- 2.1. The application site is a ground floor commercial unit on the north side of Portland Road. It was formally in use as part of a larger (E Use Class) restaurant across the ground floors of 169, 171 and 173 Portland Road.

3. RELEVANT HISTORY

None

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a change of use from a restaurant to a hot food takeaway (sui generis). The proposal would create a new planning unit at the application site which would be separated from the existing restaurant which will continue to operate from 171-173 Portland Road.
- 4.2. The proposal would incorporate minor works to the shop front, erection of a single storey rear extension and installation of ventilation duct at the rear.
- 4.3. At the time of the site visit the ventilation duct had been installed in part but the other aspects of the development had yet to be carried out.

5. REPRESENTATIONS

- 5.1. **Nine (9)** representations have been received (from a total of six persons), objecting to the proposal on the following grounds:
- Noise nuisance from machinery
 - Odour nuisance from proposed use
 - Disruption to private garages at the rear of the property
 - Noise nuisance from additional traffic
 - Pollution from additional traffic
 - Damage from vehicle movements
 - Anti-social behaviour towards private garage-owner(s)
 - No parking at the rear of the property, contrary to submitted information
- 5.2. A representation has also been received from **Councillor Nemeth**, a copy of the representation is attached.

6. CONSULTATIONS

- 6.1. Sussex Police
Concerns about pick up and drop off parking provision given the site is within a Controlled Parking Zone, as this has the potential to encourage illegal parking. There is the likelihood of double parking causing obstructions, the blocking of emergency vehicle and bus routes and resident disharmony. Concerns about a build-up of similar businesses in the area and the cumulative highways impacts.
- 6.2. Transport
No objection, subject to imposition of condition requiring provision of staff cycle parking to encourage trips to and from the site by more sustainable means.
- 6.3. The application site is within a Controlled Parking Zone; the mechanism for controlling parking exists, particularly during peak travel periods, and so it wouldn't be justified to refuse the creation of an additional takeaway business in principle on these grounds. The area to the rear of the site is private-owned land and current or proposed parking arrangements would not be upon the adopted public highway so fall outside the remit of the Highway Authority.

7. MATERIAL CONSIDERATIONS

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

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

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

CP2 Sustainable economic development

CP9 Sustainable transport

CP12 Urban design

CP13 Public streets and spaces

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

TR7 Safe development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD5 Design - street frontages

QD10 Shop Fronts

QD14 Extensions and alterations

QD27 Protection of amenity

SR6 Local centres

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3 Implementing the Waste Hierarchy

Brighton & Hove City Plan Part Two

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

DM12 Primary, Secondary and Local Centre Shopping Frontages

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM23 Shop Fronts

DM33 Safe, Sustainable and Active Travel

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use class; the design and appearance of the physical alterations; and the potential impacts on the amenities of local residents and on highway safety.

Principle of Development

- 9.2. The proposed development would result in the loss of an E Use Class unit (most recently in use as a restaurant) and creation of a sui generis hot food takeaway. The site lies within the Local Centre of Portland Road and policy SR6 of the Brighton and Hove Local Plan is therefore a consideration, however it is important to consider the amendment to the Use Classes Order made in September 2020 which has greatly increased the flexibility of many commercial units, allowing them to change between a variety of uses under the umbrella E Use Class without the need for express planning permission. Policy SR6 seeks to resist the loss of shop units - which prior to September 2020 would have been in Use Class A1 - and given that the current proposal would result only in the loss of restaurant space (formerly Class A3) it is not considered that there is any policy conflict in this regard. There is currently a diverse mix of units within the vicinity along Portland Road. The proposal would not negatively impact on the vitality of the retail area.

Design and Appearance

- 9.3. The works to the front elevation are minor and the general appearance of the frontage would be maintained; there are no concerns in this regard. The single-storey rear extension is proposed to be finished in render to match the main building and is also considered acceptable in terms of appearance.
- 9.4. Limited details of the ventilation duct are shown on the proposed drawings; the applicant has agreed to a planning condition requiring further details (including the appearance and form of the duct) prior to their final installation. The duct causes a degree of harm to the visual amenity of the building as viewed from the rear, though the flue would not terminate above the ridge of the roof and as such this harm is limited to views from private land and does not impact on views from the public highway.

Impact on Amenities

- 9.5. Whilst the proposed change from a restaurant to a takeaway has the potential to intensify the use with an increase in movements to and from the premises it is not considered that this would be at a level that would likely result in any significant harm to neighbouring amenity.
- 9.6. Concerns have been raised that the additional ventilation plant would cause noise and odour nuisance. Further information on the ducting shall be secured

by condition and mitigation measures will be required to be built into the system to ensure noise, vibration and odour are adequately controlled.

- 9.7. Planning conditions are proposed to restrict opening hours and the hours of use for all machinery.
- 9.8. The potential impact caused by the building works themselves is not a material planning consideration that can be given any significant weight in the assessment of this proposal.
- 9.9. The rear extension is adjacent to a shared boundary, but it is not considered that its physical structure would cause any harmful overshadowing or overbearing impact to neighbouring residents. A condition would be attached restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in the adjoining properties.

Impact on the Public Highway

- 9.10. Multiple objections have been raised about the impact of the proposed business on highway safety in the area, which reportedly already suffers from an abundance of unauthorised parking issues. The Local Highway Authority has fully assessed the application and has not objected.
- 9.11. It is considered that the cumulative impacts of multiple businesses should be assessed as part of a wider investigation by the Council and it would not be reasonable to prejudice the current proposed business for an existing situation. It would also not be reasonable, as requested by one or more representations, to require 'proof' from the applicant that unauthorised parking would not occur as a result of their business operations. It is the responsibility of each business-owner to ensure they and their staff operate within the law, with regards to vehicle parking, and if issues are discovered they can be managed by Sussex Police or the Local Highway Authority, as appropriate. It is not considered that a presumption of unauthorised parking is reasonable grounds to withhold planning permission.
- 9.12. There is space at the rear of the site for secure cycle parking for staff. Such parking would encourage trips to and from the site by means other than private motor vehicle and will help increase the sustainability of the business; this shall be secured by condition prior to occupation.

Other Considerations

- 9.13. Concerns have been raised regarding the impact of the development on the private car park to the rear of the application site, and the garages that are accessed from it. It is noted that the applicant has described an area immediately to the rear of the site as a car parking space and that many objections state that this land is not for such a use. This land is privately owned; any disagreements regarding ownership of any single part of it, access on or across it, or potential damage to it from vehicle movements, are civil matters beyond the remit of the planning system. If the landowner objects to access to the rear of the application site, for instance, by delivery vehicles, then there are legal avenues they can

take to address this. This would not be reasonable grounds to withhold planning permission.

- 9.14. Concerns have also been raised that insufficient local consultation was carried out as part of the application process. Ward councillors were consulted as part of standard procedure via the Weekly List; this particular application was included on the List published on 12th May 2021. Letters were sent to properties which share a site boundary with the application site, being posted also on 12th May 2021.
- 9.15. Further concerns relate to alleged anti-social behaviour; details on the incident(s) are limited within the representation. Such behaviour would require addressing through alternative regimes and is not a reasonable ground to withhold planning permission.

Conclusion

- 9.16. The proposed change of use class and the associated physical alterations are considered acceptable; potential harm caused from additional traffic, or environmental health-related issues including noise and odour can be managed through alternative regimes and are not reason to withhold planning permission. For these reasons the proposal is considered to be in accordance with policies TR14, SU9, SU10, QD5, QD10, QD14 and QD27 of the Brighton and Hove Local Plan; and CP2, CP9, CP12 and CP13 of the City Plan Part One.
- 9.17. It is also considered that the proposal would also be in accordance with policies DM20, DM21, DM23, DM33, DM35, DM36 and DM40 of the Proposed Submission City Plan Part Two which is gathering weight. These policies are considered to have significant weight at this stage and policy DM23 is considered to have more weight than the adopted Local Plan policy QD10.

10. EQUALITIES

None identified

Cllr. Robert Nemeth
BH2021/00570 - 169 Portland Road

17th June 2021:

I should be grateful if you would place my objection on the record to the above application.

I don't believe that any consultation with neighbours has taken place and, certainly, no consultation with Councillors has gone ahead.

As per our discussion, neighbours remain concerned about the parking situation. As I have tried to emphasise, their objections do not amount to a separate issue about what is taking place on private land behind. Instead, the concern is that Portland Road – the most dangerous road locally – cannot handle more double-parking and other dangerous practices that will arise from increased takeaway activity. The application does not contain proof that this will not take place.

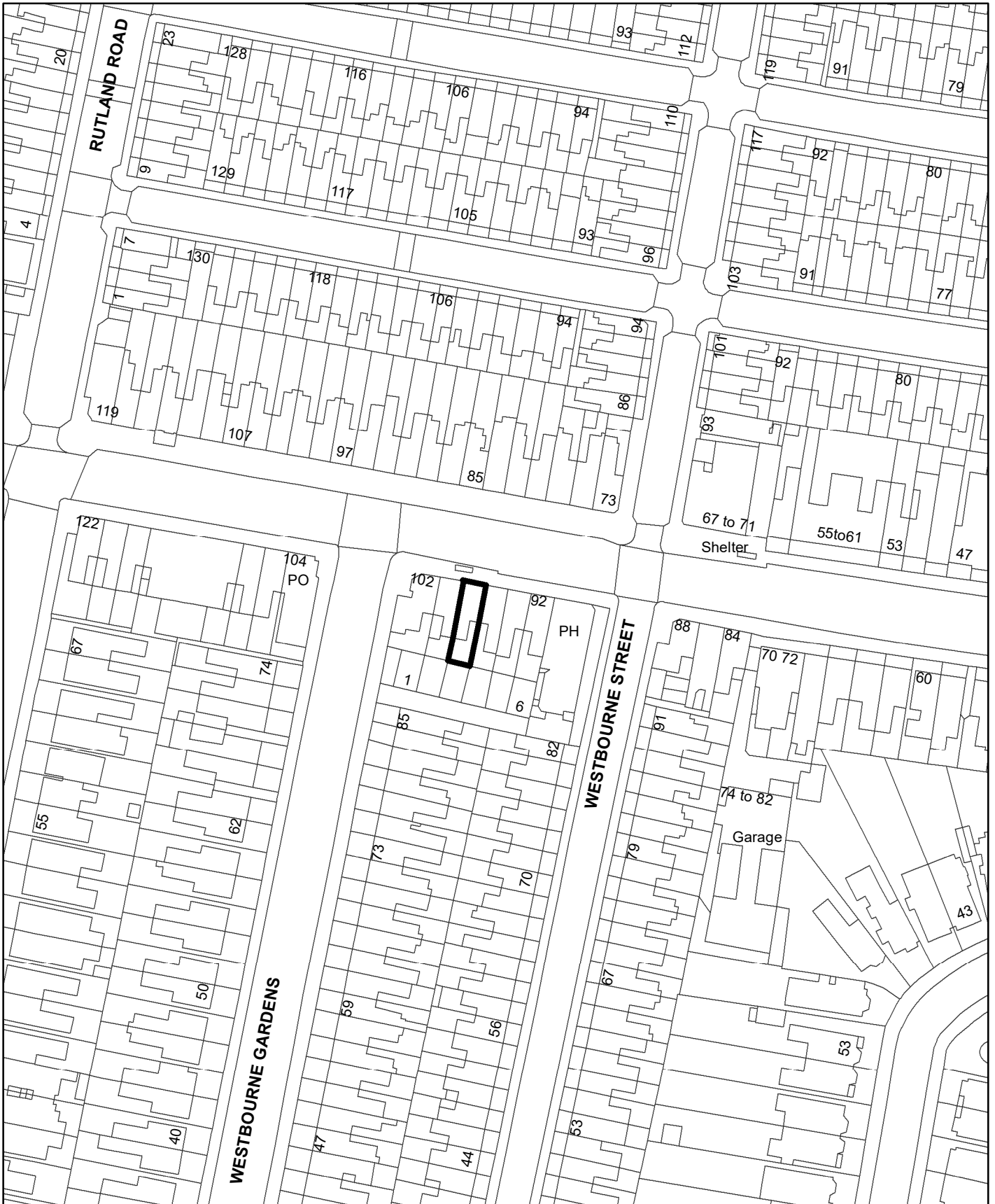
Without assurances to the contrary, I have no choice but to object on this occasion.

ITEM G

**98 Portland Road
BH2021/01985
Full Planning**

DATE OF COMMITTEE: 4th August 2021

BH2021 01985 - 98 Portland Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/01985	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	98 Portland Road Hove BN3 5DN		
<u>Proposal:</u>	Change of use from existing basement flat (C3) to office (E).		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	26.05.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.07.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Portland Planning Manor Cottage The Street Brundish Suffolk IP13 8BL		
<u>Applicant:</u>	Routledge Financial 16 Shirley Drive Hove BN3 6UD		

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:

1. The proposed development would result in the loss of a single residential flat which would detrimentally impact on the City's housing stock and housing choice in the area, contrary to policies HO8 and EM4 of the Brighton and Hove Local Plan.

Informatives:

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

2. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	(10)001	-	26 May 2021
Block Plan	(11)001	-	26 May 2021
Proposed Drawing	(21)001	A	26 May 2021
Proposed Drawing	(21)002	A	26 May 2021

2. SITE LOCATION

2.1. The application site is a two-storey over basement terrace property on the south side of Portland Road. The ground floor level is in use as a (E Use Class) office space whilst the basement level is in use as a (C3) self-contained flat.

3. RELEVANT HISTORY

- 3.1. **BH2000/02356/FP** Change of use from retail (A1) to office (A2). Approved
- 3.2. **BH2000/847/FP** Change of use and conversion of lower ground store (A1) to flat (C3). Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to convert the basement level flat into commercial floor-space to facilitate the enlargement of the existing ground floor office unit.

5. REPRESENTATIONS

- 5.1. A representation has been received from **Councillor Henry**, supporting the application; a copy of the representation is attached to this report.

6. CONSULTATIONS

- 6.1. Policy
The proposal would result in the loss of a one bed flat and a net gain of office (class E use) floorspace. Although the provision of additional commercial office floorspace would be welcomed, consideration needs to be made as to whether there is sufficient justification for the loss of residential accommodation in line with adopted Local Plan policy HO8 and emerging policy DM2 (which carries significant weight as a material consideration to this proposal). The proposal is considered contrary to criterion c) of saved Local Plan policy EM4. Emerging CPP2 policy DM11 is of relevance to this application but holds limited weight.
- 6.2. Private Sector Housing
No Comment
- 6.3. Transport
No Objection

7. MATERIAL CONSIDERATIONS

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

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

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

8. RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development
 CP2 Sustainable economic development
 CP3 Employment land
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP13 Public streets and spaces
 CP19 Housing mix

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

TR7 Safe development
 TR14 Cycle access and parking
 SU10 Noise nuisance
 QD27 Protection of amenity
 HO8 Retaining housing
 EM4 New business and industrial uses on unidentified sites

Brighton & Hove City Plan Part Two

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

DM1 Housing, Accommodation and Community
 DM2 Retaining Housing and residential accommodation (C3)
 DM11 New Business Floorspace
 DM20 Protection of Amenity
 DM33 Safe, Sustainable and Active Travel
 DM36 Parking and Servicing
 DM40 Protection of the Environment and Health - Pollution and Nuisance

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use class and the potential impacts on the amenities of local residents, and on highway safety.

Principle of Development

- 9.2. Policy CP1 of City Plan Part One sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. However, on 24th March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16th June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The proposed development would result in the loss of a small self-contained flat; given that the Council cannot demonstrate a five year housing land supply, additional weight should be given to the preservation of existing housing stock. It is accepted that the existing unit does not meet the Nationally Described Space Standards (NDSS) given that the floor to ceiling height is 2.2m (rather than 2.3m) but it is considered that this shortfall is insignificant and does not compromise the standard of accommodation provided for residents.
- 9.7. Policy HO8 of the Brighton and Hove Local Plan states that permission will not be granted for development involving a net loss of units of residential accommodation unless in exceptional circumstances. Of relevance in this assessment is the circumstance when *the residential accommodation is classified as unfit for human habitation and it can be demonstrated that it cannot be made fit for habitation*. The unit at approximately 47sqm is well above the target of 37sqm for a one bedspace, one bedroom unit set out in the nationally described space standards. Whilst the ceiling height at 2.2m is marginally below the 2.3m set out in the national standards there is a good level of natural light and outlook throughout and an acceptable layout and overall the existing residential unit makes a modest but welcome contribution to residential accommodation in the city.

- 9.8. The existing unit also has a good sized, south facing external amenity area to the rear at ground and basement level in accordance with policy HO5 and this markedly improves the overall standard of accommodation for occupiers.
- 9.9. Policy EM4 of the Brighton and Hove Local Plan supports the creation of business uses subject to the requirement that *the development would not result in the net loss of residential accommodation*.
- 9.10. Policy DM2 of City Plan Part 2 Submission document (which whilst not yet adopted can be given significant weight) states that loss of housing can be acceptable under certain circumstances, including where *it can be demonstrated that the accommodation cannot be rehabilitated or redeveloped to achieve satisfactory housing standards required by other policies in the City Plan*. In this instance the existing housing unit is considered overall to offer a good standard of accommodation and as such accords with the development plan.
- 9.11. Whilst it is acknowledged that the proposal has clear benefits in allowing the current business to expand within its current location and the enlargement/upgrade of existing commercial units is supported under policy CP2 of City Plan Part 1 it is not considered that these benefits outweigh the loss of an existing residential unit.
- 9.12. As the Council has a significant shortage in housing stock, additional weight should be afforded to the preservation of housing.

Impact on Amenities

- 9.13. The change of use of the basement level from residential use to office space is not considered likely to cause any significant noise nuisance or otherwise be disruptive to local residents and business-users, and there are no concerns in this regard. The council would retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on the Public Highway

- 9.14. The proposed development is not considered likely to cause any significant level of changes with regard to trips to and from the site that the existing infrastructure could not handle; there are no concerns with this regard. The additional office floor space and presumed increase in staff numbers would justify the inclusion of secure cycle storage in order to encourage trips to and from the site by sustainable means. Unfortunately, due to the constraints of the site it does not appear that policy-compliant cycle parking can be accommodated therefore the provision would be secured if the scheme was in all other respects acceptable.

Conclusion

- 9.15. Whilst the creation of additional office space is supported in principle and the development is not considered to cause any harm to the amenities of the local area, in this instance the proposal would result in the loss of an existing residential flat with garden. The existing flat offers a good standard of accommodation and as such there are no significant mitigating factors that are considered to outweigh the loss. As the Council has a significant shortage in

housing stock, additional weight should be afforded to preservation of housing. For these reasons the proposal is considered to be in conflict with policies HO8 and EM4 of the Brighton and Hove Local Plan.

10. EQUALITIES
None identified



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

**Cllr. Chris Henry
BH2021 01985 - 98 Portland Road**

3rd June 2021:

Stance: Support

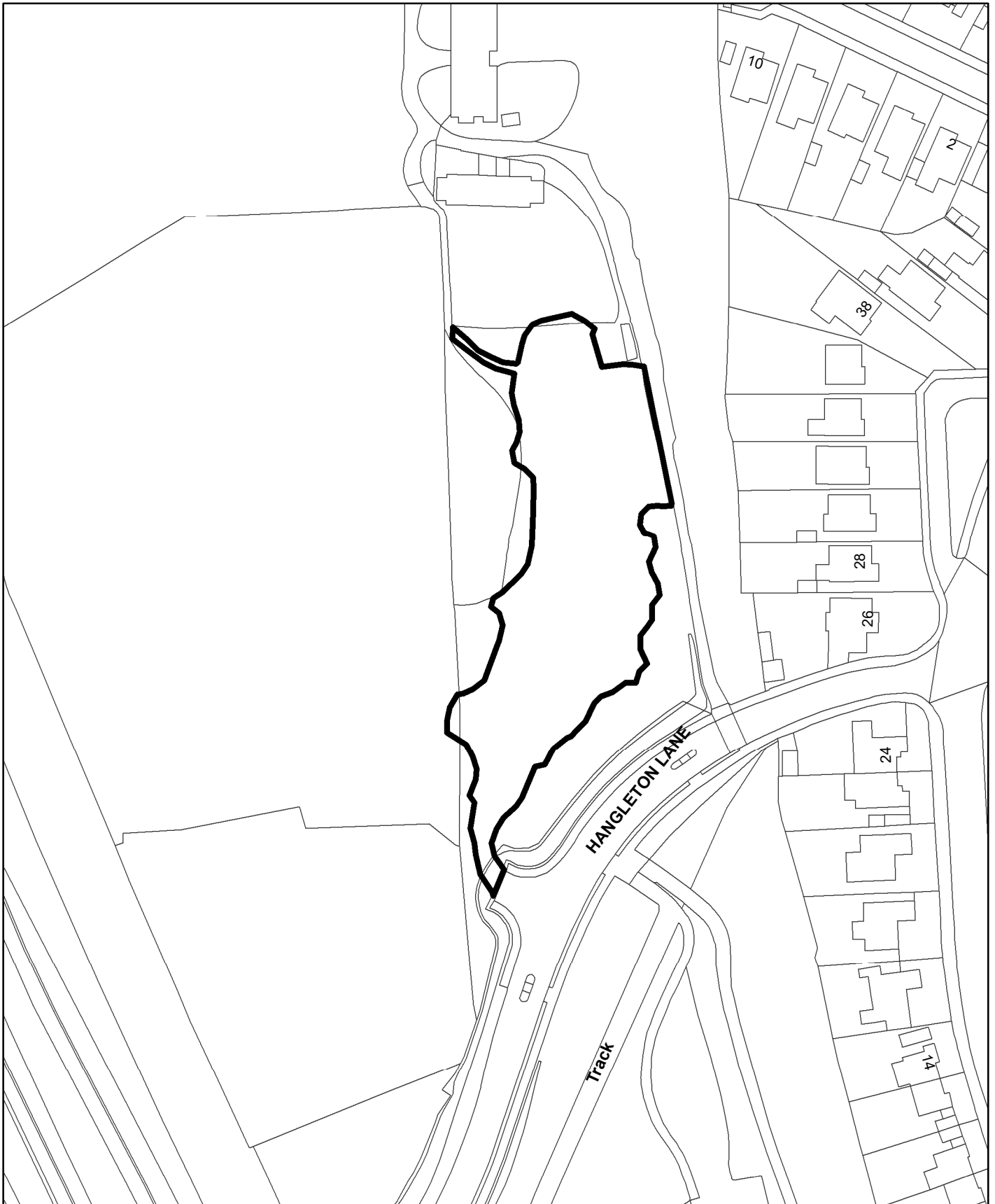
I notice application BH2021/01985 has been received by you and this is the one I would like to call to Committee if possible, please?

ITEM H

**Benfield Valley Golf Course,
Hangleton Lane
BH2021/00795
Full Planning**

DATE OF COMMITTEE: 4th August 2021

BH2021 00795 - Benfield Valley Golf Course, Hangleton Lane



N



Scale: 1:1,250

<u>No:</u>	BH2021/00795	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Benfield Valley Golf Course Hangleton Lane Hove BN3 8EB		
<u>Proposal:</u>	Resurfacing of existing car park and creation of landscaped bunds along car park boundaries.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	04.03.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	29.04.2021
<u>Listed Building Grade:</u>	Listed Building	<u>EOT:</u>	
	Grade II		
<u>Agent:</u>	Enplan 111 High Street Lewes BN7 1XY		
<u>Applicant:</u>	Benfield Investments Ltd 6 Commence Way Lancing BN15 8TA		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	02-884-001		4 March 2021
Other	02-884-050	B	22 June 2021
Other	02-884-060		4 March 2021
Proposed Drawing	02-884-101	A	22 June 2021
Proposed Drawing	02-884-401	A	22 June 2021
Proposed Drawing	02-884-402	A	22 June 2021
Report/Statement	Preliminary Ecological Appraisal		22 June 2021

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

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

3. The development hereby permitted shall not be commenced until details of the car park layout have been submitted to and approved in writing by the Local Planning Authority. The required details shall include provision of a vehicle soakaway across where the car park meets the adopted public highway. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To reduce the risk of flooding and surface water run-off onto the adopted public highway and to comply with policy TR7 of the Brighton and Hove Local Plan and policy CP9 of the Brighton and Hove City Plan Part One

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

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

Reason: To ensure that any adverse environmental impacts of development activities are mitigated and to avoid an offence under wildlife legislation.

5. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of badgers, breeding birds, hazel dormouse, reptiles and hedghogs has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant);
 - g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.

6. No development shall take place until an ecological design strategy (EDS) addressing mitigation for impacts on Benfield Valley Local Wildlife Site, including the restoration of habitats where appropriate, and enhancement of the site for biodiversity, e.g. through the creation of chalk grassland on the bunds and the provision of bird boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

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

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

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

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

8. Unless otherwise agreed in writing by the Local Planning Authority, the surface planings to be used in the car park hereby permitted shall be no larger than 20mm average aggregate size.

Reason: In the interests of pedestrian safety and accessibility and to comply with policy TR7 of the Brighton and Hove Local Plan and policy CP9 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. SITE LOCATION

- 2.1. The application relates to the informal car park of Brighton Footgolf, within Benfield Valley and north of Hangleton Lane. The site is located to the south of the Benfield Barn Conservation Area and the grade II listed Benfield Barn. The site is adjacent to and partially located within the Benfield Valley Site of Nature Conservation Importance (SNCI) and the Benfield Valley Local Wildlife Site (LWS). A number of public footpaths cross the site and the wider valley, including one Public Right of Way (PRoW) running north-south near the eastern boundary of the site.
- 2.2. A large quantity of chalk has also been deposited on the site, and there is an ongoing Planning Enforcement investigation into this.
- 2.3. The site previously contained a large number of mature trees along its eastern edge however emergency clearing works were carried out in early 2021 due to an outbreak of Elm disease. As a result, the visibility of the car park has increased significantly.

3. RELEVANT HISTORY

An Enforcement Notice was served on 30th March 2021, requiring the removal of the chalk mounds and reinstatement of vegetation lost as a result of the chalk deposits within three months. This notice is currently the subject of an appeal to the Planning Inspectorate.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the resurfacing of the existing car park and creation of landscaped bunds along the car park boundaries. The car park would be surfaced with road planings, and the bunds would utilise the large amounts of chalk currently deposited on site and would be seeded with downland wildflower mixes.
- 4.2. The application has been amended since the initial submission, to reduce the size of the car park, vary the positioning of and reduce the gradient of the bunds, and also to increase the amount of replacement tree planting.

5. REPRESENTATIONS

- 5.1. **Ten (10)** letters have been received, objecting to the proposal for the following reasons:
 - Adversely impacts Conservation Area

- Too high
- Wildflower banks require careful maintenance
- Adverse visual impact in longer views
- Overdevelopment
- Many trees and shrubs have been removed and should be replanted
- Application is an effort to avoid the requirements of the enforcement notice
- Car park is not for use of local walkers
- Bunds are too high and not suitable for use as a flower bank
- The chalk should be moved off site
- Paves the way for further destruction
- Proposed car park too large
- Removal of further trees
- The leaseholder should be made to return the site to its original condition

5.2. **Councillor Lewry** has objected to the application and asked for it to be determined at planning committee. A copy of this correspondence is attached to this report.

6. CONSULTATIONS

6.1. **Arboriculture:** No comment received

6.2. **Brighton and Hove Archaeological Society:**

The proposed development is close to the area is close to the location of a Saxon burial found on the golf course. Part of the Benfield valley was the subject of archaeological investigation prior to the creation of the Brighton bypass.

6.3. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

6.4. **County Archaeology:** No comment received

Although this application is situated within an Archaeological Notification Area, based on the information supplied, it is unlikely that any significant archaeological remains will be affected by these proposals. For this reason there are no further recommendations to make in this instance.

6.5. **Ecology:** No objection

Following the submission of a Preliminary Ecological Appraisal (PEA), no objection, subject to securing a Construction Environmental Management Plan (CEMP) (Biodiversity), a Biodiversity Method Statement, and an Ecological Design Strategy (EDS) by condition.

6.6. **Heritage:** No objection

The amendments have softened and made more informal the northern edge of the car park and reinforced the boundary with the conservation area and the rural setting of the site. It is now considered that the proposals would preserve the setting of the conservation area and would preserve the setting of the listed Barn and so approval is therefore now recommended.

6.7. **Natural England:** No comment

6.8. **Sustainable Transport:** Verbal comments: No objection

There does not appear to be a height sign on the vehicle barrier. There should be a surface water drainage gully leading to a soakaway across where its access road frontage meets the adopted (public) highway and the surface material should preferably be of 10mm average aggregate size and certainly no larger than the 20mm average aggregate size so pedestrians do not twist ankles and the mobility impaired can get around in wheelchairs or on Zimmer frames.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

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

8. RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP16	Open space
SA4	Urban Fringe

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

TR7	Safe Development
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity

HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
NC9	Benfield Valley
NC11	Land and buildings in the vicinity of Benfield Barn

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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

DM18	High quality design and places
DM20	Protection of Amenity
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance
SA7	Benfield Valley

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposal in the context of the surrounding landscape and heritage assets, ecology and arboriculture matters and transport considerations.

Principle of Development:

- 9.2. Saved policy NC4 of the Brighton & Hove Local Plan seeks to protect Sites of Nature Conservation Importance (SNCI's), and the setting of SNCIs, from proposals likely to have an adverse impact upon the nature conservation features of the site. Exception (a) of policy NC4 states:
- a. the proposal can be subject to conditions that will prevent damaging impacts on the nature conservation features and their setting and includes provision for the protection, enhancement and management of nature conservation features;*
- 9.3. As set out below, it is considered that the scheme, as amended, can be made acceptable subject to conditions that will prevent damaging impacts and include provision for protection and enhancement of nature conservation features. As such, exception (a) would be met.

- 9.4. Saved policy NC9 (Benfield Valley) of the Brighton & Hove Local Plan supports the provision of improved access for pedestrian and cyclists to the area and saved policy NC11 (Land and buildings in the vicinity of Benfield Barn) of the Brighton and Hove Local Plan supports the provision of improved public access to the valley, and NC11(f) specifically supports the provision of a vehicle parking area.
- 9.5. No objection is raised in principle to the proposed development. An informal car park of fluctuating dimensions has been in place for a number years, evidenced as at least as far back as 2009. The formalisation of this car park would accord with the objectives of saved policies NC9 and NC11 by way of improving public access to the valley.
- 9.6. Draft policy Special Area SA7 of the Proposed Submission City Plan Part Two would supersede Saved Policies NC9 and NC11, however this policy currently carries only limited weight in decision making at the time of writing.

Design and Appearance:

- 9.7. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.8. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.9. The proposals comprise the re-utilisation of the existing chalk on site to raise the car park level by an average of <1m and also to create bunds surrounding the levelled area of up to an additional 2.5m in height. The bunds would be greatest in scale at the northern end of the car park. The bunds would be seeded with a Downland Wildflower mix and the car park would be surfaced in road planings.
- 9.10. The extent, height and gradients of the bunds have been amended to address Ecology concerns during the course of the application. The footprint of the proposed car park roughly follows that of the existing informal car park and has been amended following Heritage comments to have a more rounded northern edge on the boundary with the Conservation Area. The most recent amendment includes a further reduction in the extent of the car park at the northern end of the site.
- 9.11. The proposal involves the removal of 3no trees in the northern area of the proposed car park. The amended scheme has also included an increased quantity of tree planting along the northern and eastern boundaries of the site, to better delineate the car park from the listed Barn and Conservation Area to

the north, and also to mitigate for the recent tree removals along the Public Right of Way (PRoW) to the east.

- 9.12. There would be a break in the bunds to the west of the car park to provide access to the Barn and Footgolf course
- 9.13. The proposed car park itself would have an area of approx. 1484sqm, increasing to 2820sqm with the area of the bunds included. This equates to an increase in overall footprint, but a decrease in the area used for vehicle parking, compared to the existing informal arrangement.
- 9.14. The bunds would mitigate for the visual impact of the raised car park level. As amended, the bunds would be widest on the northern side on the boundary with the conservation area, and also on the eastern side where the ground level is lower and longer views have opened up following the recent tree clearances. The peak height of the bunds would be greatest on the northern side, reflecting the steady increase in land levels to the north. The bunds would screen the car park and, once seeded, would blend in with the landscape to further reduce the visual impact of the development.
- 9.15. As such, it is considered that the proposal, as amended, would be of an acceptable appearance and would preserve the setting of the conservation area and the listed Barn, in accordance with policies CP12 and CP15 of the CPP1 and policies QD15, HE3, HE6, NC9 and NC11 of the BHLF.
- 9.16. It is acknowledged that the existing chalk mounds and the removal of trees along the eastern boundary of the site have resulted in a dramatic change in the character and appearance of the site, notably in longer views from the east. The existing on site chalk mounds (the subject of the ongoing Planning Enforcement Notice) are harmful to the character and appearance of the site and wider area, and the proposal would re-utilise the existing chalk on site. The bunds would help mitigate for the increased visibility of the car park following the removal of the trees.

Impact on Amenity:

- 9.17. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.18. The proposals would be unlikely to have a significant impact on neighbouring amenity, due to the form of development proposed and the separation from the nearest sensitive uses.

Ecology:

- 9.19. The site is adjacent to and partially located within an SNCI and LWS, and the initial Ecology comments raised concerns with the proposals and the potential impact upon habitats of protected species.

- 9.20. Concerns were also held regarding the depositing of chalk on site and the existing likely encroachment of the chalk spoils into the LWS.
- 9.21. In response to these comments, the applicant provided a Preliminary Ecological Appraisal (PEA) surveying the site for the likelihood of protected species and recommending actions to prevent and mitigate ecology harm.
- 9.22. As set out above the scheme has been amended to reflect the recommendations of the PEA, including a reduction in the extent of the bunds. Other matters such as working practices can be secured by condition.
- 9.23. The County Ecologist has reviewed the PEA and is of the view that planning permission can be granted subject to conditions securing the required mitigation measures, and also securing compensation and enhancement measures. This would be by way of a CEMP (biodiversity), a Biodiversity Method Statement, and an EDS.
- 9.24. As such, it is considered that refusal would not be warranted on ecology grounds as the outstanding concerns can be mitigated through appropriate planning conditions.

Arboriculture:

- 9.25. The scheme involves the removal of 3no trees. It should also be noted that a large number of trees have been removed from the eastern boundary of the site due to an outbreak of Elm disease.
- 9.26. The replacement planting proposed in the amended scheme would go some way towards mitigating for the loss of these trees. A tree survey and protection methodology for the retained trees during construction can be secured by condition.

Sustainable Transport:

- 9.27. The site comprises an existing car park and so is unlikely to result in a significant uplift in trips to and from the site. The number of car parking spaces able to be accommodated is reduced to approximately 50 (compared to approximately 70 as existing and as originally proposed).
- 9.28. A detailed car park layout can be secured by condition to accommodate the Local Highway Authority (LHA) request for a surface water drainage gully. Similarly, the type of road planings to be used can be secured by condition.

- 10. EQUALITIES**
None identified

Cllr. Nick Lewry
BH2021/00795 – Benfield Valley Golf Course

29th March 2021:

I am writing on behalf of my constituents to state my objection to the above planning application for Benfield Valley in my ward of Hangleton and Knoll

The proposal includes a plan to leave mounds of chalk piled up on the site as bunds.

This site is a nature reserve and should not be used as a dumping ground for building materials. If the chalk is not required as building material it should be removed from the site to keep the site in proper order.

Furthermore, I find it hard to believe that the bare chalk would be colonised by flora and add to biodiversity.

I would suggest that this proposal would be contrary to the terms of the 1992 Benfield Valley lease (attached), which clearly states that:

(13) COVENANT TO KEEP VACANT LAND IN PROPER ORDER

To keep the land not occupied by buildings in a clean well cultivated and proper condition so far as is appropriate to the actual use of the Premises and so as not to cause injury to the environment of the area or any adjoining land and to forthwith comply at its own expense with any notice of a relevant authority whether served on the Tenant or the Landlord reasonably requiring the abatement of any such injury.

(14) TO PRESERVE TREES ETC

To keep trees shrubs and hedging on the Premises in good order and condition so far as reasonably possible and properly tended cultivated in accordance with the principles of good husbandry and pruned or trimmed and to replace all losses PROVIDED that so to do shall not interfere unreasonably with the use of the Premises for outdoor recreational and leisure purposes AND PROVIDED FURTHER that the same quantities of trees shrubs and hedging as at the date hereof shall be maintained hereafter and any revised layout thereof shall (before removal of the existing trees and shrubs and hedging) first be agreed with the Landlord which shall act reasonably in reaching such agreement with the Tenant.

I hope that you will rule against this proposal and ask that the chalk is removed as soon as possible.

If you are not minded to rule against this in the first instance, as a ward Councillor I would like to call this to Planning Committee

ITEM I

**Flat 2, 236 New Church Road
BH2021/01914
Full Planning**

DATE OF COMMITTEE: 4th August 2021

<u>No:</u>	BH2021/01914	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 2 236 New Church Road Hove BN3 4EB		
<u>Proposal:</u>	Roof alterations including erection of 2no rear dormers, 1no side dormer and installation of 2no front rooflights.		
<u>Officer:</u>	Ayscha Woods, tel: 292322	<u>Valid Date:</u>	04.06.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30.07.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Campbell Charles Associates 2 St Martins Place House Brighton BN2 3LE		
<u>Applicant:</u>	Mr Yousuf Baig 236 New Church Road Hove BN3 4EB		

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	2041/P/1	A	21 June 2021
Proposed Drawing	2041/P/2	B	23 June 2021
Location Plan	-	-	21 May 2021

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

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

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

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

Informatives:

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

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION

- 2.1. The application site relates to the first floor flat (flat 2) of 236 New Church Road which forms a semi-detached building located on the south side of New Church Road. The site is not located within a conservation area and there is no Article 4 directions covering the site in respect of physical alterations. The property has is a semi-detached residential dwelling with a two storey front projecting gable formed of brick at ground floor a rendered first floor and a tile hung gable.

3. RELEVANT HISTORY

- 3.1. **BH2014/03746** - Creation of dormers to side and rear and installation of 3no rooflights to front - Approved - 26/01/15
- 3.2. This approval has not been implemented on site and has now lapsed.

4. APPLICATION DESCRIPTION

- 4.1. Permission is sought for roof alterations including the erection of 2no. rear dormers, 1no. side dormer and the installation of front rooflights. It is noted that as originally submitted, the plans incorrectly detailed the side elevation as west. For clarification, this was amended throughout the course of the application to be correctly labelled as the east elevation. The application was also amended to reduce the number of rooflights on the front roofslope from 3no. to 2no. as now proposed.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters have been received from **one (1) objector** objecting to the proposed development for the following reasons:
- Noise disturbance
 - Party Wall issues
 - Overdevelopment
 - Additional traffic
 - Insufficient parking
 - Overshadowing
 - Overlooking
 - Potential holiday let
 - Visible from public realm
 - Impact on Amenity
 - Pressure on water supply
 - Incorrectly labelled plan

- Fire safety concerns
- Inappropriate height of development

5.2. **One (1)** letter has been received from **Councillor Peltzer-Dunn** objecting to the proposed development. A copy of the representation from Councillor Peltzer-Dunn is attached.

6. **CONSULTATIONS**

None

7. **MATERIAL CONSIDERATIONS**

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

7.2. The development plan is:

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

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

8. **RELEVANT POLICIES AND GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

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

QD14 Extensions and alterations

QD27 Protection of amenity

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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

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

DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations

Supplementary Planning Documents:
SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building and the wider street scene and the impact on the amenities of adjacent occupiers.
- 9.2. Permission is sought for roof alterations including the erection of 2no. rear dormers, 1no. side dormer and the installation of two front rooflights. It is noted that the scheme is similar to a previously approved scheme (BH2014/03746) which was not implemented.

Design and Appearance:

- 9.3. The proposed dormers would be set suitably within the roof space, away from the ridge, sides and eaves, with minimal areas of cladding. They would be finished in materials to match the main roof and are considered to form subservient additions to the roof in accordance with policy QD14 of the Brighton & Hove Local Plan, CP12 of the City Plan Part One and guidance contained in SPD12.
- 9.4. As originally submitted, the scheme proposed 3no. front rooflights to the front roof slope which would have resulted in a somewhat cluttered appearance to the front. Amendments were sought during the course of the application to improve this. The revised scheme proposes 2no. rooflights which are evenly spaced and would appear as suitable additions. It is noted that there are other examples of rooflights within the vicinity of the site and the revised design is considered appropriate.

Impact on Amenity:

- 9.5. The impact on all adjacent properties at 234, 236 and 236 has been fully considered in terms of daylight, sunlight, outlook and privacy, and no significant harm has been identified.
- 9.6. The proposed side dormer would serve a stairway and would give views to the roof slope and side elevation of no. 234 which features a side staircase to a first floor entrance hall and an additional small side window to the rear. 236 and 234 New Church Road have side windows at first floor level and the side dormer is not considered to introduce any new overlooking over and above which already exists. Similarly the proposed rear dormers would allow for similar views to those

which could already be achieved from the first floor windows and would not result in any significant additional overlooking or loss of privacy to the rear.

Other Matters:

- 9.7. It is noted that an objection received raises concerns regarding parking. It was clarified during the course of the application that the parking spaces on-site are not connected to the application property and there is no intention for this to be changed. The application site does not have access to off-road parking.

10. EQUALITIES

None identified.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Garry Peltzer-Dunn
BH2021/01914 – Flat 2, 236 New Church Road

23rd June 2021:

Stance: Objection

I refer to my previous telephone calls re the above application.

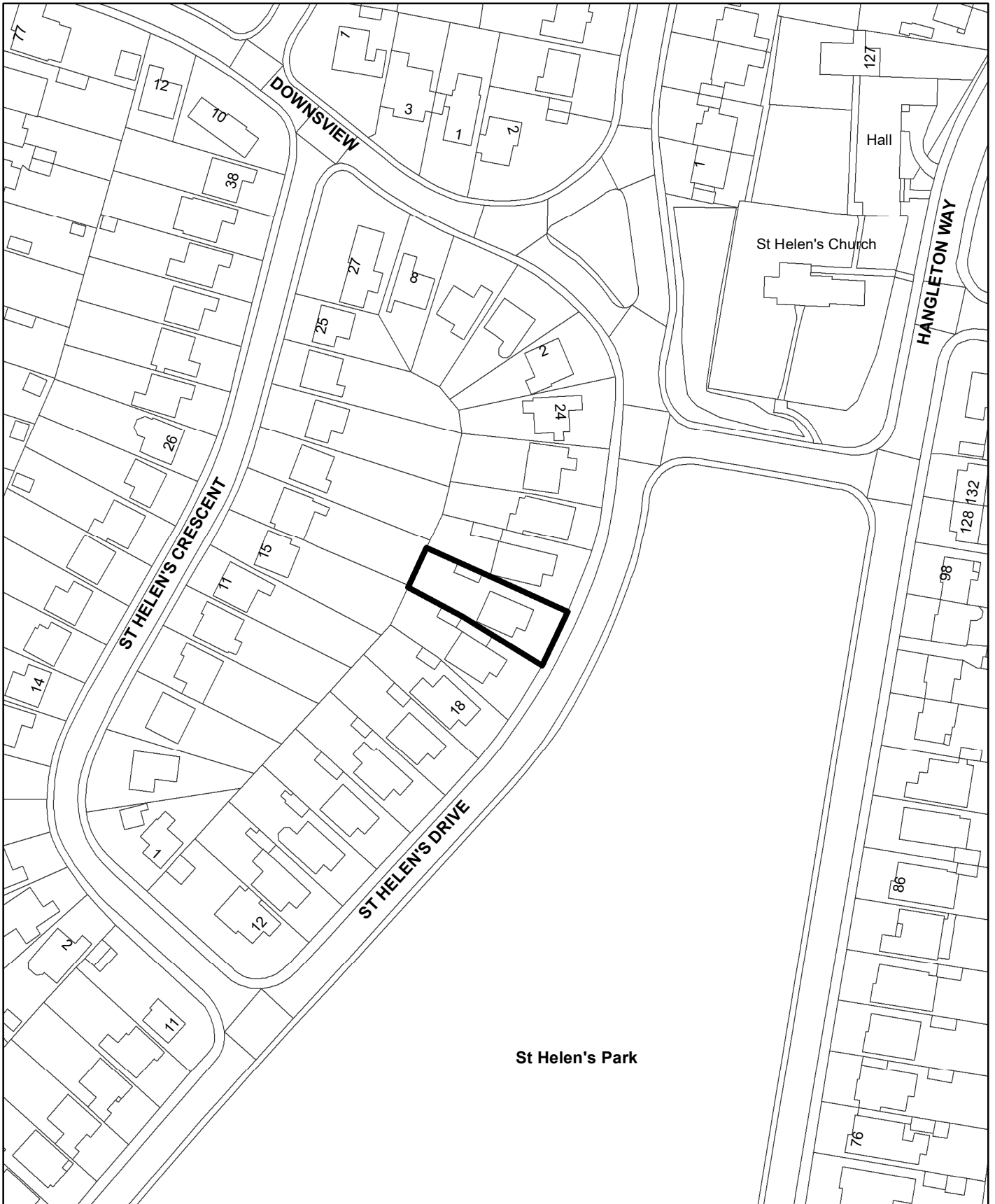
Following a residents request I am now asking that the application be formally be considered by the planning committee and prior to which a full site meeting is undertaken by the members.

ITEM J

**20 St Helens Drive
BH2021/01017
Householder Planning Consent**

DATE OF COMMITTEE: 4th August 2021

BH2021 01017 - 20 St Helens Drive



N



Scale: 1:1,250

<u>No:</u>	BH2021/01017	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	20 St Helens Drive Hove BN3 8EA		
<u>Proposal:</u>	Erection of single storey side and rear extensions and roof alterations including hip to gable roof extensions, rear dormer and rooflights to the front and rear. Installation of rear decking, other fenestration alterations and associated works. (Amended plans and description)		
<u>Officer:</u>	Ayscha Woods, tel: 292322	<u>Valid Date:</u>	07.04.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.06.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Darby Architectural Ltd 84 Westbourne Street Hove BN3 5FA		
<u>Applicant:</u>	Mr and Mrs Colyer 20 St Helens Drive Hove BN3 8EA		

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 **MINDED TO GRANT** subject to no new material considerations been raised in representations up until the 28 July 2021, planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	01	-	22 March 2021
Proposed Drawing	02	C	28 June 2021

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

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

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

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

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

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

Informatives:

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

2. SITE LOCATION

- 2.1. The application site relates to a bungalow property located to the west side of St Helens Drive, opposite St Helens Park. The site is not located within a conservation area and there are no Article 4 directions covering the site. The bungalow is constructed of red brick, white UPVC windows and a red terracotta tiled roof.

3. RELEVANT HISTORY

- 3.1. **BH2021/00108** - Certificate of lawfulness for proposed erection of single storey extensions to rear and both sides and erection of front porch. Loft conversion incorporating hip to gable extension, 3no dormers and 2no rooflights. Installation of rear decking.
Approved - 19/03/21
- 3.2. **BH2020/02271** - Erection of single storey side and rear extensions, front porch, decking to the rear, roof alterations incorporating hip to gable extensions, front dormer and front, rear and side rooflights.
Refused - 12/10/20 for the following reason:
- 3.3. The proposed hip-to-barn end and front dormer roof extensions, and front porch extension would be at odds with, and significantly harm the prevailing character and appearance of the existing building and its adjacent set of properties, and would stand out obtrusively within the streetscene, impacting on the visual amenity of the wider area, contrary to policies QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

4. APPLICATION DESCRIPTION

- 4.1. Permission is sought for the erection of single storey side and rear extensions and roof alterations including hip to gable roof extensions, rear dormer and

rooflights to the front and rear. Installation of rear decking, other fenestration alterations and associated works.

- 4.2. It is noted that the scheme was amended throughout the course of the application. As originally submitted, a front dormer was proposed. This was removed and replaced with a proposed front rooflight. In addition, the width of the ground floor side and rear extension to the northern side was reduced to no longer extend beyond the side wall of the original building and a side access is now retained.

5. REPRESENTATIONS

- 5.1. **Ten (10)** letters have been received objecting to the proposed development for the following reasons:

- Impact on conservation area
- Impact on property value
- Additional Traffic
- Inappropriate height of development
- Overdevelopment
- Out of character
- Overshadowing
- Overlooking
- Poor design
- Restriction of view
- Too close to boundary
- Noise impact
- Traffic/impact on parking
- Similar to previous scheme
- Set a precedent

- 5.2. **Councillor Barnett** and **Councillor Lewry** have objected to the application. A copy of their representation is attached to the end of this report.

6. CONSULTATIONS

- 6.1. **Brighton & Hove Archaeological Society:** Comment
The Brighton and Hove Archaeological Society suggest contacting the County Archaeologist for recommendations.

- 6.2. **County Archaeology:** No objection
Although this application is situated within an Archaeological Notification Area, based on the information supplied, it is not considered that any significant archaeological remains are likely to be affected by these proposals.

7. MATERIAL CONSIDERATIONS

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

8. **RELEVANT POLICIES AND GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP10 Biodiversity

CP12 Urban design

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

QD14 Extensions and alterations

QD18 Species protection

QD27 Protection of amenity

HE12 Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

Supplementary Planning Documents:

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. Permission is sought for the erection of single storey side and rear extensions and roof alterations including hip to gable roof extensions, rear dormer and rooflights to the front and rear. Installation of rear decking, other fenestration alterations and associated works.
- 9.2. It is noted that following a number of objections to the original proposal, the applicants submitted an amended scheme. The amendments include the removal of a proposed front dormer, replaced with a proposed front rooflight, and a reduced width of the northern side extension and the retention of the side access. The most recently submitted plans are considered in the determination of this application.
- 9.3. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, surrounding streetscene and wider area, and the amenities of the neighbouring properties.

Design and Appearance:

- 9.4. The application site relates to a bungalow property located to the west side of St Helens Drive, opposite St Helens Park. The property as existing retains its original form, with a front projection and hipped roof, and forms part of a set of largely uniform bungalows which retain their original character.
- 9.5. It is acknowledged that the properties to the north of the site (other than no. 21 directly adjacent) are different in character and design from the application site with differing roof forms, various extensions and alterations.
- 9.6. The proposed hip-to-gable roof extension and part flat roof would add some additional bulk to the building and would be somewhat different to the character and roof forms of the adjacent set of uniform properties within the streetscene. The previous planning application (BH2021/02271) considered such roof form, in conjunction with a front dormer and front porch projection to be a level of extension and alteration to the building that would be at odds with, and significantly harm the prevailing character and appearance of the existing building and its adjacent set of properties.
- 9.7. However, the current scheme does not propose a front projection, and following amendments received throughout the course of the application, the front dormer has been removed. As such, the level of overall bulk and development when viewed from the streetscene has been reduced. The appearance of the proposal within the streetscene is therefore considered acceptable.
- 9.8. Whilst the roof extensions may differ from the adjacent set of properties, it must be acknowledged that similar roof extensions, including the proposed hip-to-gable, rooflights and a rear dormer could be constructed under permitted development without the need for planning permission which forms a consideration in the determination of this application. It should be noted that a

Lawful Development Certificate for some significant roof alterations has already been approved under BH2021/00108 which would similarly affect the streetscene. In addition, whilst they do not form part of this current proposed, the applicant has provided further plans which show alternative roof works which could be constructed under permitted development, which are considered to result in a worsened appearance and would further disrupt the character of the adjacent set of properties and exacerbate the impact on the streetscene.

9.9. The proposed single storey side and rear extension would form modest and subservient additions to the main building and retain the ground floor separation from neighbouring properties with the retention of the side access. The proposed rear roof extension would have a pitched roof and form a clearly subservient addition to the main roof. The ground floor terrace is also considered acceptable on design grounds given it's limited visibility.

9.10. Following the amendments to the scheme and for the reasons outlined above, on balance, it is considered that the design of the proposal is considered acceptable and has overcome the previous reason for refusal.

Impact on Amenity:

9.11. The impact on the adjacent properties at 19 and 21 St Helens Drive has been fully considered in terms of daylight, sunlight, outlook and privacy, and following a site visit, no significant harm has been identified.

9.12. The hip-to-gable roof extension to both sides would be set suitably away from both adjacent properties at nos. 19 and 21 and there would be no increase in ridge height. This would not result in an overbearing impact on these properties. The front rooflight would give oblique views out to St Helens Park opposite and would not impact on the amenity of the adjacent properties.

9.13. The side extension to the north would be single storey in height with a pitched roof and following amendments, would be set suitably away from no. 21 to the north, in line with the existing property, separated from the boundary of the site by a side access pathway. As such, it would not result in an overbearing or unneighbourly impact on no. 21.

9.14. The rear extension would be single storey in height and would not project beyond the garage structure of no. 21 to the south, or the existing garage structure to the rear of the host site along the north boundary with no. 21. Furthermore, its part pitched roof form would mitigate any potential overbearing impacts on the adjacent properties.

9.15. The proposed terrace at first floor level would be recessed within the proposed rear gable and would be sufficiently screened from views to the adjacent properties to the side. The views would be to the rear gardens of the adjacent properties which would be similar to views which could be achieved from similar roof extensions which could be carried out utilising permitted development rights.

- 9.16. The proposed raised terrace at ground floor level would not project significantly beyond the existing garage structure to the north of the application site, and north of no. 19, and would include sufficient 2m boundary screening. No significantly harmful overlooking or loss of privacy would occur.
- 9.17. The proposed terraces at ground and first floor levels would be for normal domestic use. They would not result in any significant noise disturbance above and beyond that which could occur from use of the rear garden.
- 9.18. It is noted that objections have been received on the grounds of loss of on-site parking. The site has an existing hardstanding, and is not located within a controlled parking zone. There is sufficient on street parking.

Other matters:

- 9.19. The scheme includes the removal of the existing garage. There is an existing hardstanding on site which can accommodate vehicle parking, and there is also on-street parking available. The loss of the garage is considered acceptable.
- 9.20. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. EQUALITIES
None identified.

**Cllr. Dawn Barnett & Cllr. Nick Lewry
BH2021/01017 - 20 St Helens Drive**

20th April 2021:

We are writing on behalf of our community to state our strong objection to the above application in our ward of Hangleton & Knoll.

This is third time members of the community are having to write objections to this proposed development. It is causing great distress in the ward to the neighbours, including the many elderly people that live in the area and call this part of Hangleton their home.

This area is bungalow-land with the front gardens very tidy and houses at a low elevation. When this neighbourhood was built in the 1960s it was built as low level and open planned. This principle still applies and is still being applied by Brighton & Hove City Council today, with a residence last year having to remove part of their garden fence as it was judged too high and out of keeping with the area just around the corner from this site.

The Council ruled against a previous application for this site (**BH2020/02271**) last year. It then approved a Certificate of Lawfulness (**BH2021/00108**), although I have been advised by the Council that this has no bearing on the ultimate decision that will be made for this application (**BH2021/01017**).

The works outlined in the description for this latest application include the erection of single story side and rear extensions; hip to gable roof extensions; and front and rear dormers. It incorporates the installation of rear decking, rooflights, and other fenestration alterations.

As the scope of development remains largely the same as for the first application our objection remains the same and is on the following grounds:

1. **Appearance and size of the buildings is not appropriate** – When the bungalows on St Helens Drive were originally designed, the layout, spacing and scale of the buildings was carefully planned to ensure that they would be in keeping with the landscape and offer views of the Downs to each bungalow. This large new building would disrupt this design and mark a departure from the size of other bungalows in the area.
2. **Approval would set a precedent for wider development** – Should this gain approval, it would open the floodgates to further garden developments in the street and area. As such this application needs to be treated with the utmost scrutiny.
3. **Loss of view** – The proposed development would impinge on the views of neighbours. While the new development would itself enjoy views of the

Downs; long-standing neighbouring residents will be deprived of their views.

4. **Adjoining residents will suffer overshadowing, overlooking or loss of privacy** – The terrace would overlook the gardens of the neighbouring bungalows.
5. **Community Opposition** – The neighbours are all against this development and their voices should be heard. There are many elderly people in the area who are really stressed out over this situation. It has gone on far too long. It has been refused once before and we call on you to bring an end to these applications.

We are asking that a City Council Officer visit this site in person (now that Covid-19 restrictions are easing) to see for themselves the unsuitable nature of the site and how out of character with the area this development would be.

We would like to meet with you at the site as soon as possible so we can personally show you how much it doesn't blend in with the area.

We ask that you rule against this proposal once and for all.

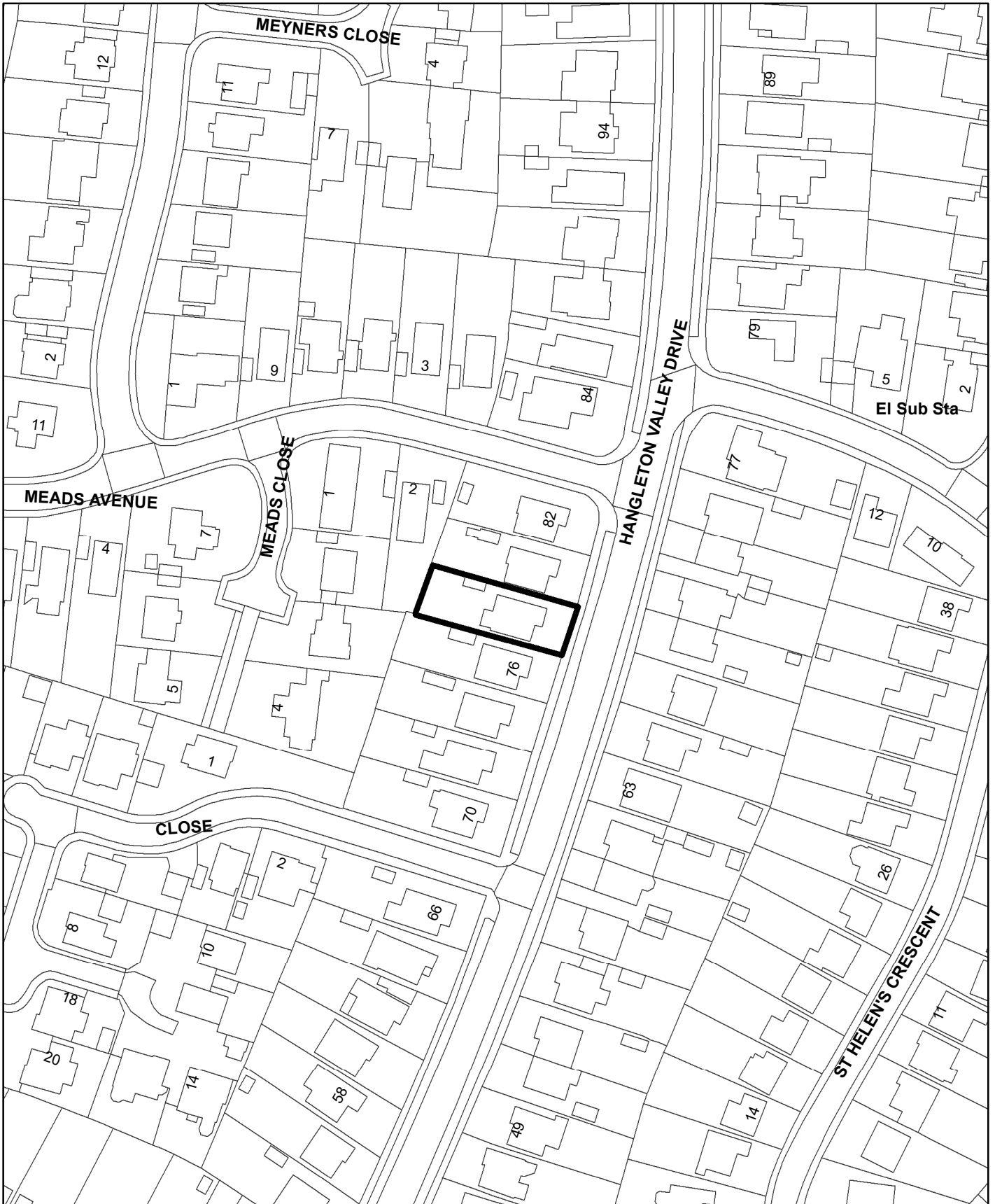
If this is not possible and you are minded to approve this development, we are calling this application in to Planning Committee where we would give a presentation to express our opposition to the plans on behalf of the community

ITEM K

**78 Hangleton Valley Drive
BH2021/01272
Householder Planning Consent**

DATE OF COMMITTEE: 4th August 2021

BH2021 01272 - 78 Hangleton Valley Drive



N



Scale: 1:1,250

<u>No:</u>	BH2021/01272	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	78 Hangleton Valley Drive Hove BN3 8ED		
<u>Proposal:</u>	Erection of single storey rear extension. Roof alterations incorporating double hip to gable roof extension, front & rear dormers and 2no front rooflights.		
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	08.04.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03.06.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	06.08.2021
<u>Agent:</u>	Garrick Architects 36 Edburton Avenue Brighton BN1 6EJ		
<u>Applicant:</u>	Mr Raymond Kam Hung Kwok 78 Hangleton Valley Drive Hove BN3 8ED		

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	2103-P-01	A	9 June 2021
Proposed Drawing	2103-P-03	B	9 June 2021
Proposed Drawing	2103-P-04	B	9 June 2021

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

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

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

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

4. 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.

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

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

Informatives:

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

2. SITE LOCATION

- 2.1. The site comprises a modest single storey bungalow of brick and tile construction with a hipped roof, located on the eastern side of Hangleton Valley Drive. At the rear of the property is an existing conservatory and detached garage.
- 2.2. The surrounding area is characterised by bungalows, a number of which have had roof extensions including hip to gable or barn-hip alterations, and front and rear dormers. Nos 72, 74 and 76 Hangleton Valley Drive have all had hip to gable roof conversions, all of which appear to have been constructed under permitted development rights.
- 2.3. The application site is not located within a Conservation Area.

3. RELEVANT HISTORY

None.

4. APPLICATION DESCRIPTION

- 4.1. The application proposes a number of roof alterations comprising a double hip to gable roof extension, front and rear dormers and 2 no. rooflights at the front of the property. The proposed front dormer would have a pitched roof whereas the rear dormer would have a flat roof. The roof alterations would enable the creation of two-bedrooms, both with en-suites, at first floor level.

- 4.2. A flat-roofed single storey rear extension is also proposed. The extension would be the full width of the existing bungalow, 2.7m high and 3.6m deep.
- 4.3. Additionally, the roof of the existing ground floor projecting element at the front of the property containing bedroom 3 would also be altered from a hip to gable.
- 4.4. It should be noted that the application as originally submitted proposed a significant increase in the height of the ridge of the roof as part of the proposed roof alterations, and a substantial side extension and garage conversion. However, the plans were amended and these elements omitted to help address the concerns of planning officers, residents and ward Councillors. The size of the rear dormer was also reduced to create some visual separation from the proposed rear extension.

5. REPRESENTATIONS

- 5.1. **Eight (8)** unique individual objections have been received in relation to this planning application. The concerns raised are as follows:
 - The proposals would constitute over-development and be out of character with the surrounding area
 - Loss of a much-needed bungalow to a house
 - Overshadowing of neighbouring properties
 - Loss of privacy for neighbouring properties
 - Noise and disturbance during the construction phase
 - Will exacerbate existing parking problems on street as the property has limited on-site parking
 - Loss of view
 - Impacts on local wildlife including hedgehogs
 - Will detract from neighbouring properties due to appearance
- 5.2. **Councillors Barnett and Lewry** also objected to this planning application and requested that it be brought before the Planning Committee. Following the receipt of amended plans Councillor Barnett has withdrawn her objection. Councillor Lewry's objection still remains however. A copy of their representations are attached to this report.

6. CONSULTATIONS

None

7. MATERIAL CONSIDERATIONS

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

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development
CP12 Urban Design

Brighton & Hove Local Plan 2005 (retained policies):

QD14 Extensions and Alterations
QD27 Protection of Amenity

Brighton & Hove City Plan Part Two

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

QD14 Extensions and Alterations
DM20 Protection of Amenity

Supplementary Planning Documents

SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed extensions and whether they would have an impact on any neighbouring properties.

Design and Appearance

- 9.2. The proposed conversion of the roof from a hip to a gable is not considered to be out of character in the streetscene given that such roof alterations are commonplace in Hangleton Valley Drive and have already taken place at Nos

72, 74 and 76 as well as a number of other properties in the vicinity of the site. Moreover, there is no uniformity with a mix of styles and roof forms in the vicinity.

- 9.3. The proposed front dormer would be of a modest size with a pitched roof and is considered sympathetic to the main dwelling. A significant number of other properties within the street have also had front dormer extensions so the proposed front dormer would not appear out of character.
- 9.4. Whilst the rear dormer is relatively large and occupies the majority of the rear roofspace, it would not be highly visible on the streetscene and has been designed so that it is set in from the side elevations of the dwelling, sits well below the ridge of the roof, and retains some separation from the flat roof of the proposed rear extension. Whilst it is considered excessive in size, a number of other properties within Hangleton Valley Drive have rear dormers, some of which are of a comparable size.
- 9.5. Whilst cumulatively the roof of the property would significantly change as a result of the proposals, it is not considered that the roof alterations, when viewed as a whole, would appear out of character or unsympathetic to the host dwelling.
- 9.6. The proposed flat-roofed rear extension would be conventional in appearance, would not be excessive in size, and would have no harmful impacts on the appearance of the property.
- 9.7. The materials proposed for the roof extensions and rear extension would match the existing materials on the dwelling (brick and tile).
- 9.8. It is therefore considered that the proposed extensions would not conflict with policies QD14 of the Brighton & Hove Local Plan, DM21 of the emerging Brighton & Hove City Plan Part 2, and SPD12 guidance.

Impact on Amenity

- 9.9. Having regard to the impact on neighbouring properties as a result of the proposed roof additions, there are no windows on the south elevation of 80 Hangleton Valley Drive to the north so there would be no impact on the outlook or light available to this property. Whilst there is a window in the proposed northern gable end of the application dwelling, this window serves a staircase and its location would ensure that there is no overlooking of No.80's garden.
- 9.10. Having regard to the impact on 76 Hangleton Valley Drive, whilst there are windows on the north elevation of this property, the main outlook from No.76 is in an east-west direction, and there would be no loss of sunlight to these windows in the north elevation given that they are north facing.
- 9.11. The nearest dwellings to the rear - 2 Meads Avenue and 2 Meads Close - are approximately 22m and 32m respectively from the proposed rear dormer which is a sufficient distance to ensure the privacy of these dwellings. Whilst it is acknowledged that the rear dormer would allow views into the gardens of these properties, it is not considered that the degree of overlooking would be so harmful as to warrant a refusal.

- 9.12. To ensure the privacy of neighbouring properties, a condition would also be added to any planning consent to ensure that the flat roof of the extension is not used as a terrace, accessed via the doors in the proposed rear dormer.
- 9.13. The proposed rear extension, at a depth of 3.7m and height of 2.7m, is not considered to be excessive in size and is set away approx. 0.9m from the southern boundary and just over 2m from the north boundary. It is therefore not considered that the proposed rear extension would have any harmful impacts on the neighbouring properties.
- 9.14. The proposed extensions would therefore not conflict with policy QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton & Hove City Plan Part 2.

Biodiversity

- 9.15. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One.

10. EQUALITIES
None identified.

Cllr. Dawn Barnett & Cllr. Nick Lewry
BH2021/01272 - 78 Hangleton Valley Drive

7th May 2021:

We are writing on behalf of our community to state our objection to the above development application in our ward of Hangleton & Knoll on behalf of our constituents.

Several of the residents in the surrounding houses are very concerned at the size of the proposed building work, which would involve turning a 2 bedroom bungalow into a 4 bedroom house with a converted garage that could potentially be used as a 5th bedroom.

The side extension would be approximately 4/5 inches from the border with the neighbouring house.

This area is bungalow-land with the front gardens very tidy and houses at a low elevation. When this neighbourhood was built in the 1960s it was built as low level and open planned.

Our objection is on the following grounds:

1. **Appearance and size of the buildings is not appropriate** – The proposed building is far too large and the design is out of step with the surrounding neighbourhood. When the bungalows were originally designed, the layout, spacing and scale of the buildings was carefully planned to ensure that they would be in keeping with the landscape and offer views of the Downs to each bungalow. This large new building would be out of step with the surrounding area.
2. **Adjoining residents will suffer overshadowing, overlooking or loss of privacy** – The size of the building will impinge on the neighbours.
3. **Community Opposition** – Many neighbours are against this development and their voices should be heard.

We are asking that Council Officer visit this site in person (now that Covid-19 restrictions are easing) to see for themselves the unsuitable nature of the site and how out of character with the area this development would be.

We would like to meet with you at the site as soon as possible so we can personally show you how much it doesn't blend in with the area.

We ask that you rule against this proposal.

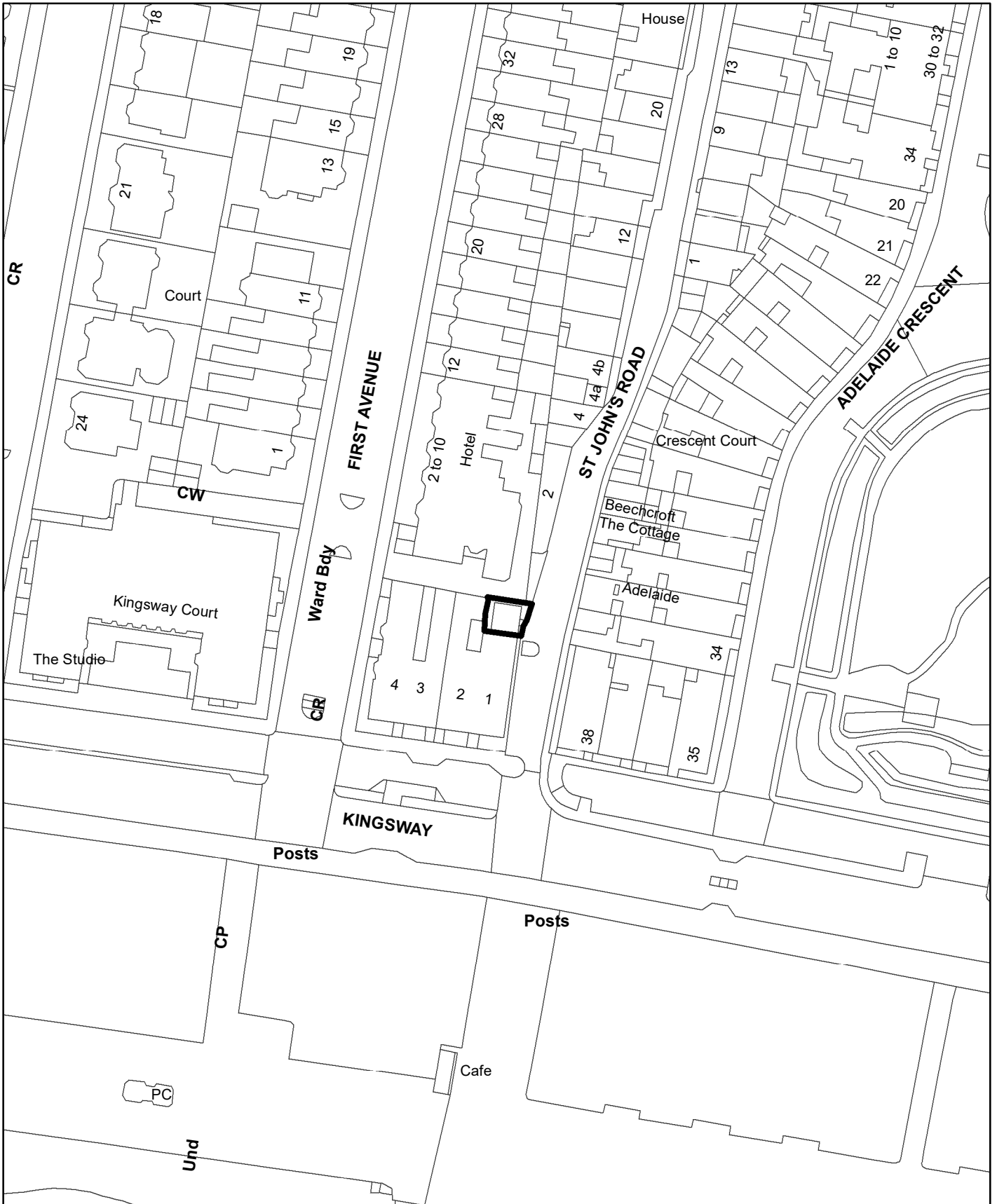
If this is not possible and you are minded to approve this development, we are calling this application in to planning committee where we would give a presentation to express opposition to the plans.

ITEM L

**The Mews House, Adelaide Mansions
BH2021/00426
Householder Planning Consent**

DATE OF COMMITTEE: 4th August 2021

BH2021 00426 - The Mews House, Adelaide Mansions



N



Scale: 1:1,250

<u>No:</u>	BH2021/00426	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	The Mews House Adelaide Mansions Hove BN3 2FD		
<u>Proposal:</u>	Erection of garden room on roof with roof terrace. Installation of replacement aluminium windows and doors to first floor balcony and new lower ground floor flue on East elevation.		
<u>Officer:</u>	Charlie Partridge, 292193	tel:	<u>Valid Date:</u> 22.02.2021
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	19.04.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Miss Andrea Catlow The Mews House Adelaide Mansions Hove BN3 2FD		

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	1804-PA-010		8 February 2021
Proposed Drawing	1804-PA-011		8 February 2021
Proposed Drawing	1804-PA-012	REV A	16 April 2021
Proposed Drawing	1804-PA-013	REV A	16 April 2021
Proposed Drawing	1804-PA-014	REV A	16 April 2021
Proposed Drawing	1804-PA-015		8 February 2021
Proposed Drawing	1804-PA-015		6 May 2021

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

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

3. The glass balustrade hereby approved shall be frameless and retained as such thereafter.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The obscured glass wall on the southern end of the garden room hereby approved shall be installed prior to the first use of the terrace and shall remain obscured as such thereafter.

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

Informatives:

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

2. SITE LOCATION

- 2.1. The application site is located within the Brunswick Town Conservation Area and is attached to 1-4 Adelaide Mansions which is listed Grade II. The property is not itself a designated heritage asset, however it relates in scale and architectural treatment to the adjacent 3 storey rear extension of 1 Adelaide Mansions, and sits prominently in views of the listed buildings from the north along St Johns Road thereby having potential to impact the setting of this heritage asset.

3. RELEVANT HISTORY

- 3.1. **BH2021/00427** Erection of garden room on roof with roof terrace. Installation of replacement aluminium windows and doors to first floor balcony and new lower ground floor flue on East elevation. Concurrent Listed Building Consent application under consideration
- 3.2. **BH2014/01865** Application for removal of condition 2 of BH2014/00106 (Internal alterations to layout of second floor) which states that no works shall take place until full details of the external vent have been submitted to and approved in writing by the Local Planning Authority. Approved 06.08.2014
- 3.3. **BH2014/00106** Internal alterations to layout of second floor. Approved 25.03.2014
- 3.4. **BH2009/00162** Erection of garden room on roof. Approved 30.04.2009

4. APPLICATION DESCRIPTION

- 4.1. Householder planning consent is sought for the erection of a garden room on the roof with a roof terrace. Consent is also sought for the installation of replacement aluminium windows and doors to the first-floor balcony and a new lower ground floor flue on the East elevation.
- 4.2. The proposal represents an amended scheme for a garden room and roof terrace, previously approved in 2009 (BH2009/00162). The extension in the current application has been re-positioned to the south west corner of the roof when compared to the previously approved scheme, the permission for which has now expired.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters have been received objecting to the proposed development for the following reasons:
 - Adverse effect on listed building
 - Adverse effect on conservation area
 - Detrimental to property value
 - Inappropriate Height of Development
 - Noise
 - Overdevelopment of the property
 - Overshadowing
 - Restriction of view
- 5.2. **Conservation Advisory Group Objection**

The proposed glass room on top of the existing roof would be very visible from several parts of the public realm and because of its design and size and would introduce an alien and harmful intrusion into the street scene. The proposed glass balustrade for the proposed roof terrace would also be very visible from the public realm and would be equally, if not more harmful, to the setting of a listed building and to the street scene.

6. CONSULTATIONS

6.1. Heritage

09.03.2021 - Objection

This application is for a glazed structure with a pitched roof on top of the existing flat roof, a roof terrace and glass balustrading added to the existing parapet. Any increase in height of this property will have an impact on the highly visible roof-scape of the three storey extensions to Adelaide Mansions, and the setting of the listed building. The scale of building at this end of St Johns Road drops dramatically northwards from the principle frontage of 1 Adelaide Mansions and the development of the roof of Mews House has the potential to disrupt this relationship.

- 6.2. It is considered that as proposed, the proportions of this structure would be overly prominent, and the addition of glass balustrading would be an uncharacteristic addition to the street scene. It is therefore suggested that a

lower, flat-roofed structure would have less impact and would relate better to the roof profiles in views from the north, and an alternative balustrade arrangement, perhaps set back from the existing masonry parapet should be investigated. The heritage team is unable to support this application as submitted.

22.04.2021 - Comment following revised plans received 21.04.2021

- 6.3. The design of the proposed structure has been amended to have a flat roof as suggested in the original comments. This is considered to reduce the prominence of the structure in the street scene due to the reduction in height and the simplification of the profile and is considered acceptable. The glass screen has been re-positioned inside the area of flat roof, rather than being placed on top of the existing parapet as originally proposed. It is considered that this has potential to reduce its visibility, however clarification of the impact this would have is considered necessary, and a section showing visibility from street level from the north is requested.

10.05.2021 - Approve with Conditions - Final comment following information received 07.05.2021

- 6.4. The applicant has provided a 3D visual and section to aid assessment of the visibility of the proposed glass screen. It is considered that the northern balustrade will be clearly visible in views southwards along St Johns Road, but the eastern barrier is likely to be less visible from closer viewpoints. It is therefore considered that the screen should be frameless (as indicated in the visuals) in order to minimise its visibility - please add a condition accordingly.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One
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
HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of a conservation area

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

DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets

Supplementary Planning Documents:
SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character and significance of the adjacent Grade II listed building to which the Mews House is connected (1-4 Adelaide Mansions) and the wider Brunswick Town Conservation Area.
- 9.2. "In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight.

Design Comments

- 9.4. The original proposal submitted sought permission for the erection of a glazed structure with a pitched roof on top of the existing roof and a glass balustrade along the existing parapet. Following the initial consultation with heritage, amended drawings were received which removed the pitched roof element from the design of the proposal to reduce the visual prominence of the structure and so that it would relate better to the surrounding roof profiles. The amended drawings also repositioned the glass balustrade as it was considered to be an uncharacteristic feature within the surrounding context of the area.
- 9.5. The proposed balustrade would now be set back from the perimeter rather than being situated on top of the existing parapet wall, reducing its visibility from the streetscene. A 3D visual and sectional drawing were also received following further consultation with heritage which confirm that the northern side of the balustrade would be clearly visible from St John's Road, but the eastern side would be less visible. A condition will be added to ensure the balustrade would be frameless to minimise its visibility from the public realm.
- 9.6. The amended plans have addressed the concerns raised by the Heritage Team.
- 9.7. Following these amendments to the design of the proposal, the proposed works would not harm the historic character or appearance of the adjacent Grade II listed building or wider conservation area, in accordance with policies QD14, HE1 & HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26, DM27 & DM29 of the Brighton & Hove City Plan Part Two.
- 9.8. The proposed replacement aluminium windows and doors to the first-floor balcony and new lower ground floor flue on the East elevation are considered to be minor alterations that are unlikely to result in significant harm to the character or appearance of the host building, the significance of the adjacent listed building or wider conservation area, in accordance with Local Plan policies QD14, HE1 & HE6, City Plan Part One policy CP15 and City Plan Part Two policies DM18, DM21, DM26, DM27 & DM29.

Impact on Neighbours and Amenity

- 9.9. 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.
- 9.10. Concerns have been raised from neighbouring occupiers regarding the impact of the structure.

- 9.11. The impact of the proposal on the amenity of the adjacent properties has been assessed following the submission of site photographs with this application and the review of photos taken during a site visit on the 14.06.2021.
- 9.12. With regard to neighbouring amenity, some impacts are expected to occur as a result of the proposed development. The proposed roof terrace would result in greatly increased usage of the roof space as an outdoor amenity area. This in turn would create noise nuisance on a regular basis for the adjacent residents of Adelaide Mansions and the surrounding area. However, the significance of this impact is not considered sufficient enough to warrant a refusal of the application in this instance.
- 9.13. No impacts relating to loss of privacy or overlooking are expected to occur as a result of the proposed development as the southern wall would be constructed from obscured glass and the western wall would be a full height rendered wall with no windows. The other two walls would face away from the adjacent residents of Adelaide Mansions. Due to the positioning of the proposed structure, no impacts relating to sunlight and daylight are expected to occur.

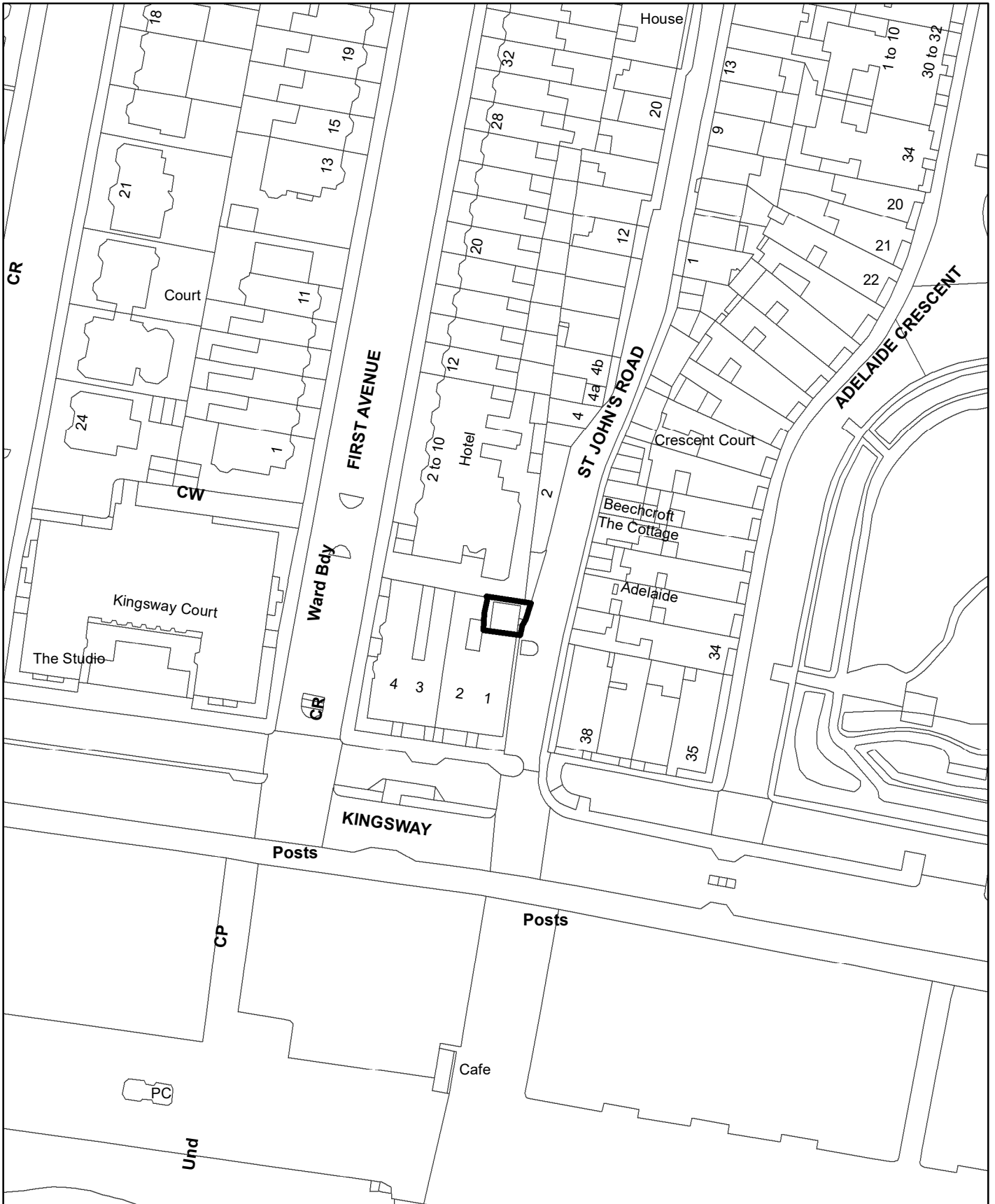
10. EQUALITIES
None identified

ITEM M

**The Mews House, Adelaide Mansions
BH2021/00427
Listed Building Consent**

DATE OF COMMITTEE: 4th August 2021

BH2021 00427 - The Mews House, Adelaide Mansions



N



Scale: 1:1,250

<u>No:</u>	BH2021/00427	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	The Mews House Adelaide Mansions Hove BN3 2FD		
<u>Proposal:</u>	Erection of garden room on roof with roof terrace. Installation of replacement aluminium windows and doors to first floor balcony and new lower ground floor flue on East elevation.		
<u>Officer:</u>	Charlie Partridge, tel: 292193	<u>Valid Date:</u>	22.02.2021
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	19.04.2021
<u>Listed Building Grade:</u>			
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Miss Andrea Catlow The Mews House Adelaide Mansions Hove BN3 2FD		

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** Listed Building Consent subject to the following Conditions and Informatives.

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

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

2. The glass balustrade hereby approved shall be frameless and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

3. The obscured glass wall on the southern end of the garden room hereby approved shall be installed prior to the first use of the terrace and shall remain obscured as such thereafter.

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

Informatives:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	1804-PA-010		8 February 2021
Proposed Drawing	1804-PA-011		8 February 2021
Proposed Drawing	1804-PA-012	REV A	16 April 2021

Proposed Drawing	1804-PA-013	REV A	16 April 2021
Proposed Drawing	1804-PA-014	REV A	16 April 2021
Proposed Drawing	1804-PA-015		8 February 2021
Proposed Drawing	1804-PA-015		6 May 2021

2. SITE LOCATION

- 2.1. This property is in the Brunswick Town Conservation Area and is attached to 1-4 Adelaide Mansions which is listed Grade II. The property is not itself a designated heritage asset, however it relates in scale and architectural treatment to the adjacent 3 storey rear extension of 1 Adelaide Mansions, and sits prominently in views of the listed buildings from the north along St Johns Road thereby having potential to impact the setting of this heritage asset.

3. RELEVANT HISTORY

- 3.1. **BH2021/00426** Erection of garden room on roof with roof terrace. Installation of replacement aluminium windows and doors to first floor balcony and new lower ground floor flue on East elevation. Concurrent Householder Planning Consent application under consideration
- 3.2. **BH2014/01865** Application for removal of condition 2 of BH2014/00106 (Internal alterations to layout of second floor) which states that no works shall take place until full details of the external vent have been submitted to and approved in writing by the Local Planning Authority. Approved 06.08.2014
- 3.3. **BH2014/00106** Internal alterations to layout of second floor. Approved 25.03.2014
- 3.4. **BH2009/00162** Erection of garden room on roof. Approved 30.04.2009

4. APPLICATION DESCRIPTION

- 4.1. Listed building consent is sought for the erection of a garden room on the roof with a roof terrace. Consent is also sought for the installation of replacement aluminium windows and doors to the first-floor balcony and a new lower ground floor flue on the East elevation.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters have been received objecting to the proposed development for the following reasons:
- Adverse effect on listed building
 - Adverse effect on conservation area
 - Detrimental to property value
 - Inappropriate Height of Development

- Noise
- Overdevelopment of the property
- Overshadowing
- Restriction of view

5.2. **Conservation Advisory Group 09.03.2021 Objection**

The proposed glass room on top of the existing roof would be very visible from several parts of the public realm and because of its design and size and would introduce an alien and harmful intrusion into the street scene. The proposed glass balustrade for the proposed roof terrace would also be very visible from the public realm and would be equally, if not more harmful, to the setting of a listed building and to the street scene.

6. **CONSULTATIONS**

6.1. **Heritage**

09.03.2021 - Objection

This application is for a glazed structure with a pitched roof on top of the existing flat roof, a roof terrace and glass balustrading added to the existing parapet. Any increase in height of this property will have an impact on the highly visible roof-scape of the three storey extensions to Adelaide Mansions, and the setting of the listed building. The scale of building at this end of St Johns Road drops dramatically northwards from the principle frontage of 1 Adelaide Mansions and the development of the roof of Mews House has the potential to disrupt this relationship.

- 6.2. It is considered that as proposed, the proportions of this structure would be overly prominent, and the addition of glass balustrading would be an uncharacteristic addition to the street scene. It is therefore suggested that a lower, flat-roofed structure would have less impact and would relate better to the roof profiles in views from the north, and an alternative balustrade arrangement, perhaps set back from the existing masonry parapet should be investigated. The heritage team is unable to support this application as submitted.

22.04.2021 - Comment following revised plans received 21.04.2021

- 6.3. The design of the proposed structure has been amended to have a flat roof as suggested in the original comments. This is considered to reduce the prominence of the structure in the street scene due to the reduction in height and the simplification of the profile and is considered acceptable. The glass screen has been re-positioned inside the area of flat roof, rather than being placed on top of the existing parapet as originally proposed. It is considered that this has potential to reduce its visibility, however clarification of the impact this would have is considered necessary, and a section showing visibility from street level from the north is requested.

10.05.2021 - Approve with conditions - Final comment following information received 07.05.2021

- 6.4. The applicant has provided a 3D visual and section to aid assessment of the visibility of the proposed glass screen. It is considered that the northern

balustrade will be clearly visible in views southwards along St Johns Road, but the eastern barrier is likely to be less visible from closer viewpoints. It is therefore considered that the screen should be frameless (as indicated in the visuals) in order to minimise its visibility - please add a condition accordingly.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

HE1 Listed Buildings

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two (Proposed Submission October 2020)

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

DM26 Conservation Areas

DM27 Listed Buildings

9. CONSIDERATIONS & ASSESSMENT

- 9.1. 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 the historic character and significance of the adjacent Grade II listed building to which the Mews House is connected (1-4 Adelaide Mansions), the setting of other listed buildings and the wider Brunswick Town Conservation Area.
- 9.2. In considering whether to grant listed building consent 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. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.3. Following the initial consultation with heritage, amended drawings were received which removed the pitched roof element from the design of the proposal to reduce the visual prominence of the structure and so that it would relate better to the surrounding roof profiles. The amended drawings also repositioned the glass balustrade as it was considered to be an uncharacteristic feature within the surrounding context of the area. The balustrade would now be set back from the perimeter rather than being situated on top of the existing parapet wall, reducing its visibility from the streetscene. A 3D visual and sectional drawing were also received following further consultation with heritage which confirm that the northern side of the balustrade would be clearly visible from St John's Road, but the eastern side would be less visible.
- 9.4. Following these amendments to the design of the proposal and subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the adjacent Grade II listed building or the wider conservation area, in accordance with policies HE1, HE3 & HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26, DM27 & DM29 of the Brighton & Hove City Plan Part Two.

10. EQUALITIES

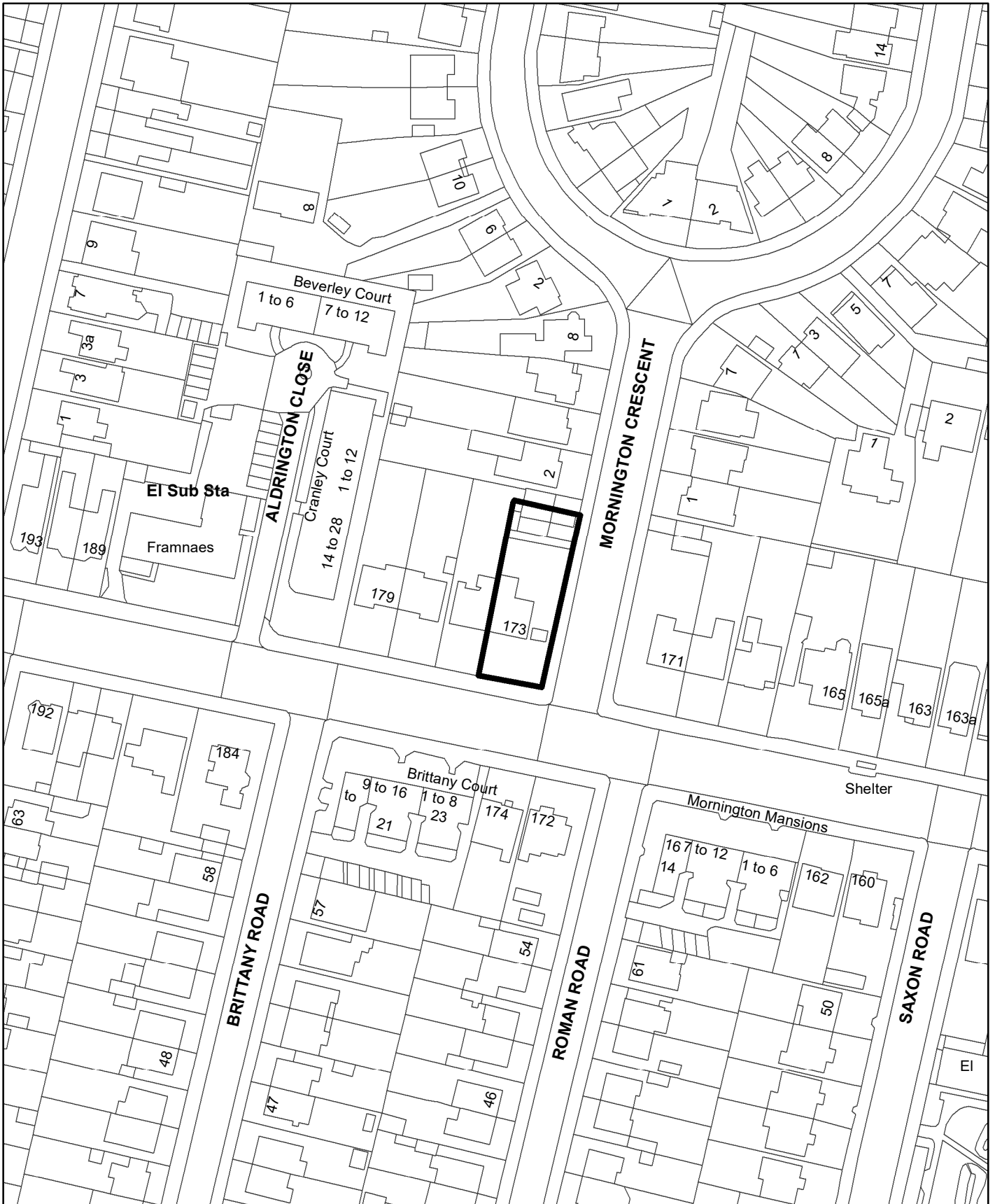
None identified

ITEM N

**173 New Church Road
BH2021/01064
Householder Planning Consent**

DATE OF COMMITTEE: 4th August 2021

BH2021 01064 - 173 New Church Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/01064	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	173 New Church Road Hove BN3 4DA		
<u>Proposal:</u>	Replacement of existing garage doors with bay windows.		
<u>Officer:</u>	Caitlin Deller, tel: 296618	<u>Valid Date:</u>	23.03.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18.05.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mark Hills Architectural Services 4 Shellbourne House Marina Bexhill East Sussex TN4 1BL		
<u>Applicant:</u>	Bayside Property Investments Ground Floor Front Office 46 Lansdowne Place Hove BN3 1HH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			23 March 2021
Proposed Drawing	52	A	23 March 2021
Proposed Drawing	53	A	23 March 2021
Proposed Drawing	55	A	23 March 2021
Proposed Drawing	61		23 March 2021

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

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

3. The annexe hereby approved shall only be used as accommodation ancillary to and in connection with the use of the main property as a single dwelling house and shall at no time be occupied as a separate or self-contained unit of accommodation.

Reason: In order to protect the amenities of neighbouring properties and potential future occupants because the annexe is unacceptable as a new dwelling and in accordance with policies QD27 of the Brighton & Hove Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Part 2, Class A shall be carried out including the erection, construction or material alteration of any gate fence, wall or means of enclosure without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties, to ensure appropriate visual subdivision of the site and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 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. SITE LOCATION

- 2.1. The application relates to two of three conjoined single storey garage/outbuilding structures sited at the rear of 173 New Church Road. The site is the southern pair of three similar single storey garage structures facing onto Mornington Crescent which runs north to south on the eastern side of the site. The building has windows and an entrance door installed on its southern elevation facing the main house. Photographic evidence shows that the site appears to have been in use as an annex building in connection with 173 New Church Road for over ten years. The garage outbuildings are white rendered with white UPVC windows to the south and two white garage doors with a mixed render and brick parapet to the east. The property is not situated within a Conservation Area and there are no listed buildings in close proximity of the site.

3. RELEVANT HISTORY

- 3.1. **PRE2021/00003** - Alteration to existing out-building to provide 2 no bay windows to replace garage doors.
Advice issued 02.03.2021
- 3.2. **BH2018/02919** - Alterations to existing annexe including 2no bay windows to replace garage doors, installation of porch and associated works.
Refused 13.11.2018
- 3.3. **BH2015/03066** - Demolition of existing garage and granny annexe and erection of two storey three bedroom chalet bungalow.
Approved 07.04.2016

4. APPLICATION DESCRIPTION

- 4.1. The application proposes the removal of the two garage doors facing onto Mornington Crescent and their replacement with two projecting bay windows. The materials proposed are white UPVC windows with white rendered bays to match the existing structure. The proposed floor plans indicate that an existing storage and day room would be proposed as a home gym and recreation room. The application also proposes an increase of a section of the rear wall to 2m on the western boundary.

5. REPRESENTATIONS

- 5.1. **Seven (7) objections** from properties in close vicinity to the site were received raising the following concerns:

- Loss of privacy
- Development not in character with streetscene or area
- Increased noise and disturbance
- Additional traffic and parking demand
- Detrimental effect on property value
- Overdevelopment of the site
- Poor design
- Overshadowing
- Inappropriate height
- Too close to the boundary of the property
- Constant building operations at the site for many years
- Noise and dust from construction
- Restriction of view
- Additional occupants

6. CONSULTATIONS

None

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

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

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

8. RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of Amenity

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

9.1. The building is a former double garage now used as an outbuilding in connection with the main dwelling at 173 New Church Road. Photographic imagery confirms that it appears to have been in use as an annex for over ten years. While planning permission was granted in 2015 for the demolition of the garages and the creation of a new 3no. bedroom chalet bungalow, the applicant has confirmed that the intention of the proposal is to solely improve the standard of the existing outbuilding and is not seeking a subdivision of the site or the creation of a new dwelling.

9.2. The two existing white panelled garage doors would be removed and replaced with two projecting bay windows which would project approximately 0.5m from the existing garage door and be constructed in white UPVC with white render to

match the existing building. Part of the rear boundary wall forming part of the structure is also proposed to be increased to 2m and would be rendered to match the existing structure. The building would retain a domestic appearance and would be a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policies QD14 of the Brighton & Hove Local Plan, CP12 of the Brighton and Hove City Plan Part One, DM18 and DM21 of the Brighton and Hove City Plan Part Two and SPD12 guidance.

- 9.3. The two bay windows would face onto the streetscene of Mornington Crescent and the garages and boundary walls of the property opposite the site. There would be no direct overlooking as a result of the proposal. The site is also separated from the closest property to the north by a single storey garage attached to the application site. The increase in the rear western wall to 2m would be an alteration commensurate with that which could be achieved utilising permitted development rights. As such the alterations are considered to have no impact upon and cause no harm to residential amenity in accordance with policies QD27 of the Brighton & Hove Local Plan and DM20 of the Brighton and Hove City Plan Part Two.

Other matters:

- 9.4. It is noted that a proposal for the insertion of two bay windows, in place of the existing garage doors, was refused in 2018. Whilst the detailing of the two bay windows remains identical in this application, this previous application also included a number of factors including an external porch creating a formal entrance lobby and the overall proposal represented a development with all the characteristics of a separate independent dwelling. Whilst similar, this application only proposes the additional windows and a small increase to the rear boundary wall. It is not considered that the current application has sufficient characteristics to be considered as an independent dwelling and therefore conditions to secure the non-severance of the site as a separate unit of accommodation as well as a condition to restrict any further alterations to the boundary walls and fences in order to prevent any physical subdivision are considered sufficient to overcome such concerns.
- 9.5. It is noted that representations have been received siting a number of different concerns relating to the impact of the development upon the area and neighbouring amenity. The application site appears to have been used as annex accommodation for many years. Photographic evidence shows the doors and windows to the southern elevation, a satellite dish, TV aerial and an extract flue in place in 2009. The applicant has stated that the building has been used for this purpose since approximately 1995. Neither the existing or proposed plans show bedroom accommodation but do show a small kitchen, bathroom and home gym as well as additional space indicated as a "day room". Photographs submitted by the applicant show that the small kitchen has been in situ for some time and it is considered that the application does not propose any additional accommodation floorspace over that which already exists. It is not therefore considered that the proposal would create any additional use of the structure than that which appears to already be in place.

- 9.6. Concerns have been raised in regard to an increase in the impact on the highways and local parking. Given that the site has been used in this manner for some time it is not considered that an increase on the highway network or an increase in parking demand would result from the proposal given the existing use of the building.
- 9.7. Matters have also been raised in regards to ongoing building works at the site and the noise and dust created by the proposal. These are considered to be minor impacts of a temporary nature and would not warrant refusal of the application.
- 9.8. Concerns have additionally been raised in regards to the effect of the development on property value and the restriction of a view. Neither of these concerns are material planning considerations and are given no weight in the assessment of this proposal.

10. EQUALITIES
None identified

NEW APPEALS RECEIVED 10/06/2021 - 07/07/2021

<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2021/00009
<u>ADDRESS</u>	26A and 26B Sussex Terrace Brighton BN2 9QJ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey rear extension with associated alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	25/06/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	18 Lower Rock Gardens Brighton BN2 1PG
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against EN Without planning permission, the erection of a shed/outbuilding on the front hardstanding of the property.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	23/06/2021
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

<u>WARD</u>	WESTBOURNE
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	32 Hove Street Hove BN3 2DH
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/06/2021
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

APPEAL DECISIONS FOR THE PERIOD BETWEEN 23/06/2021 AND 20/07/2021

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00032
<u>ADDRESS</u>	Kings Gate 111 The Drive Hove BN3 6FU
<u>DEVELOPMENT DESCRIPTION</u>	Prior Approval for the erection of an additional two storeys to provide 10no self-contained flats (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/03170
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00035
<u>ADDRESS</u>	Shanklin Court 132 Hangleton Road Hove BN3 7SB
<u>DEVELOPMENT DESCRIPTION</u>	Prior Approval for the erection of an additional two storeys to provide 8no. new flats (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02965
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00037
<u>ADDRESS</u>	95 Heath Hill Avenue Brighton BN2 4FH
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from small house in multiple occupation (C4) to large house in multiple occupation (Sui Generis) incorporating a single storey rear extension, creation of parking area to the front and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/03070
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	NORTH PORTSLADE

<u>APPEAL APPLICATION NUMBER</u>	APL2021/00033
<u>ADDRESS</u>	Land Rear Of 70 Mile Oak Road Portslade BN41
<u>DEVELOPMENT DESCRIPTION</u>	2PL Erection of single storey three bedroom eco dwelling (C3) with associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02755
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PATCHAM
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00034
<u>ADDRESS</u>	8 Mayfield Close Brighton BN1 8HP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a detached one bedroom bungalow (C3) on land to the east of existing dwelling.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/03173
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	SOUTH PORTSLADE
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00026
<u>ADDRESS</u>	50 Benfield Way Portslade BN41 2DL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 2no. three bedroom detached two storey dwelling houses (C3) to rear, with associated alterations to existing dwellinghouse.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02531
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00174
<u>ADDRESS</u>	55 Centurion Road Brighton BN1 3LN
<u>DEVELOPMENT DESCRIPTION</u>	Application for removal of conditions 5, 7 & 8 of BH2019/03209 (Change of use from dwellinghouse (C3) to flexible use as 5no bedroom small house in multiple occupation (C4) or single family dwellinghouse (C3)) relating to cycle storage, sound proofing and residents parking permits.
<u>APPEAL TYPE</u>	Against Refusal

APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2020/01285
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEAL APPLICATION NUMBER APL2021/00038
ADDRESS 22 Crescent Road Brighton BN2 3RP

DEVELOPMENT DESCRIPTION Change of use from single dwelling (C3) to four bedroom small house in multiple occupation (C4). (Revised drawing and description).

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2020/01986
APPLICATION DECISION LEVEL Planning (Applications) Committee
