

# Planning Committee

Date: **6 April 2022**

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

## 101 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.*

## 102 MINUTES OF THE PREVIOUS MEETING

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Minutes of the meeting held on 9 March 2022 attached.

## 103 CHAIR'S COMMUNICATIONS

## 104 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on Thursday 31 March 2022.

**105 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

**106 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.*

**MINOR APPLICATIONS**

A	BH2021/04390 - 28A Crescent Road, Brighton - Full Planning	<b>19 - 36</b>
B	BH2021/04436 - 16 Talbot Crescent, Brighton - Full Planning	<b>37 - 58</b>
C	BH2021/02805 - Land to the Rear of 28-30 Longhill Road - Full Planning	<b>59 - 82</b>
D	BH2021/04397 - 8 West Way, Hove - Full Planning	<b>83 - 106</b>
E	BH2021/03761 - 24 Holland Road, Hove - Full Planning	<b>107 - 120</b>
F	BH2021/04003 - 295 Dyke Road, Hove - Outline Application Some Matters Reserved	<b>121 - 136</b>
G	BH2021/02689 - 19 Hampton Place, Brighton - Householder Planning Consent	<b>137 - 148</b>
H	BH2021/02690 - 19 Hampton Place, Brighton - Listed Building Consent	<b>149 - 158</b>
I	BH2021/04485 - Garage Rear of 46 Boundary Road, Hove - Full Planning	<b>159 - 170</b>
J	BH2022/00280 - 155 Westbourne Street, Hove - Full Planning	<b>171 - 180</b>
K	BH2021/03276 - Flints, Ovingdean Road, Brighton - Full Planning	<b>181 - 192</b>

L	BH2021/03277 - Flints, Ovingdean Road, Brighton - Listed Building Consent	<b>193 - 204</b>
M	BH2022/00428 - 46 Ridgeside Avenue, Brighton - Householder Planning Consent	<b>205 - 216</b>
N	BH2021/04478 - 141 Elm Grove, Brighton - Removal or Variation of Condition	<b>217 - 230</b>
O	BH2022/00447 - 14 Millcross Road, Portslade - Prior Approval Extension	<b>231 - 238</b>

**107 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**

<b>108</b>	<b>LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE</b>  (copy attached).	<b>239 - 242</b>
<b>109</b>	<b>INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES</b>  (copy attached).	<b>243 - 244</b>
<b>110</b>	<b>APPEAL DECISIONS</b>  (copy attached).	<b>245 - 246</b>

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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### **FURTHER INFORMATION**

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

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**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 9 MARCH 2022**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Littman (Chair), Ebel (Deputy Chair), Fishleigh, Moonan, Shanks, C Theobald, Yates and Meadows

**Co-opted Members:** Jim Gowans (Conservation Advisory Group) and Mr Roger Amerena (Conservation Advisory Group)

**Officers in attendance:**

Jane Moseley (Planning Manager), Don Anyiam (Highway Agreements Officer), , Ben Daines (Planning Team Leader), Steven Dover (Assistant Planning Officer), Kate Cole (County Ecologist), Sonia Gillam (Senior Planning Officer), Wayne Nee (Principal Planning Officer), Charlie Partridge (Assistant Planning Officer), Emily Standbridge (Senior Planning Officer), Chris Swain (Planning Team Leader), Michael Tucker (Senior Planning Officer), Alison Gatherer (Senior Solicitor) and Shaun Hughes (Democratic Services Officer)

**PART ONE**

**81 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

81.1 Councillor Meadows substituted for Councillor Barnett

**b) Declarations of interests**

81.2 Councillor Yates declared that they were employed by the NHS and would not take part in the discussions or decision making process of item C - BH2021/03056 - Royal Sussex County Hospital. Councillor Yates stated they had submitted representations on the original application for item B - BH2021/04379 - Sussex County Cricket Ground, however, they remained of an open mind on the application before the committee today. Councillor Meadows stated they work for the NHS and would not take part in the discussions or decision making process of item C - BH2021/03056 - Royal Sussex County Hospital. Councillor Meadows stated they would be addressing the committee as ward councillor on item L - BH2021/04303 13 Cuckmere Way Brighton.

**c) Exclusion of the press and public**

81.3 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.

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

**82 MINUTES OF THE PREVIOUS MEETING**

82.1 **RESOLVED:** That the committee agreed the minutes of the meeting held on 2 February 2022 where a correct record after the following amendments were made: Councillor Yates requested that Councillor Childs name to added to the list of apologies.

**83 CHAIR'S COMMUNICATIONS**

83.1 The Chair, Councillor Littman welcomed the committee to the meeting and stated they had missed the previous two meetings for personal health reasons. Councillor Littman went on to state that they would need to stand for part of the meeting, there would be more breaks than usual and the deputy chair, Councillor Ebel, would take over the meeting should that be necessary.

**84 PUBLIC QUESTIONS**

84.1 There were none for this meeting.

**85 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

85.1 **RESOLVED:** There were none for this meeting.

**86 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2018/03356 - KAP Newtown Road, Hove - Deed of Variation**

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

Answers to Committee Member Questions

2. Councillor Shanks was informed by the Empty Property officer that the council did not buy the site as it was unsuitable, and the price was too high. Peter Griffiths (applicant’s agent) informed the councillor that the applicant had approached registered providers, and none were interested in the scheme as it was considered too small. Out of the 24 providers none wanted a mixed tenure block. The commuted sum would be a better outcome for the council to use elsewhere.

3. Councillor Moonan noted the commuted sums and was informed by the Empty Property Officer that there is a set formula for calculating commuted sums. The Empty Property Officer noted that it is not a like-for-like calculation, with the average cost of two bed property calculated to be £230,000 with 30% of that sum coming from council funding. The commuted sum in this case could buy 52 properties. The council were working closely with the registered providers to address any issues they have.
4. The case officer stated that the affordable housing is to remain onsite.
5. Councillor Moonan was informed by Councillor Littman that the Affordable Housing Brief was last reviewed in May 2021.
6. Councillor Yates was informed by the Empty Property Officer that some properties were acceptable when bought and others required some works. The average costs of refurbishment will be looked into. It was noted that a local employment contribution will be made.
7. Councillor Ebel was informed by the Empty Property Officer that the 52 units would come from regeneration schemes.
8. Councillor Theobald was informed by the Empty Property Officer that quality of the development was not an issue and noted that 70 homes were purchased over the last year.
9. Councillor Shanks was informed by the Empty Property Officer that the Council would look into the provision of affordable housing in blocks of flats with mixed tenure.
10. Councillor Moonan was informed that a refusal would have to be reasonable under policy.
11. Councillor Ebel was informed that affordable rent was the priority for affordable housing.
12. The agent informed the committee that the 18 units were for shared equity.

#### Debate

13. Councillor Yates stated they were not happy with the registered providers. The councillor supported the application given this would be the rational course.
14. Councillor Theobald expressed concerns and considered that another registered provider should have taken on the property and noted that shared equity was an option. The councillor did not support the application and requested that the application be deferred.
15. Councillor Meadows considered the commuted sum to be good and noted that shared ownership and shared equity were not necessarily right for the city. Mixing tenures was considered a challenge. Developers need to make a profit, and this can affect the quality of affordable housing.

16. Councillor Shanks did not support the application and considered that the council should get in at the beginning to obtain the property in reflection of the housing crisis in the city.
17. Councillor Littman noted that the committee should only be looking at the application submitted on the agenda. Councillor could not vote against the application itself as it had been approved.
18. Councillor Theobald proposed that the application be deferred. Councillor Meadows seconded the proposal.
19. Councillor Meadows considered the financial implications were missing from the report.
20. The Council Lawyer stated that the financial information was in the report and was sufficiently within guidance and policy and it would not be reasonable to defer the application.

Vote

21. A vote was taken on the proposed deferment, and the committee voted by 4 to 2, with 1 abstention.
22. The proposal to defer was not agreed.

Vote

23. A vote was taken, and the committee agreed by 5 to 2, to grant planning permission.
24. **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** the Deed of Variation to the S106 Agreement dated 28 September 2020 related to planning permission ref: BH2018/03356.

**B BH2021/04379 - Sussex County Cricket Ground, Eaton Road, Hove - Removal or Variation of Condition**

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

Speakers

2. Ward Councillor Allcock addressed the committee: I am objecting to this application on behalf of a significant number of residents in my ward who are going to be adversely impacted by it.

The developers have previously ensured that they were aware of the concerns of the residents affected by their development.

They demonstrated an extremely thorough and positive approach to consultation with the immediate community prior to their major application and this paid dividends in

enabling the substantial high-rise development of luxury apartments plans to progress relatively smoothly. So, I am very surprised to see this variation coming forward.

Loss of privacy to neighbours close to the new development was mitigated in the original planning application due to the inclusion of opaque glass on the balconies, as a concession to help secure planning permission.

The implication of the provision of drawings for each floor is that only the apartments on the same level will be impacted, however removal of privacy screens will result in occupiers of the Tate development being able to see directly down into the lower flats (bedrooms and lounges) in surrounding residencies.

As one neighbour who is objecting stated in their comments: *'The right to privacy works both ways. I have no desire to see other people on their balconies, nor would I assume that future Tate residents would wish to have a clear unobstructed line of sight to their balconies and into their lounges and bedrooms either.'*

The distances quoted in the application are misleading as they are taken to the nearest bedroom window and would be closer if they were taken to the nearest balcony.

It is also subjective to state that trees on the western border of the Tate property will provide suitable screening. These trees have been significantly pruned and provide less cover. The trees will require time to regrow and leaf cover obviously varies according to the time of year.

If granted, this variation will significantly reduce privacy and amenity to those neighbours in the existing homes who will be overlooked as well as for those in the new the new development.

These efforts to gain a possible better view for the future owners of the Tate apartments (presumably in return for increasing market value for the new development) would be to the direct detriment of the privacy of residents in the existing surrounding buildings and for those the future occupiers of the Tate apartments,

So, for these reasons I would respectfully ask the committee to not grant the application to vary condition 43.

Answers to Committee Member Questions

3. Councillor Theobald was informed that there was 26 metres between the blocks of flats.
4. Councillor Shanks was informed that the application to remove the condition was submitted as there were concerns relating to the amount of light into the primary living space of each unit.

5. Councillor Littman was informed the applicant has looked at the details of the scheme and then considered submitting the application to remove the condition.
6. Councillor Yates was informed that the distance between buildings was approximately the same as a two lane highway. It was noted that there were no daylight studies accompanying the application. The closest trees to the development would be 13-15 metres away and would not be likely to shade the development.
7. Councillor Moonan was informed that the condition in the original planning permission may have related to negotiations during the pre-application stage.
8. Ward Councillor Allcock noted it was in the original discussions that the condition was placed on the development following talks with Members.
9. Councillor Ebel was informed that the application should be judged on its merits and the officer found it acceptable.
10. Councillor Littman was informed that the closest separation would be 19.4 metres where a higher balustrade was positioned.

#### Debate

11. Councillor Fishleigh stated they were against the application on the grounds of loss of privacy and overlooking.
12. Councillor Yates stated they could not support the application and did not consider the conditions needed changing with no evidence to do so.
13. Councillor Theobald noted the application was for 6 flats only and considered the screens on balconies are no more than 4ft high and therefore acceptable. The councillor was against the application.
14. Councillor Littman considered that the condition may have been discussed at the original time and they were worried if it was reasonable to go contrary to the officer's recommendation to grant.

#### Vote

15. A vote was taken, and by 2 to 6 the committee did not agree with the officer's recommendation.
16. Councillor Fishleigh proposed a refusal on the grounds of overlooking and loss of privacy. The proposal was seconded by Councillor Yates.



## Vote

17. A recorded vote was taken, and the following Members voted for the proposal to refuse the application: Fishleigh, Moonan, Shanks, Theobald, Yates, Littman. Councillor Meadows against the proposal. Councillor Ebel abstained from the vote.
18. **RESOLVED:** That the application be refused for reasons of overlooking and loss of privacy.

**C BH2021/03056 - Royal Sussex County Hospital, Eastern Road, Brighton - Removal or Variation of Condition**

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

## Speakers

2. Julian Redpath addressed the committee as a neighbouring objector and stated that the roads to the hospital and within the grounds were steep and very busy and additional vehicles are not good. Stairs, posts and crash barriers have been broken by vehicles using the roads, which are also a threat to pedestrians. High levels of noise and pollution are encountered by residents who consequently can't open windows, and this is unacceptable. The change of the North Service Road to one way was considered to be good for the site, however, not for residents. The hospital Trust negotiations have not been seen by residents, who have never opposed changes. Residents feel misled by the Trust. The health and wellbeing of neighbouring residents is being affected.
3. The director of the development company addressed the committee and stated that the application had been submitted through the normal planning process for Member agreement. The Trust recognises residents' concerns and there are regular liaison meetings. There will be no changes to the existing roads and no construction traffic uses the North Service Road. The impact of the change to one-way traffic may be higher than stated in the report. The lower (South) service road will remain two-way. The removal of the access ramp is designed to mitigate any issues. The unilateral undertaking has been signed.
4. Officer clarification: The unilateral undertaking had been tabled at Committee, but the Council considers it needs more work at this time.

## Answers to Committee Member Questions

5. Councillor Shanks was informed that the unilateral undertaking did not confirm whether the road would be two-way or one-way as there are pinch points in the road layout, but they were looking into it. The director of the development company stated that the Trust are committed to returning the road to two-way. The hospital has lots of vulnerable patients and the Trust are taking surveys and looking at clash points, however, they believe the change can be made.

6. Councillor Fishleigh was informed that the Trust were reluctant to have further delays and the unilateral undertaking would commit the Trust to investigating highway impacts. The councillor considered proposing a deferment.
7. The Planning Manager noted that any delay would impact on the hospital which must be taken into account.
8. Councillor Littman noted there were a number of other items on the application and considered whether the impact on the road system could be removed from consideration of the application.
9. Councillor Theobald requested a car park sign indicating the number of spaces.
10. The director of the development company stated that the car park would have modern signage.
11. Councillor Moonan was informed that a S106 was the same as a unilateral undertaking by the council Lawyer and was just as binding on the development company. The case officer confirmed that a consultant would carry out transport surveys on behalf of the applicant and highways officers would be consulted.
12. The Highway Agreements Officer addressed the committee and stated that the unilateral undertaking could be used to take control of the development and as such is a useful tool. The council need to let the developer progress; however, the residents also need protection. The signing of the unilateral undertaking by the development company shows intent and a S106 agreement would be the same. The highways surveys have not yet been carried out due to COVID-19 delays. Traffic flows need factorisation and surveys can be submitted by letter and any changes would come back to committee.
13. Councillor Shanks was informed by the council Lawyer the committee should consider the application as submitted with the unilateral undertaking. The Planning Manager confirmed the surveys were requested by the council.
14. Councillor Ebel was informed by the Highways Agreement Officer that the unilateral undertaking was the best way forward.

#### Debate

15. Councillor Fishleigh considered that a condition requiring a two-way road was required. The council Lawyer stated that any conditions need to be necessary and reasonable and that this may not be achievable.
16. Councillor Moonan considered that a traffic assessment was needed. The Highways officer considered the unilateral undertaking was the best way forward then the committee should approve the application.
17. Councillor Littman considered that a deferment would not be the best way forward.
18. Councillor Shanks seconded the proposal for a two-way condition.

19. Councillor Ebel considered there would be a clash with the unilateral undertaking if a two-way condition was added.
20. The Planning Manager noted that the unilateral undertaking allowed exploration of traffic impact issues.
21. Councillor Littman considered it dangerous to put on such a condition.

Vote

22. A vote was taken, and by 3 to 4 (the Chair used a casting vote) the proposal to add a two-way condition was refused.

Vote

23. A vote was taken, and by 4 to 1, with 1 abstention, the committee agreed to granting planning permission.
24. **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 Deed of Variation to the S106 agreement for planning permission BH2011/02886, the securing of a Unilateral Undertaking relating to transport issues, and the Conditions and Informatives as set out in the report **SAVE THAT** should the Deed of Variation not be completed on or before 1 June 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of the report.

**D BH2021/01731 - Brighton and Hove Bus Garage, 43 Conway Street, Hove - Full Planning**

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

Answers to Committee Member Questions

2. Councillor Yates was informed that the 10 year temporary permission was considered sufficient time for a long term resolution to come forward. The redevelopment of the site is to facilitate its more efficient use. The applicant proposes fencing, green walls and buffer strips to lessen the impact on the neighbouring area.
3. Councillor Theobald was informed that the proposal was for open parking, not under shelter to allow maximum rationalisation of the site. The number of staff will remain the same, however, the number of day time parking spaces will increase at a time when buses are out of the garage en route. A replacement roof at this time would have an impact on the long term development of the site.
4. Councillor Moonan was informed that the applicant wishes to establish a zoned area for future building in the area. The open plan design would have an impact on noise and the applicant's statement addresses this issue. Parking will be outside whilst the workshop will remain inside. Activities such as refuelling, and washing will remain under cover. Under condition 20 the developer is required to provide details of noise mitigation.

5. Councillor Yates was informed that the cars would park in the open during the day and buses at night. There are 3 disabled bays proposed, close to the entrance and Conway Street, with 12 electric charging points.
6. Councillor Theobald was informed that the materials would need approval by condition.
7. Councillor Fishleigh was informed that there was no Community Infrastructure Levy (CIL) as the proposal did not increase the floor space.

Debate

8. Councillor Theobald considered the development to be an improvement for Hove Station, the bus company and improved the site entrance.
9. Councillor Moonan expressed concerns at the height of the screening. The case officer informed the councillor that behind the proposed fencing there would be a large gap between the parking bays and the screening.
10. Councillor Moonan proposed an amendment to condition 17 to increase the height of the fencing to at least 3 metres with the final wording to be agreed by the Planning Manager. The proposal was seconded by Councillor Yates.

Vote

11. A vote was taken on the proposed amendment to condition 17, and 6 to 2, the committee agreed to the amendment. It was then agreed that this would be an Informative rather than an amendment to condition 17.

Vote

12. A vote was taken, and the committee agreed unanimously to grant planning permission.
13. **RESOVLED:** 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 and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 9 June 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in in the final section of the report.

**E BH2021/03532 - 1 Courtyard Lane, Hove - Full Planning**

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

Speakers

2. Councillor Appich addressed the committee and stated that the swimming pool, to be used for commercial purposes, was very close to neighbours and had a significant impact on the surrounding residents, especially when children used the pool. There was no management or travel plan in place, and concerns were expressed at how an

ambulance would obtain access to the pool. The councillor considered a trained person should be on site and asked if an effluent discharge licence was in place. The councillor noted the area was heavily populated and even though the pool was good for exercise the noise impacted on the tower block next door. The councillor requested that the committee refuse the application.

3. Hal Mileham addressed the committee as neighbour objecting to the application and stated that they spoke for many neighbours who found the noise from the pool intrusive. The speaker stated they did not want a business on this site, close to a tower block of flats and considered that business taxes should be paid. It was considered that the pool would become a leisure centre if the committee granted planning permission. The committee were requested to refuse the application.
4. Marie Johnson addressed the committee as neighbour objecting to the application and stated that they objected on the grounds of noise and noted that the police had been called in the past, and that the activity is carried out with no respect for neighbours with screaming and shouting. The speaker noted that other businesses go home, this one was already home, which brought anxiety and stress to the neighbours all year round in this residential area. If the application were to be granted it would affect the neighbours forever.
5. The agent, Jon Puplett addressed the committee and informed the committee that the applicants had been partners for many years, and it was not known that planning permission was required. The previous 33 working hours had now been reduced to 18 after taking on neighbours' comments to reduce noise levels. The owners would be present at all times with the teachers, and swimmers would be requested to respect neighbours. There would be no access from the lane. Planning permission would give the council control over the site, and it was hoped that neighbours would support the application.

#### Answers to Committee Member Questions

6. Councillor Shanks was informed by the case officer that the application was for the partial change of use of the pool, not the construction of the pool.
7. Councillor Ebel was informed that the pool could be used 365 days a year as it was heated and there were no seasonal restrictions. The agent stated that the pool was probably used less in winter as teaching took place in the summer months. The agent also stated that the times of use on a Sunday reflected set up time for the scuba class.
8. Councillor Yates was informed by the case officer that changing facilities, pool cleaning and testing were not planning matters. The Planning manager considered there would be no changing on site
9. Councillor Meadows was informed that a condition requiring disabled changing rooms was not considered reasonable for this scale of business.
10. Councillor Theobald was informed that the objectors lived next door to the application site. The agent stated that an outbuilding could be used as a changing room, as well as inside the dwelling. A toilet was also available in the house.

## Debate

11. Councillor Yates expressed concerns at running a business in a back garden where facilities would be needed. This application was not suitable for the location as there are restrictions on commercial use in residential areas. The councillor considered that other pools required changing facilities and it was not unreasonable to have them at this site. The councillor did not want to encourage the business.
12. Councillor Fishleigh stated they wanted to refuse the application on the grounds of noise and disturbance. The councillor was against the application.
13. Councillor Theobald felt sorry for the flats overlooking the pool, which should have proper changing facilities. The pool was good for exercise but not noise. The councillor was against the application.
14. Councillor Shanks considered the new times to be limited to small usage for a big pool. The councillor considered the city was a noisy place with lots of music. The councillor stated they would abstain.
15. Councillor Meadows stated they would vote against the application as they were concerned as the lack of disabled facilities, and they supported Councillor Fishleigh.
16. Councillor Littman considered that noise may emanate from a private pool as well as a commercial business. The councillor considered a dangerous precedent could be set in this residential area and stated they were against the application.

## Vote

17. A vote was taken, and by 5 to 2 abstentions, the committee voted against the officer recommendation.
18. Councillor Yates proposed the application be refused on the grounds of disturbance. Councillor Meadows seconded the proposal.
19. A vote was taken, and councillors Fishleigh, Theobald, Yates, Meadows, Littman voted to refuse the application. Councillors Ebel and Shanks abstained.
20. **RESOLVED:** The application be refused by reason of the intensification of noise and disturbance to neighbours.

**F      BH2021/04003 - 295 Dyke Road, Hove - Outline Application Some Matters Reserved**

This application was not called for discussion and was withdrawn prior to a decision being issued.

**G      BH2021/04346 - 22 Hanover Terrace, Brighton - Householder Planning Consent**

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

## Speakers

2. Ward Councillor Powell addressed the committee and stated they supported residents in opposing the application as it would set a precedent. The digging out of the basement would be very disturbing and it was noted that the applicant was not living at the site. The dwelling would exceed 5 bedrooms, with 6 over 4 storeys, which is too much. The development would produce noise, waste and put pressure on amenities. There would be too many bins outside the property. The structural integrity of the neighbouring properties was a concern. The councillor requested that if granted the rent be 20% below market rents. The committee were requested to refuse the application.
3. Phil Yeoman addressed the committee as an objecting neighbour and stated that the landlord had already removed two trees in anticipation of the works being granted permission. It was noted that there are many extensions in the area, and some basements but as far as he was aware there are no 4 storey houses or 2 storeys over a basement. Applications on the site had been previously refused. The development was considered excessive for a small plot in this close community. Tunnelling will need to take place as number 22 is lower than 23. There is no change from the previous refusal for loss of amenity space.
4. Sean Garrick submitted a statement that was read to the committee as the agent for the applicant: Dear members of the committee. Apologies I could not be with you today and I would like to thank Shaun Hughes for offering to read this at the committee meeting in my absence.

Following the previous reasons for refusal (previous planning application BH2019/03120) and the subsequent comments made by H. Miles BA (hons), MA MRTPI planning Inspector as part of the appeal (ref APP/Q1445/W/20/3253220). My client has taken on board the comments raised and has submitted this new application in response.

The amended scheme is not a tactic or diversion to achieve a consent by the back door but is a direct and positive response to the previous reasons (3 no) for refusal.

Taking these in order we respond as follows: **Reason 1.** The proposed excavation to create an entire new floor, the lightwell and the infill extension would cumulatively be an excessive form and scale of development and the front canted bay at basement level would be an untraditional addition, causing less than substantial harm to the appearance of the conservation area, without sufficient public benefits being proposed.

To directly quote H. Miles (planning Inspector): The main outlook from the windows to the back of 23 Hanover Terrace is to the rear and this would not change as a result of the proposed development. The proposed rear extension would be apparent in peripheral views, similar to the situation with the existing boundary wall, albeit higher. As such there would not be a harmful effect on the outlook from no. 23.

There is an existing rear extension at no. 24 and therefore the consequence of the proposed development would be extensions along both boundaries. However, taking

into account the proposed height on the boundary, depth and the circumstances described above I am not persuaded that a harmful tunnelling effect would occur.

Consequently, the proposed development would not have an unacceptably harmful effect on the living conditions of the adjacent occupiers, with particular regard to 23 Hanover Terrace. As such, in this respect, the proposed development would not be contrary to Policy QD27 of the Local Plan which requires that development will not cause material loss of amenity to adjacent occupiers.

Additionally, we have taken on board the comments regarding the canted bay which has now been omitted from the scheme.

**Reason 2.** The proposed infill extension, by reason of its height and siting on the boundary, would unacceptably restrict the outlook and create a sense of enclosure / a tunnel effect for the occupiers of no. 23.

We refer you to the quotes from H. Miles (planning Inspector) as above for Reason 1.

**Reason 3.** The standard of accommodation for the proposed dwelling, by reason of insufficient Gross Internal Area, outlook, natural light and private external amenity space, would be poor, and the ground floor extension and rear lightwell would also unacceptably reduce the amount of external amenity space for the existing HMO.

These comments have been taken on board. There is no longer an independent dwelling as part of the new scheme and the amended layout will enhance the living accommodation of the existing HMO by introducing a TV / study room, additional bathroom and laundry area. The inclusion of an additional bedroom will help to offset the costs of these items.

As always, we would like to thank the hard work and diligence of the planning officers and in particular Steven Dover. Whilst we do not always see eye to eye, I feel on balance his recommendation is the correct decision and I ask you to support your officer.

#### Answers to Committee Member Questions

5. Councillor Ebel was informed that there was no window to the basement bathroom and the patio was faced by a window and light well in the basement. The basement window is partially submerged and gives indirect light.
6. Councillor Theobald was informed that the difference between the previous and the current application was the previous was for a separate basement flat and the front of property would have been extended. Neither are in this application. The inspector considered the basement too small to be a separate flat.
7. Councillor Meadows was informed that the council would not be responsible for the neighbouring properties through any possible party wall issues if permission was granted but the developer would also need Building Control sign off.
8. Councillor Yates was informed that the light in the basement and escape route were less considered as this was an extension.



## Debate

9. Councillor Ebel considered the basement would be very dark and people should not have to live there. The councillor was against the application.
10. Councillor Yates considered the proposals not to be a good standard of accommodation and the application was an overdevelopment of the site.
11. Councillor Littman agreed with Councillor Yates and considered the proposals an overdevelopment of the site.

## Vote

12. A vote was taken, and by 6 to 1 abstention the committee voted against the officer recommendation to grant planning permission.
13. Councillor Yates proposed the application be refused on the grounds of overdevelopment and quality of amenities. Councillor Ebel seconded the proposal.
14. A vote was taken, and councillors Ebel, Fishleigh, Shanks, Theobald, Yates and Littman supported the proposed refusal. Councillor Meadows abstained.
15. **RESOLVED:** That Planning permission be refused for reasons of overdevelopment, Standard of accommodation for future residents and lack of light.

**H BH2021/04399 - 119A St James's Street, Brighton - Full Planning**

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

**I BH2021/04244 - The Rottingdean Lounge and Bar, 89 High Street, Rottingdean, 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.

**J BH2021/04479 - The Rottingdean Lounge And Bar, 89 High Street, Rottingdean, Brighton - Listed Building 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** listed building consent subject to the Conditions and Informatives in the report.

**K BH2021/01394 - 1 Withyham Avenue, Saltdean, Brighton - Full Planning**

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

Debate

2. Councillor Shanks requested affordable housing.
3. Councillor Yates considered the S106 to be good and supported the application.
4. Councillor Theobald considered the application to be of a poor design, overdevelopment and against the character of the road. The councillor was against the application.
5. Councillor Fishleigh did not want holiday homes and noted that the neighbourhood forum local plan was developing.
6. Councillor Littman noted the committee could not demand contributions and the S106 variations were to be decided here. The councillor supported the application.

Vote

7. A vote was taken, and by 4 to 2, with 1 abstention, the committee granted planning permission.
8. **RESOVLED:** 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 below 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 1st of June 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of this report.

**L BH2021/04303 - 13 Cuckmere Way, Brighton - Householder Planning Consent**

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

Speakers

2. Ward Councillor Meadows addressed the committee and stated that there were different site levels within the vicinity. The dormer window does not appear overlarge when considering the living space and no neighbours have objected. There are many dormers in the area. The side windows could be obscure glazed to reduce impact. The site sits well in the streetscene. The councillor requested that the committee use common sense and grant planning permission as policy can prevent families getting what they want.

Answers to Committee Member Questions

3. Councillor Yates was informed that the dormer guidance was still available to builders and the SPD guidance was still in place. It was noted that the case officer had reached out to the applicant and found the applicant not amenable to changes such as extending the ground floor.

Debate

4. Councillor Ebel stated they were not against development and requested the applicant come back with a more harmonious design.
5. Councillor Theobald noted no neighbours objected and there would be no overlooking as the property was opposite grassland. The councillor had no problem with the development.
6. Councillor Yates considered the dormer bulky and excessive, and visible from the South Downs. The development was against the SPD. The councillor supported the officer recommendation and requested the committee refuse the application.
7. Councillor Littman considered the application would reduce the visual amenities of the area and on balance supported the officer recommendation.

Vote

8. A vote was taken, and by 5 to 1 the committee refused planning permission.
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 **REFUSE** planning permission for the following reasons:

1. The proposed rear dormer and hip to gable extension would present as an unsympathetic, oversized and dominant addition to the property that would have a harmful impact upon the appearance of the dwellinghouse, semi-detached pair and wider area, contrary to Brighton & Hove Local Plan policy QD14, Submission Brighton & Hove City Plan Part Two policy DM21 and guidance contained within SPD12.

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

87.1 There were none.

**88 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**89 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

89.1 There were none for this agenda.

**90 APPEAL DECISIONS**

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

The meeting concluded at 6.41pm

Signed

Chair

Dated this

day of

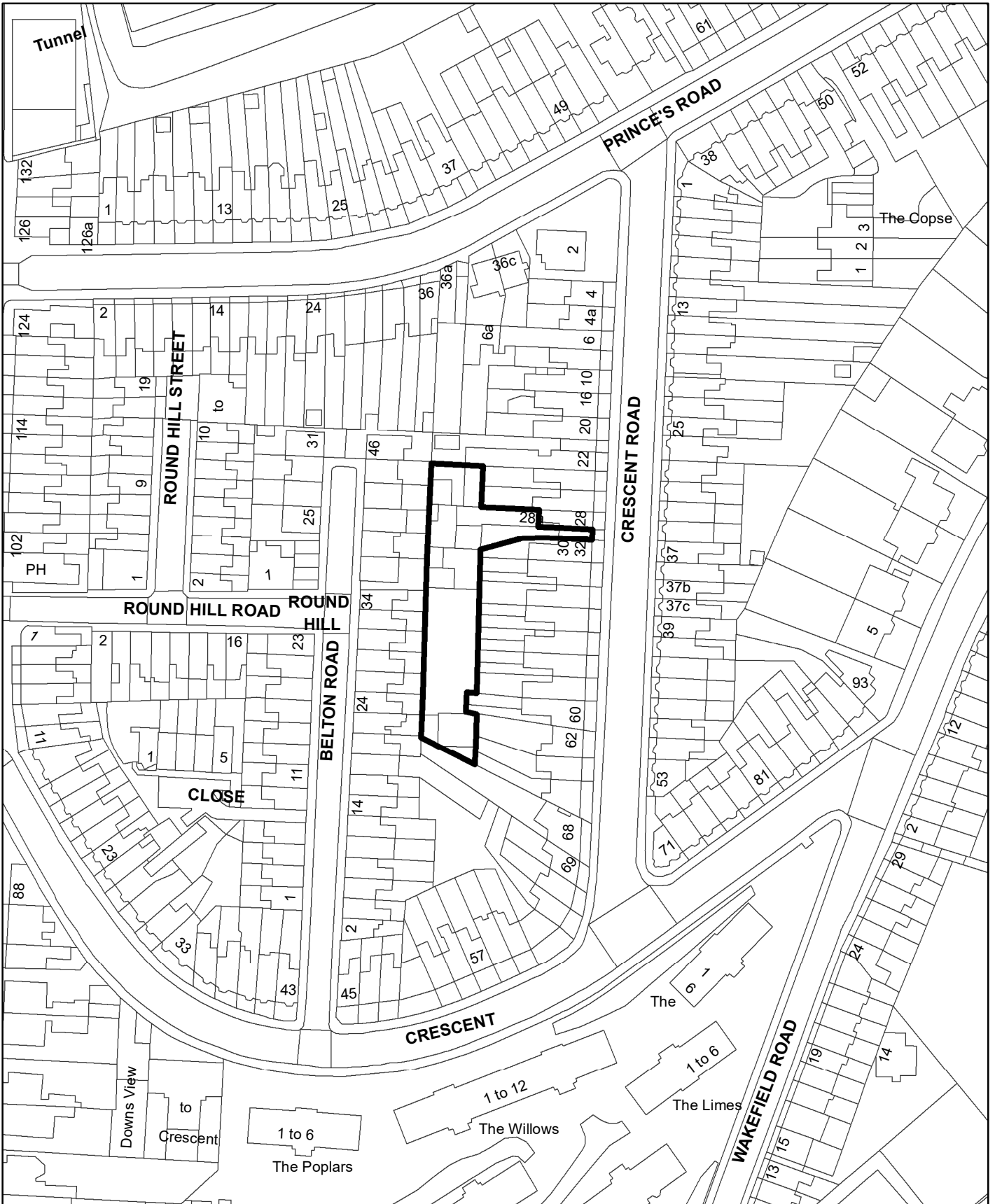
# **ITEM A**

**28A Crescent Road  
BH2021/04390  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2021 04390 - 28A Crescent Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2021/04390</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>28A Crescent Road Brighton BN2 3RP</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing commercial building and erection of two new buildings to provide 4no two bedroom house (C3) (retrospective to address non-compliance with condition 12 in relation to permission ref. BH2018/00433.)</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	21.12.2021
<b><u>Con Area:</u></b>	Round Hill	<b><u>Expiry Date:</u></b>	15.02.2022
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	CMK Planning 11 Jew Street Brighton BN1 1UT		
<b><u>Applicant:</u></b>	J Coroneo 28 Crescent Road Brighton BN2 3RP		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	13 December 2021
Block Plan	D.009		10 February 2022
Existing Drawing	D.001	A	10 February 2022
Existing Drawing	D.002	A	10 February 2022
Existing Drawing	D.003	A	10 February 2022
Existing Drawing	D.004	A	10 February 2022
Existing Drawing	D.008	A	10 February 2022
Existing Drawing	AL06	-	10 February 2022

2. The refuse and recycling storage facilities should be provided in accordance with application BH2016/00862.

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

3. The cycle parking facilities shall be retained in accordance with the details approved in application BH2016/00862.  
**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.
4. The two new build residential units hereby approved shall achieve an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
5. The two new build residential units hereby approved shall achieve a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
6. Within three months of the decision date a scheme of works to change the redundant double yellow lines on Crescent Road to CPZ bays shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that the development provides for the demand for travel it creates and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
7. The hard landscaping shall be retained in accordance with the details approved in application BH2017/03844.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to protect the amenity of occupiers of adjoining properties and comply with policies CP12 of the Brighton & Hove City Plan Part One and QD27 and QD15 of the Brighton & Hove Local Plan and DM18 and DM20 of the Submission City Plan Part 2.
8. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14, HE6 and QD27 of the Brighton & Hove Local Plan and DM20 and DM26 of the Submission City Plan Part 2.

9. Access to all flat roofs over the residential development hereby approved shall be for maintenance or emergency purposes only and the flat roofs 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 of the Submission City Plan Part 2.
10. 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 & CP11 of the Brighton & Hove City Plan Part One.
11. The Timber Access Door shall be maintained in accordance with the details approved in application BH2017/03844.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One and DM21 and DM26 of the Submission City Plan Part 2.
12. The External Lighting details should be retained in accordance with the details approved under application BH2017/03844.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan and DM20 of the Submission City Plan Part 2.

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. Restriction of Parking Permits - existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.

## 2. SITE LOCATION

- 2.1. The application site relates to land located behind the Victorian properties of Nos. 24 to 66 Crescent Road and 20 to 44 Belton Road.
- 2.2. The site is accessed via a pair of entrance doors beneath 28 Crescent Road, and is bounded by the properties and rear garden spaces of Prince's Road to

the north, Belton Road to the west, Crescent Road to the east and Prince's Crescent to the south.

- 2.3. The site previously contained comprised various commercial buildings, including a pair of storey buildings connected by a first-floor link, a single storey building to the north, a garage located to the west, and a workshop building to the south.
- 2.4. The site has now been redeveloped for residential use, following the grant of planning permission in 2019 and now contains two new residential buildings housing 4no. two bedroom houses and landscaped area. (ref. BH2018/00433 – see Relevant History below).
- 2.5. The site is located within the Round Hill Conservation Area.

### **3. RELEVANT HISTORY**

- 3.1. BH2019/00072- Application for removal of conditions 7 and 12 of application BH2018/00433 (Variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings (part retrospective). Condition 7 stated that the development permitted shall not be occupied until details of a scheme of works to change the redundant double yellow lines on Crescent Road to CPZ bays has been submitted and approved by the Local Planning Authority. Condition 12 stated that the development shall be implemented in accordance with the scheme for the restriction of resident's parking permits in accordance with the approved application BH2017/03844. Refused 29.03.2019. The reason for the refusal was:
  1. Conditions 7 and 12 of permission BH2016/00862 (as amended by permission BH2018/00433) were applied as they were considered necessary to ensure the acceptability of the proposed scheme. The proposed removal of condition 12 would not provide for the demand for travel it creates and would result in overspill parking. There has been no material change in circumstances since the granting of the earlier permissions. For the reason above, the application would be contrary to policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 3.2. The application was subject to an appeal to the Planning Inspectorate (APP/Q1445/W/19/3231412).
- 3.3. The appeal was dismissed on 15.10.2019.
- 3.4. BH2018/00433- Variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings (part retrospective). Approved on 24.10.2018.

- 3.5. BH2016/00862- Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping. Approved 12.10.2016.

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission was granted in 2019 for the redevelopment of the site (ref. BH2018/00433), subject to condition 12 restricting parking permits for future residents. The site has now been redeveloped, without condition 12 having been discharged.
- 4.2. The current application seeks to address this breach retrospectively by seeking planning permission without the imposition of that condition. The retrospective nature of the application is not a material consideration.
- 4.3. Procedurally, therefore, planning permission is sought for the conversion of existing commercial building and erection of two new buildings to provide 4no two bedroom house (C3) (retrospective to address non-compliance with condition 12 in relation to permission ref. BH2018/00433.) As noted above, works are complete on the site, and whilst the application relates to the development as a whole, as detailed in the description, the principle of the development has been established by the previous approved consent, therefore, the sole consideration under this application is with regards to the 'restriction of car parking permits'.

#### **5. REPRESENTATIONS**

- 5.1. Twenty nine (29) letters of representations have been received objecting to the proposal for the following reasons:
- An attempt to overturn decisions already made by the Council and Planning Inspectorate
  - Increase the parking stress in the area
  - Could set a precedent for car free development
  - Contrary to policies
  - Parking would become even more difficult than it is already
  - The double yellow lines have not been removed
  - There are other car free developments near the application site
  - A study by a local resident calculates a high percentage of parking stress
  - The high local parking stress is evidenced by local parking surveys
  - Traffic and road safety issues
  - Gaining financially from the removal of the condition
  - There has been no material change in circumstances
  - At odds with the Council's aim for a car free city centre and the liveable neighbourhoods aim to reduce traffic
  - Objection to the cramming in of extra homes in the first place
  - Harm the conservation area

- Overlooking
- The density of development means a restriction of permits is appropriate
- Not for the benefit of the community
- Makes a mockery of the planning application process
- Car club membership is an option for residents
- The planning statement has misquoted the Planning Policy Guidance Use of planning conditions
- The offices previously on the site were not allowed parking
- would impose massive upheaval on the planning authority, highways, and council parking team to re-evaluate every car free development
- If removed what meaning does any restriction put on a development have
- These prioritises the new development over existing residents
- Highway capacity and safety impacts
- Lack of supporting evidence
- No on-site parking provisions
- The condition is necessary, fair, reasonable and practical
- The site is within a sustainable location with excellent public transport
- Breach of planning conditions
- Validation and incorrect information
- The principle of the whole development must be considered again and could be subject to a Judicial Review if not adhered to
- The new approach may allow historic consents to be revisited

5.2. Thirteen (13) letters of representations have been received in support of the proposal for the following reasons:

- Plenty of parking spaces within the street and CPZ
- Unfair to allow some residents multiple permits and restrict these
- If there are available permits they should be provided
- A car is needed for new residents/families and within a steep area
- The new owners should be welcomed into the community not harassed
- New residents should be treated equally to existing residents
- Public transport is not an option for everyone during the middle of a pandemic
- Any approval should be based on the capacity of the expansive parking zone not the street which can create a distorted view
- People should not be denied their human rights
- There should be equal access to local roads
- Safe travel
- The congestion in this street is due to the unlawful swapping and selling of visitor permits
- In line with the planning department's initiative to remove the car free condition
- 4 more cars on the road would make minimal difference

5.3. **Ward Councillor West** has objected to the proposal and has requested that the application be heard at Planning Committee.

## 6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No Comment Received

## 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
CP2	Sustainable economic development
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open space

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance

QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
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. 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
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

Round Hill Conservation Area Character Statement

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in relation to this application are the principle of the development, and the impact on highway capacity and road safety.

Principle of the Development



- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. 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.
- 9.6. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.7. The principle of the provision of the part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping on the site has been established by the consent BH2016/00862 which was granted in October 2016. Subsequent planning application BH2018/00433 was then varied in November 2018 to allow amendments to the approved drawings, which included the reconfiguration of the layout of the units and minor external alterations.
- 9.8. The Local Planning Authority considered the scheme to be acceptable in all regards and secured various details and measures by planning conditions and it must be considered whether circumstances policy or practice has changed significantly since the time this decision was taken.
- 9.9. It is important to note that since approval of the earlier application there has been a change of weighting with regards to the policies applied to the determination of the application. Brighton and Hove City Plan Part Two (CPP2) has now proceeded to post hearing stage. Following submission in May 2021, the City Plan Part Two is currently under examination by a government appointed planning Inspector, Ms R Barrett, MRTPI IHBC. Public hearing sessions were held online in November 2021. Following the hearing sessions, the Inspector issued her post hearing action points in December 2021 and has asked the council to prepare and consult on main modifications which, subject to approval at committee will start in late March.

9.10. In this case it is considered that the policy context has not changed substantially in regard to the principle of development, the use proposed and design and amenity issues. Overall, it is considered that there is no justifiable reason to take a decision contrary to that made previously by the Local Planning Authority and therefore no objection is raised to the principle of development.

Impact on Highway Capacity and Road Safety

9.11. Works are complete on the site and the units occupied, and whilst the application relates to the development as a whole, as detailed in the description, the principle of the development has been established by the previously approved planning permission, therefore, the sole consideration under this application is with regards to the 'restriction of car parking permits' and the impact on highway capacity and road safety.

9.12. As part of the original planning application for the scheme (ref. BH2016/00862) the Transport Officer recommended that a condition was attached to the permission to restrict future occupier's rights to parking permits given that the site has no proposed vehicular access and is located in a CPZ. This condition was also applied to the subsequent amendment permission (BH2018/00433).

9.13. A further application was submitted (BH2019/00072) for the removal of condition 12 was refused on the basis that the condition was considered necessary to ensure the acceptability of the proposed scheme. The Transport Officer in their assessment considered that the submitted Parking Survey clearly showed that parking stress in the vicinity was unacceptable and would result in overspill parking. The Local Highway Authority considered it was necessary at the time to recommend imposing such a condition to ensure that the increase in car parking within the vicinity could be managed and this was agreed by the Planning Inspector when allowing the scheme at appeal.

9.14. Policy DM36 of CPP2 supports and encourages car-free residential developments, subject to consideration of SPD14: Parking Standards for New Development. SPD14 describes car-free parking as "housing developments where occupants do not have access to car parking and are precluded from applying for a residents parking permit within a CPZ."

9.15. Planning Officers have reviewed the use of conditions to restrict the entitlement of residents to parking permits and concluded that such conditions are not necessary as they duplicate what can already be achieved through parking regulations. Removing an address's entitlement to a parking permit requires an amendment to a Traffic Regulation Order, which cannot be achieved through the planning process. Parking Officers and/or Traffic Officers can seek such an amendment, without the need for a planning condition to trigger it, so it is considered to needlessly duplicate and complicate the process.

9.16. This was recognised in various recent appeal decisions which confirmed that such conditions were beyond the scope of planning as it is within the power of highways and the parking service to make developments 'car free'. Planning conditions also need to meet the six tests set out in NPPF paragraph 56, namely

being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The LPA do not consider that the car-free condition meets these tests because parking in the local area and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone and the TRO regulation already controls which addresses are entitled to parking permits.

- 9.17. In conclusion, it is no longer considered appropriate to impose the car-free condition because parking in the local area, and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone and an informative has been attached accordingly. Removing the condition would not, therefore, result in any increase to parking stress or highway capacity/road safety.
- 9.18. However, an informative would be added, as above, highlighting that the details of the permission, if granted, will be passed to the parking authority so they can consider whether residents should be entitled to a parking permit.

**Other Matters**

- 9.19. Since the original application on the site was approved details to address a number of conditions have been approved under subsequent discharge of conditions applications. Since the development has been built conditions have been updated in order to reflect the current situation.

**10. EQUALITIES**

- 10.1. The gradient of the site is such that accessible access cannot be easily provided for throughout the development.

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The site has good links to facilities including shops, is well served by public transport, and cycle parking is also provided, reducing reliance on cars. A landscaping scheme has improved the biodiversity of the site.



**Cllr. Pete West**  
**BH2021/04390 - 28A Crescent Road**

**13<sup>th</sup> January 2022:**

As a ward member representing residents of Round Hill I wish to object to this application which seeks removal of the 'car-free' restriction placed upon the issuing of residents parking permits at this development.

Round Hill is part of parking Zone J, a heavily subscribed parking scheme, with growing pressures upon availability of convenient residents parking. These pressures formed the context of the decision to grant the planning application as car-free. Reversing that restriction will only exacerbate parking problems. This position was upheld by the dismal of the 2019 appeal by the planning inspector. Granting this application would set an unhelpful precedent undermining other existing and future car-free developments.

Residents and councillors are actively engaged in considering highway improvements to prevent rat-running and to improve the safety and attractiveness of active travel in Round Hill. Parking pressures, in the narrow and curving streets, contribute detrimentally to road safety in Round Hill. The co-chair of ETS Committee, Cllr Davis, recently suggested that making Round Hill a Low Traffic Neighbourhood was the only way ahead. Assistant Director – City Transport - is due to meet residents and ward councillors to explore options following a request from the committee.

If you are minded to grant the application, as a ward councillor may I request that the matter be put before the Planning Committee for determination.



# **ITEM B**

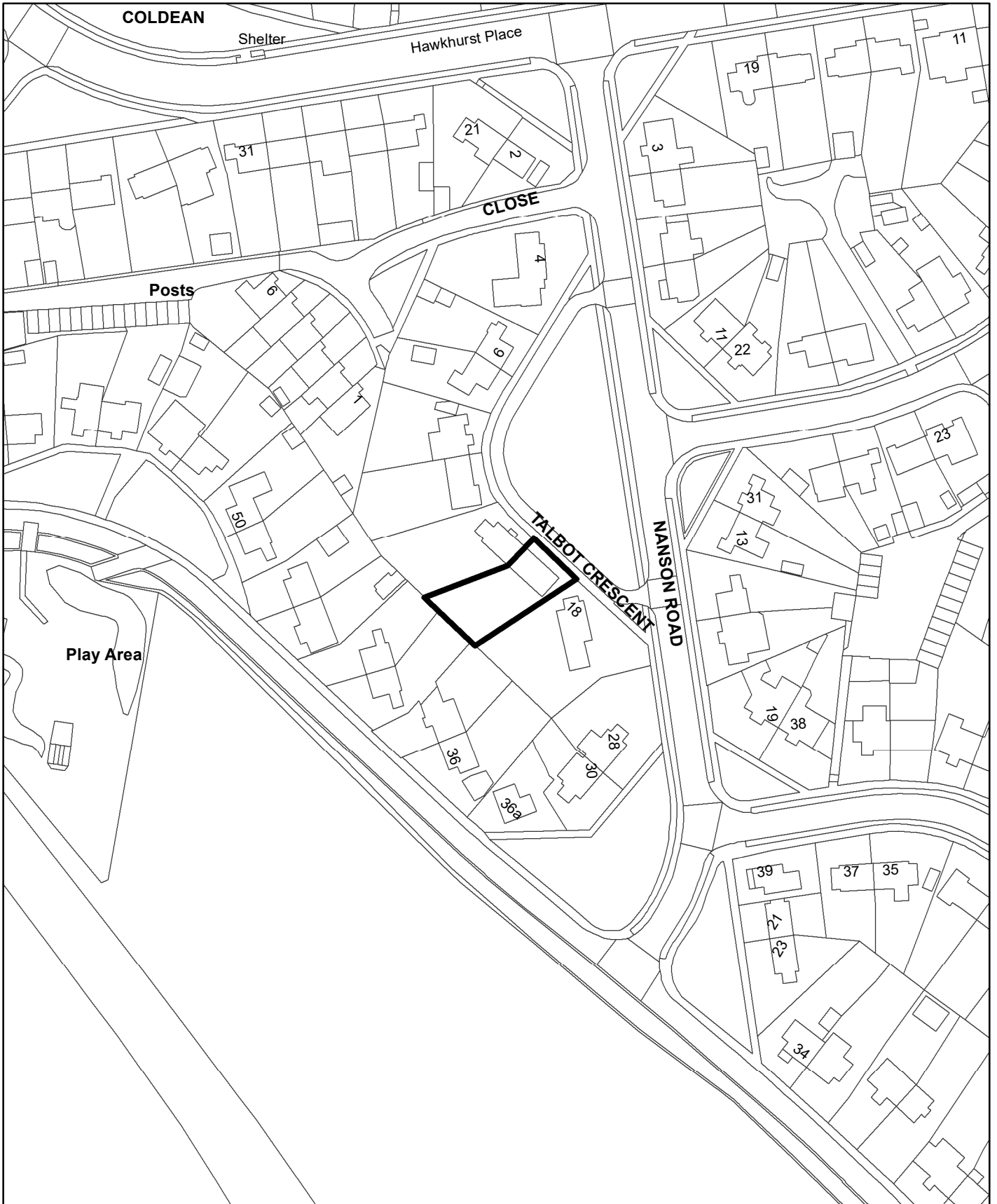
**16 Talbot Crescent  
BH2021/04436  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**





# BH2021 04436 - 16 Talbot Crescent



N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2021/04436</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>16 Talbot Crescent Brighton BN1 9GG</b>		
<b><u>Proposal:</u></b>	<b>Change of use from (C3) dwellinghouse to (C4) small house in multiple occupation, incorporating the erection of a single-storey rear extension and conversion of garage to habitable space.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	17.12.2021
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	11.02.2022
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd    Lewis And Co Planning    2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Henry Dorman    Care Of Lewis And Co Planning    2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	0422/01		17 December 2021
Proposed Drawing	0422/COU.01		17 December 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, CP12 of the Brighton & Hove City Plan Part One and DM21 of the emerging City Plan Part Two.

4. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

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

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

6. No further groundworks shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in accordance with the approved Written Scheme of Investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of their completion unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

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

Informatives:

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

## **2. SITE LOCATION**

- 2.1. The application relates to a two storey semi-detached property located on the south-western side of Talbot Crescent in Coldean. The house is brick built with a tiled roof and uPVC fenestration. The application site is not a listed building, nor does it lie within a conservation area.
- 2.2. The whole city is now covered by an Article 4 Direction to remove permitted development rights regarding the change of use from a single dwellinghouse (C3) to small HMO (C4). The application property is sited within the Hollingdean and Stanmer ward which has been subject to the above restriction since April 2013.

### 3. RELEVANT HISTORY

None

### 4. APPLICATION DESCRIPTION

- 4.1. This application seeks planning permission for the change of use of 16 Talbot Crescent from planning use class C3 (dwellinghouse) to a C4 use (small House in Multiple Occupation (HMO)) and for a single storey rear extension and associated alterations.

### 5. REPRESENTATIONS

- 5.1. **Twenty-Nine (29) letters** have been received objecting to the proposed development for the following reasons:

- Additional traffic and increased parking stress,
- Detrimental effect on property value,
- Harm to residential amenity, including increased noise, disturbance and anti-social behaviour, overshadowing,
- Overdevelopment,
- Poor standard of accommodation,
- The area has too many HMOs which are detrimental to the amenity of the area,
- Coldean has no amenities because of HMOs
- Huge amount of student accommodation has been built in the surrounding area
- Family homes are needed in Coldean.
- Property gazumping by developers
- Poor design and inappropriate height,
- Adverse impact on listed building and conservation area,
- Families are being pushed out by HMOs and no scope for being turned back into a family home at a later date,
- Harm to local community values,
- Local School does not have enough children already,
- Grassed area will no longer be available for informal child's play due to increased parking demand.
- Risk to mental health,
- Not in accordance with CP21,
- Current demand for student accommodation is already satisfied and is likely to fall in the years to come,
- Not the best use of housing stock,
- Likely to lead to missed refuse and recycling collections.

- 5.2. **Coldean Neighbourhood Planning Forum** has objected to the proposal for the following reasons:

- Coldean community is becoming unbalanced,
- CP21 doesn't work for Coldean due to the lower density,

- Loss of family homes,
- Increasing anti-social behaviour from HMOs,
- Loss of the garage is unnecessary,
- Works are already taking place and parking from builders' vans is problematic,
- HMO already being advertised,
- Another house that doesn't pay council tax.

5.3. **Councillor Osborne** has objected to the application for the following reasons:

- Additional traffic and parking demand,
- Noise,
- Overdevelopment,
- Residential amenity,
- Internal layout barely exceeds the minimum space standards,
- No need for the extension,
- Loss of garage will force a further vehicle to park on the road,
- Noise,
- Waste management issues,
- Future tenants following rules set can be hit and miss.

5.4. **Councillor Fowler** has objected to the application for the following reasons:

- Additional Traffic,
- The layout of the road means that all of the neighbours will be affected by any increase in noise,
- Overdevelopment,
- Traffic or Highways,
- Coldean has too much student accommodation,
- Noise and antisocial behaviour from HMOs is already a problem,
- Will exacerbate existing parking problems.

5.5. **Councillor John** has objected to the application for the following reasons:

- Additional Traffic,
- Noise,
- Overdevelopment,
- Residential amenity,
- Proposals only just cover the standard size requirements,
- Extensions remove parking and garden space,
- Negatively impact on waste and parking within the vicinity.

5.6. A copy of the Councillors' representations is appended to this report.

## 6. CONSULTATIONS

6.1. **Brighton & Hove Archaeological Society: Comment**

The proposed development lies within an area of archaeological sensitivity. A number of ditches and houses dated to the Iron Age and Roman periods were revealed when the Coldean Estate was built. Among the finds from these early

excavations were coins including some of gold. The proposed development is close to the site of an Iron Age round house that when excavated produced a number of gold coins. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations prior to the approval of this planning application.

6.2. **County Archaeology:** No objection subject to conditions

First Comment - 26/01/2022:

The applicant has failed to meet the requirements of section 194 of the NPPF, and it is not possible to clarify the impact of the proposal on heritage assets or archaeological remains. Please seek further information and re-consult.

Second Comment - 14/03/2022:

6.3. The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions securing a scheme of archaeological works and that the archaeological works shall be carried out in accordance with the approved scheme.

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

6.5. **Planning Policy:** No comment

6.6. **Private Sector Housing:** Comment

Should the application be approved then the applicant must apply online for an HMO Licence via the council's website before the property is occupied by tenants.

6.7. **Sustainable Transport - Verbal Comment:** No objection

The change of use is unlikely to significantly increase trips or parking to/from the site. A minimum of 3 spaces for cycles would be required. The proposed cycle store in the front garden is considered to provide an acceptable level and type of cycle storage. the implementation of this store should be secured by condition.

## 7. MATERIAL CONSIDERATIONS

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

7.2. 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
CP15	Heritage
CP21	Student housing and Housing in Multiple Occupation

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

TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
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.

DM1	Housing Quality, Choice and Mix
DM7	Houses of Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

#### Supplementary Planning Documents:

SPD12	Design guidance for extensions and alterations
SPD14	Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the principle of the proposed change of use, the design and appearance of the extension and alterations, archaeological matters, the standard of



accommodation provided for future occupiers, the impact of the development on neighbouring amenity and transport matters.

**Principle of Proposed Change of Use:**

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:  
*"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*  
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 9.3. A mapping exercise has been undertaken which indicates that there are 22 properties within a 50m radius of the application property, one of which has been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 4.54%.
- 9.4. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a four-bedroom HMO (C4 use) would not conflict with the aims of policy CP21.

**Design and Appearance:**

- 9.5. The proposals include a rear extension. The extension would be 3m in height and depth and 8m in width, with two projecting rooflights in the flat roof. The proposed materials for the extension would match those within the existing property where possible (white uPVC and brick, with a flat roof covering), and would be located to the rear of the property so would have no impact on the streetscene.
- 9.6. Further, it is important to note that an extension of this scale, form and proposed materials would fall within the scope of 'permitted development' rights and could be built without a planning application being submitted.
- 9.7. There are some minor alterations to the front of the property to allow for the conversion of the garage to habitable space. To enable this, the side access to the dwelling would be removed and blocked up and the garage door would be replaced with a white upvc window, similar to that at first floor level above. These amendments are considered to be acceptable and in keeping with the area.
- 9.8. The proposed extension and alterations are considered suitable additions to the property that would not harm the character and appearance of the property or wider streetscene. The proposal would be in accordance with emerging policy DM21 of the City Plan Part Two (which can be afforded more weight than local Plan policy QD14) and CP21 of the City Plan Part One.

**Standard of Accommodation:**

- 9.9. 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. Additionally, the proposals are considered against DM7 which sets the standard for HMOs (including what is expected of communal areas), this emerging policy can also be given significant weight.
- 9.10. The proposed HMO accommodation would comprise a living room (20.9sqm, kitchen/dining room (17.5sqm) and two bedrooms one being very large at 16.7sqm (converted garage) and the other being 7.5sqm. There would also be a shower room on the ground floor. At first floor there would be a further four bedrooms 7.5sqm to 16.7sqm in size and a further shower room and separate shower and WC.
- 9.11. The kitchen and dining space would allow for sufficient space for occupants to cook and dine together. The proposed HMO would be well served in terms of bathroom facilities with toilets and showers on both floors. All of the bedrooms would meet or exceed the minimum space standard as set out in the NDSS (7.5sqm) and allow for some circulation space once furnished with standard bedroom furniture (bed, desk/dresser, chair and storage furniture).
- 9.12. To ensure that the property is not overcrowded in the future conditions are recommended to secure a maximum occupation of six persons and six bedrooms with communal areas safeguarded from future conversions to bedrooms without further approval.
- 9.13. To the rear of the property is a garden which, even allowing for the rear extension, will leave a reasonable sized garden for the proposed level of occupation, in accordance with policy HO5 and emerging policy DM1.
- 9.14. Overall, it is considered that the conversion of the property to a small HMO would provide a suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with to policy QD27 and HO5 of the Brighton and Hove Local Plan and emerging policies DM1 and DM7 of the City Plan Part Two which can be afforded significant weight.

**Impact on Amenity:**

- 9.15. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than QD27) 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.
- 9.16. It is acknowledged that public comments on this application have concerns about an existing HMO and the potential for antisocial behaviour from the proposal. While this is noted, the use as small HMO is similar to a family dwelling especially if a C3 dwelling is occupied by a large family. In some cases such

potential noise and noise and disturbance can be described as "functions of the way particular residents behave rather than being inherently dependant on the status of the property as a dwellinghouse or HMO", as noted by an Inspector in a previous appeal decision (APP/Q1445/W/20/3254632 relating to application BH2019/01490 at 64 Islingword Road). Therefore, it would be unreasonable to refuse this development on the assumption that future residents would behave in a problematic manner.

- 9.17. Furthermore, it is noted that a HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.18. The proposed extension would be positioned away from the boundary and is not considered to have any significant adverse impact on the residential amenity of neighbouring properties.
- 9.19. Accordingly, the proposed use of the property as a small HMO for up to six persons is not detrimental to neighbouring amenity or the amenity of the area and in an area with a low concentration of HMOs. Therefore, the proposal is considered in accordance with polices CP21 of the City Plan Part One, QD27 of the Local Plan and emerging polices DM7 and DM20 of the City Plan Part Two.

**Sustainable Transport:**

- 9.20. The application site is within the Coldean neighbourhood which has bus links to the centre of Brighton and towards Hollingbury (5B and 24 routes). These bus routes would link with train stations throughout the city.
- 9.21. The loss of the garage would result in the net loss of a car parking space, but this would be in accordance with standards set out in SPD14. The transport Officer has also noted that it would be possible to park on street and that overspill parking would not be a reason to refuse the application. The site lies within one of the city's match day parking zones so while it is within a CPZ, this only operates on match days and events days at the AMEX Stadium. The area is not considered to be under significant parking stress at other times.
- 9.22. The application submission includes dedicated cycle parking in a timber cycle store. There would be three Sheffield stands which would allow for the parking of up to six bicycles at any one time. The transport officer has requested that the implementation of the cycle store shown should be secured by condition.
- 9.23. The plans also include the provision of refuse and recycling storage within the property boundary, a condition will be added to secure this to prevent bins being stored on the public highway (other than on collection days) and causing an obstruction.

- 9.24. Accordingly, the development, subject to the recommended cycle parking conditions, the development is considered acceptable in relation to transport matters.

Biodiversity:

- 9.25. The Council has been seeking to improve ecological outcomes within the city by securing minor amendments to approved schemes to increase biodiversity contributions. Therefore, a condition is recommended to be added to require a bee brick to be incorporated into the build and improve biodiversity outcomes in line with policy CP10 Biodiversity and SPD11 Nature Conservation and Development.

Archaeological Notification Area (ANA)

- 9.26. The site falls within an archaeological notification area. The proposed extension has been reviewed by the County Archaeologist. Whilst following a review of the Historic Environment record (HER) the risk to archaeological finds has been deemed low, a scheme of archaeological works has been requested via condition with a further condition to ensure that the works are carried out in accordance with the approved scheme.
- 9.27. Further discussion with the County Archaeologist has been undertaken following recent reports that works to construct the extension have begun on site, these have now stopped after topsoil was removed. The above requested conditions would need to be discharged if the application is approved prior to any further works on the extension commencing.
- 9.28. Subject, to the recommend conditions to secure archaeological investigation and scheme of works the development would be in accordance with DM31 of the emerging City Plan Part Two, which has more weight than policy HE12 of the Local Plan.

**Conclusion:**

- 9.29. This is a site where there are not more than 10% of residential properties within a 50m radius in HMO use, thereby complying with policy CP21 which supports mixed communities. The proposed standard of accommodation for six occupiers is considered acceptable, and the likely impact on neighbouring amenity would not be sufficiently harmful to warrant refusal. No significant transport concerns have been identified, and the scheme would not harm buried heritage features or biodiversity. Accordingly, the application is recommended for approval, subject to conditions restricting any of the communal areas being lost to bedroom space; and requiring the implementation of the cycle parking and archaeological investigation prior to further ground works.

- 10. EQUALITIES**  
None identified.

- 11. CLIMATE CHANGE & BIODIVERSITY:**

- 11.1. The development would make use of an existing building in a sustainable location close to the universities and would provide cycle parking facilities.



**Cllr. Martin Osborne**  
**BH2021/04436 – 16 Talbot Crescent**

**26th January 2022:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Overdevelopment
- Residential Amenity

Comment: I'm objecting to this application for a few reasons.

Firstly, the internal layout of the building would mean that future tenants would not have the greatest experience when living there. 4/6 bedrooms are small and barely exceeding minimum space standards and although there are some positive aspects with the ratio of toilets/showers (there are 3 toilets and 3 showers), there are no baths which I always like to see. Also, there is no need for an extension, which removes space at the back of house and getting rid of garage space through a conversion means that cars forced to park on the narrow road rather than located off-street. Both are examples of over-development.

Furthermore, I'm concerned about the effect on neighbour's residential amenity, especially in terms of noise, waste and parking. I know all these are meant to be addressed by the application including sound proofing and bike sheds, but you can never fully guarantee that no cars will be brought and it's reliant upon inhabitants to follow rules which can be hit and miss. If more cars are brought, this would add to the problems for access to the narrow street, which has previously caused issues for waste/recycling collections.

I see this already has significant input from the public and will therefore be referred to committee but to add my voice I'd reiterate their concerns and would be happy to speak at planning committee on this.





**Cllr. Theresa Fowler**  
**BH2021/04436 – 16 Talbot Crescent**

**31<sup>st</sup> January 2022:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Overdevelopment
- Traffic or Highways

Comment: Hi strongly object to this application to turn yet another family home into an HMO. I feel that Coldean have already far too many Student accommodation and have suffered already with noise and antisocial behaviour. What we need is more family homes. There is also a problem with parking and this could potentially bring another 6 cars into a very narrow road. Because of the layout of the road I feel that noise from this HMO will affect all their neighbours. Please can this be brought to committee for a decision.



**Cllr. Zoe John**  
**BH2021/04436 – 16 Talbot Crescent**

**14<sup>th</sup> February 2022:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Overdevelopment
- Residential Amenity

Comment: I oppose this application.

The proposals look to convert a family house into a 4/6 bedroom house that are too small and only just cover the standard size requirements. The extension removes both garden space and parking, which means there could possibly be more cars on an already busy narrow road - this is an example of over-development.

Resident impact including noise, waste and parking would be negatively impacted on the local community as indicated by the number of objections including those from the Coldean Neighbourhood planning Forum.



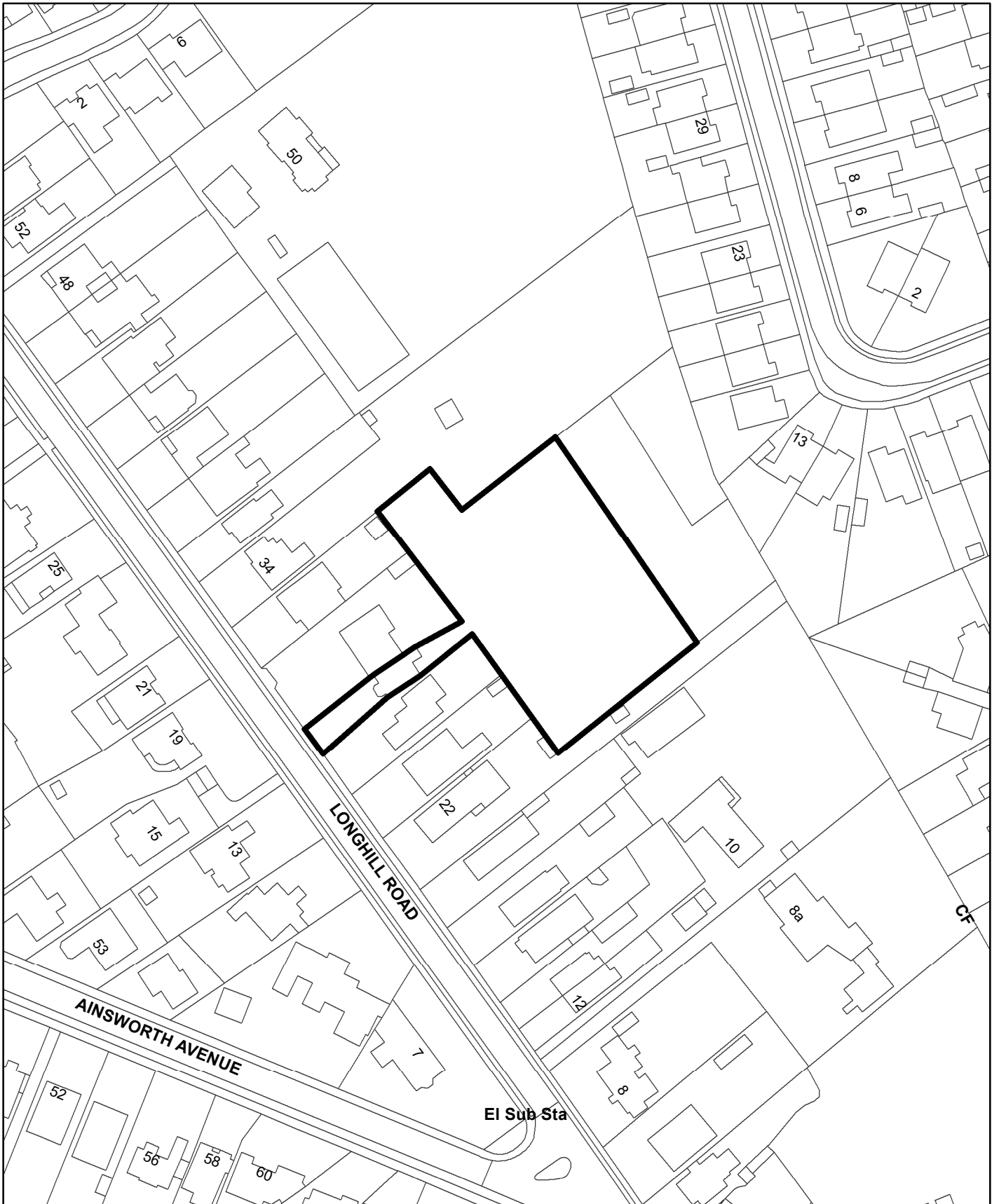
# **ITEM C**

**Land to the Rear of 28-30 Longhill Road  
BH2021/02805  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2021 02805 - Land To The Rear Of 28-30 Longhill Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2021/02805</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To The Rear Of 28-30 Longhill Road Brighton BN2 7BE</b>		
<b><u>Proposal:</u></b>	<b>Erection of 4no four bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 293311	tel: <b><u>Valid Date:</u></b>	03.09.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	29.10.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	16.03.2022
<b><u>Agent:</u></b>	Mohsin Cooper Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<b><u>Applicant:</u></b>	Home Ovingdean Ltd 85 Church Road Hove BN3 2BB		

## 1. RECOMMENDATION

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	A.01	A	3 September 2021
Proposed Drawing	A.02		29 July 2021
Proposed Drawing	A.03		29 July 2021
Proposed Drawing	A.04		29 July 2021
Proposed Drawing	A.05	A	3 September 2021
Proposed Drawing	Tree location Plan		3 September 2021
Arboricultural Report	Amenity land management plan		3 September 2021
Arboricultural Report	Arboriculture Report		7 March 2022
Report/Statement	Preliminary roost assessment (bats)		10 December 2021
Report/Statement	Preliminary Ecological Appraisal		2 February 2022
Report/Statement	Noise impact assessment		10 December 2021

- 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.

- No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

(or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

4. No development shall commence until full details of existing and proposed ground levels (referenced as 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 & Hove Local Plan and CP12 of the City Plan Part One

5. No development shall take place until an ecological design strategy (EDS) addressing protection and buffering of Ovingdean Copse Local Wildlife Site, enhancement of the site to provide measurable biodiversity net gain, to include the recommendations made in the Preliminary Ecological Appraisal report (The Ecology Consultancy, 19/10/2020) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
  - a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location /area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures;
  - j) details for disposal of any wastes arising from works.

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

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

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

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

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

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

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

8. Prior to the commencement of the development hereby approved, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

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

e. details of revised access paths to the bin and cycle stores  
Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. Notwithstanding the plans hereby permitted, the development shall not be commenced until details of the street design have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

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

**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR7 of the Brighton & Hove Local Plan.

11. The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted and retained as such throughout the use of the site for the development permitted.

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

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

- a) details/samples of all brick, cladding, render and tiling (including details of the colour of render/paintwork to be used)
- b) details/samples of all hard surfacing materials
- c) details of the proposed windows, doors, balconies and railings treatments
- d) details of all other materials to be used externally

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

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

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using

sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

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

14. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

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

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

15. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in

accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

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

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in accordance with the approved Scheme, and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

22. At least one bee brick shall be incorporated within the external wall of each of the dwellings hereby approved and shall be retained thereafter.

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

23. At least twelve (12) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Further details of Street Design are required in relation to condition 9. In addition to dimensions and measurements of the access road, the following must also be included:
  - A 1.2m (minimum) delineated pedestrian footway on the access road's northern edge;
  - Removal of the proposed shrubs on the turning head to improve visibility
  - The access road's surface to be block paving instead of tarmac to reduce speeds, protect pedestrian movements and enforce the residential nature of the road
  - The access road to be illuminated e.g. lit bollards on either side
3. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest

convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

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

## **2. SITE LOCATION**

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

## **3. RELEVANT HISTORY**

- 3.1. **BH2021/04254** Application for approval of details reserved by conditions 5 (ecological design strategy), 6 (CEMP: biodiversity) and 8 (landscaping scheme) of application BH2020/02835. Under Consideration



- 3.2. **BH2021/01596** Application for Approval of Details Reserved by Conditions 4 (ground levels), 5 (ecological design strategy), 6 (CEMP: Biodiversity), 7 (tree protection), 8 (landscaping), 11 (samples), 12 (surface water drainage), 13 (LEMP), 14 (lighting design strategy), 15 (archaeological works), 17 (cycle parking) and 18 (refuse and recycling storage) of application BH2020/02835. Split decision issued October 2021
- 3.3. **BH2020/02835** Erection of 4no three-bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities. Approved February 2021
- 3.4. **BH2019/00285** Demolition of existing dwelling house (C3), and erection of 5no detached 2 storey dwelling houses (C3), with new vehicle and pedestrian access, parking and landscaping. Withdrawn
- 3.5. **PRE2018/00306** Erection of 4 new dwellings (and rebuild of existing dwelling)
- 3.6. **BH2015/04378** Demolition of existing dwelling at 28 Longhill Road and erection of 2no single dwellings. Approved July 2016
- 3.7. **BH2015/00483** Outline application with some matters reserved for the demolition of 28 Longhill Road and erection of 4no dwelling houses. Refused May 2015

#### **4. APPLICATION DESCRIPTION**

- 4.1. This application seeks planning permission for the erection of 4no four bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities.
- 4.2. The site currently benefits from an extant permission for the construction of 4no detached dwellings, including the construction of a new vehicular access between No's 28-30 and 26 Longhill Road which has already been constructed.
- 4.3. The current application proposes a change in the overall design of the properties in addition to an increase in size to the footprint of the approved dwellings on the site and changes to the internal layout of each property.

#### **5. REPRESENTATIONS**

- 5.1. **Eighteen (18)** letters of representation have been received objecting to the proposed development on the following grounds:
- Overdevelopment
  - Noise and light disturbance
  - Too close to the boundary
  - Precedent for further development
  - Loss of/damage to wildlife habitats

- Increased traffic
- Lack of infrastructure
- Larger homes are proposed than previously approved
- The mitigation measures of the development aren't significant enough for wildlife
- Impacts on the newly designated wildlife corridor and local wildlife site.
- The integral garages allow for further access points for any new potential development
- The properties are located nearer the wildlife corridor than approved
- Need for swift boxes
- Highways impacts including additional traffic and safety
- The plans are out of keeping with the existing character of the road
- Poor design
- Loss of residential amenity
- The properties will not be affordable
- Infrastructure is not in place to support this development

5.2. **Councillor Mary Mears** objects to the proposed development. Please see comments attached.

## 6. CONSULTATIONS

### External

6.1. **Brighton and Hove Archaeological Society** Recommend contacting County Archaeology

6.2. **County Archaeology** No objection subject to conditions

6.3. **Ecology** No objection subject to conditions

6.4. **Southern Water** No objection

### Internal

6.5. **Arboriculture** No objection subject to conditions

6.6. **Highways** No objection subject to conditions

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)

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

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

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix
SA4	Urban Fringe

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

TR7	Safe Development
TR14	Cycle access and parking
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

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

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

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel

DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to principle of residential development on site, the impact of the dwelling on the design and appearance of the site and the surrounding area, the standard of accommodation provided, the impact on neighbouring amenity, the sustainable transport impacts and sustainability of the proposed development.

### **Principle of development**

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. The main part of the site falls within the Urban Fringe, being sandwiched between the defined built up area to the east and west, and by the National Park approximately 150m to the south.
- 9.6. The application site falls within Site 43 of the UFA. Site 43 forms the entire band of urban fringe between Wanderdown Close to the north, the built-up area boundaries to the east and west, and the National Park to the south.
- 9.7. In order to assess the likely impact of development within Urban Fringe sites, the UFA assesses all sites against five constraints: Ecology, Heritage, Open Space, Landscape and Flooding. The key constraints of site 43 are identified by the UFA as Heritage, Landscape and Flooding.

- 9.8. In granting previous permissions for residential development on this site it has been concluded that given the presence of other small back-land developments within Site 43, development within the application site was unlikely to give rise to impacts on heritage, landscaping of flood risk nor detrimentally harm the wider downland landscape.
- 9.9. Application BH2020/02835 which proposed the erection of 4no residential properties was considered and subsequently approved by planning committee in March 2021. The approval of this application establishes that residential development on this site, including for 4 residential units is acceptable in principle. This permission remains extant. Therefore, the proposed residential development of this part of the urban fringe with four dwellings is considered acceptable in principle in broad compliance with policy SA4 of the Brighton & Hove City Plan Part One and the NPPF.

### **Design and Appearance**

- 9.10. City Plan Part 1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction. Policy CP14 allows for infill development within the city when a high standard of design is achieved, and the resulting development would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.
- 9.11. The proposed dwellings are considered to form a suitable addition to the site. The four dwellings would be single storey in height when viewed from the rear of the adjacent dwellings on Longhill Road, with a lower floor level facing towards the woodland to the rear/east.
- 9.12. The dwellings would be set on a flat area of land some 11m from the rear boundaries of 22-32 Longhill Road. Consequently, the dwellings would sit comfortably within the plot and be in keeping with the spacious setting of the other principal and back land dwellings that characterise the area. The dwellings proposed under the current application have been positioned further towards the north east, than the most recently approved scheme, increasing the distance between the properties fronting Longhill Road over the approved scheme.
- 9.13. The repositioning of the dwellings further towards the rear of the site has allowed for additional soft landscaping to the front of the properties. Each property also now features an integral garage which allows for a reduced number of external car parking spaces to the front of the property. This results in a softer appearance to the development and a reduction in the amount of hard landscaping proposed.
- 9.14. It is acknowledged that the current scheme proposes a more contemporary design to that previously approved (BH2020/02835). The appearance of the proposed dwellings is considered suitable in the context of the wider area. Properties along Longhill Road are not uniform in character. Further the single

storey nature of the dwellings when viewed from Longhill Road ensures they remain subservient to the dwellings that front Longhill Road. It is acknowledged that existing dwellings would face onto mainly blank elevation however, given the separation distance between properties and that additional planting is proposed this is acceptable. Given that the dwellings would retain their low profile within the streetscene, the contemporary finish and design of the dwellings is considered acceptable. The proposed material finish of the dwellings is shown on the elevation plans and consists of brick and larch cladding.

- 9.15. 'Permitted development' rights would be removed by condition to ensure no additional impact is caused to the visual amenities of Longhill Road and to protect the external amenity spaces and wildlife site to the rear.
- 9.16. Taking into account the earlier approval which remains extant, the number of units proposed, layout, form and finish of the proposed dwellings is considered appropriate within its context, in accordance with policies CP12, CP14 and SA4 of the Brighton & Hove City Plan Part One and Policy DM18 of the City Plan Part two which carries significant weight.

Standard of accommodation

- 9.17. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments, and are referred to in Policy DM1 of City Plan Part 2 which can be given significant weight. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed, which is considered alongside qualitative matters regarding the standard of accommodation provided.
- 9.18. The overall footprint of each property over two floors would provide ample space for a variety of communal uses, which would allow a high standard of accommodation in terms of total floor area, usable circulation space and outlook.
- 9.19. Each unit proposes four bedrooms, providing accommodation for 8 occupiers, all of which would be over 11.5msq, and most have additional built-in storage. The bedrooms would have a good standard of circulation space and outlook including natural light. It is acknowledged that the bedroom to the lower ground floor layout may have a compromised outlook and receive limited light owing to the associated window being located within a lightwell, however given that the rest of each unit is spacious and provides acceptable light levels, this is deemed acceptable.
- 9.20. Policy DM1 of City Plan Part 2 (which can be given significant weight) and Policy HO5 of the Brighton & Hove Local Plan both require the provision of private useable amenity space in new residential development. The proposed development would provide private external amenity space to the rear of each property by way of large rear garden and patio areas, backing onto woodland.

- 9.21. Overall, it is considered that the proposed dwellings would provide a high standard of accommodation for future occupiers and would therefore accord with the aims of policy QD27 of the Brighton and Hove Local Plan and DM1 of City Plan Part 2.

### **Amenity Impact**

- 9.22. No concerns were raised in response to the extant permission (BH2020/02835) regarding to the impact of back-land development upon the amenities of neighbouring properties, and this forms the 'fall-back' which could be implemented if the present planning application is not approved.
- 9.23. The properties would be stepped into the sloping land and would therefore appear as single storey above ground level from the properties that front Longhill Road (No's 22 -32). Given the separation distance to the rear boundary of these neighbouring properties, and the distance between the dwellings, no significant loss of light, outlook or privacy would result.
- 9.24. There are no significant changes to the fenestration proposed throughout the scheme, when compared to the earlier approval, which would result in any additional impact to the amenities of existing adjacent properties.
- 9.25. The previous planning application (BH2020/02835) was accompanied by a Noise Impact Assessment which considered whether any additional harm would result to neighbouring properties as a result of the proposed access road to four residential dwellings. The submitted report assessed the development on the basis of a worst case scenario. The report confirmed that no significant harm would result to neighbouring properties in light of the access, turning and parking facilities proposed. Environmental Health agreed with the conclusions set out within the report.
- 9.26. It is therefore considered that the proposed works would have an acceptable impact on the amenities of adjacent occupiers in accordance with Policy QD27 of the Local Plan and DM20 of the City Plan Part 2 which carries more weight than the Local Plan policy.

### **Trees and Landscaping**

- 9.27. The proposed plot comprises a large garden with a steep woodland slope leading down to the eastern boundary. The woodland to the rear of the site is partially covered by a Tree Preservation Order (TPO) which includes the entirety of Eley and Elvin Crescent.
- 9.28. This application is supported by an Amenity Land Management Plan and an Arboricultural Report. These documents identify a number of trees that are required to be removed in order to facilitate the development.
- 9.29. The previous application (BH2020/02835) accepted the loss of 15 trees within the site, subject to a condition requiring substantial mitigation planting to offset this loss, at a minimum 1:1 ratio. The Arboriculture Officer notes that the internal trees identified for removal within the site are of poor quality and would not be considered a material constraint with suitable replacement planting.

9.30. Trees are to be retained fronting Longhill Road and a detailed method statement is requested to include ground protection measures prior to commencement to ensure they can be retained during construction.

9.31. On this basis the scheme is considered acceptable in terms of its impact on trees, subject to wider ecological considerations below.

### **Ecology**

9.32. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.

9.33. As already noted, the current application is similar to the already permitted scheme allowing four dwellings so this carries significant weight as a material consideration.

9.34. To the rear boundary of the site lies Ovingdean Copse Local Wildlife Site, therefore it is important that measures are taken to protect, buffer and enhance this site of nature conservation importance. An Ecological Design Strategy is secured by condition which will address the protection of the adjacent wildlife site and further enhancement of the site for biodiversity including those recommendations set out in the preliminary Ecological Appraisal report submitted as part of this application.

9.35. Further conditions include a landscape and Ecological Management Plan to ensure the long term management of the woodland and a Construction Environment Management Plan (CEMP) which will set out the protective measures required for retaining habitats and protected species and ensuring that a sensitive lighting scheme is proposed.

9.36. The proposal is also subject to conditions relating to bee bricks and swift boxes/bricks.

### **Sustainable Transport:**

#### Pedestrian access

9.37. As requested under the previous application (BH2020/02835) a number of improvements are requested via condition. A further street design condition is sought to provide improvements include the dimensions of the access road, a demarcated footway along the access road, details of the access road surface and lighting. These details were included as part of application (BH2020/02835) but have not been included on the current site plan.

#### Cycle Parking

9.38. The application proposes 4 cycle parking spaces for each of the houses which are policy compliant. A condition securing their implementation is sought.

#### **Car Parking**

9.39. SPD14 states that the maximum car parking standard for 3 plus bedroom dwellings within the outer area is 1 spare per dwelling plus 1 space per 2



dwellings for visitors. Therefore a maximum of 6 spaces may be proposed. The level of parking proposed is considered acceptable.

Servicing and deliveries

- 9.40. The proposal is considered acceptable in this regard given that there is adequate space for goods vehicles and refuse vehicles to use the access the road and turn within the site.

Vehicle access

- 9.41. The arrangement proposed for this size and type of development is acceptable. Further measures to enhance the arrangement are secured by condition.
- 9.42. New crossovers are proposed for the access road. These appear in principle to be acceptable. Amendments to the footway, grass verge and boundary wall may be required to accommodate both accesses.

Trip generation

- 9.43. It is not considered that the increase in trips associated with 4 dwellings would amount to a severe impact on the surrounding highway network.

**Sustainability**

- 9.44. Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. If the scheme were otherwise considered acceptable, these measures would be sought by condition.

**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 £ 139,740.36. 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. Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the dwellings would be capable of complying with lifetime home standards and compliance would be secured by condition.

**12. CLIMATE CHANGE AND BIODIVERSITY**

- 12.1. The proposed development would provide a back-land development which makes an effective use of an existing site. The proposals also incorporate a number of measures that improve the efficiency of the development including cycle parking which reduces the reliance on vehicular transport, the retention and enhancement of existing trees; secured by the suggested conditions above, the inclusion of biodiversity and habitat improvements as sought through the Ecological Design Strategy and securing energy and water efficiency standards.

**Cllr. Mary Mears**  
**BH2021/02805 - Land Rear of 28-30 Longhill Road**

**12<sup>th</sup> October 2021:**

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

Planning permission has already been granted to the previous owners of the land for development of 3 bedroom properties on the site., the revised planning application now the land has been sold on is for larger 4 bedroom properties.

Each house now proposes an integral garage which in turn enlarges the footprint and encroaches more closely to the Woodland TPO and the newly designated Local Wildlife Site-Ovingdean Copse 130.

The Wildlife corridor is now recognised and contains two LWS's

We know from The Sussex Biodiversity Record centre that there are many species of flora and fauna in this area including where this site is located some of which are rare.

The incorporation of integral garages will also allows a revised site plan which is designed to free up land to the north corner of the plot, for possible further development.

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



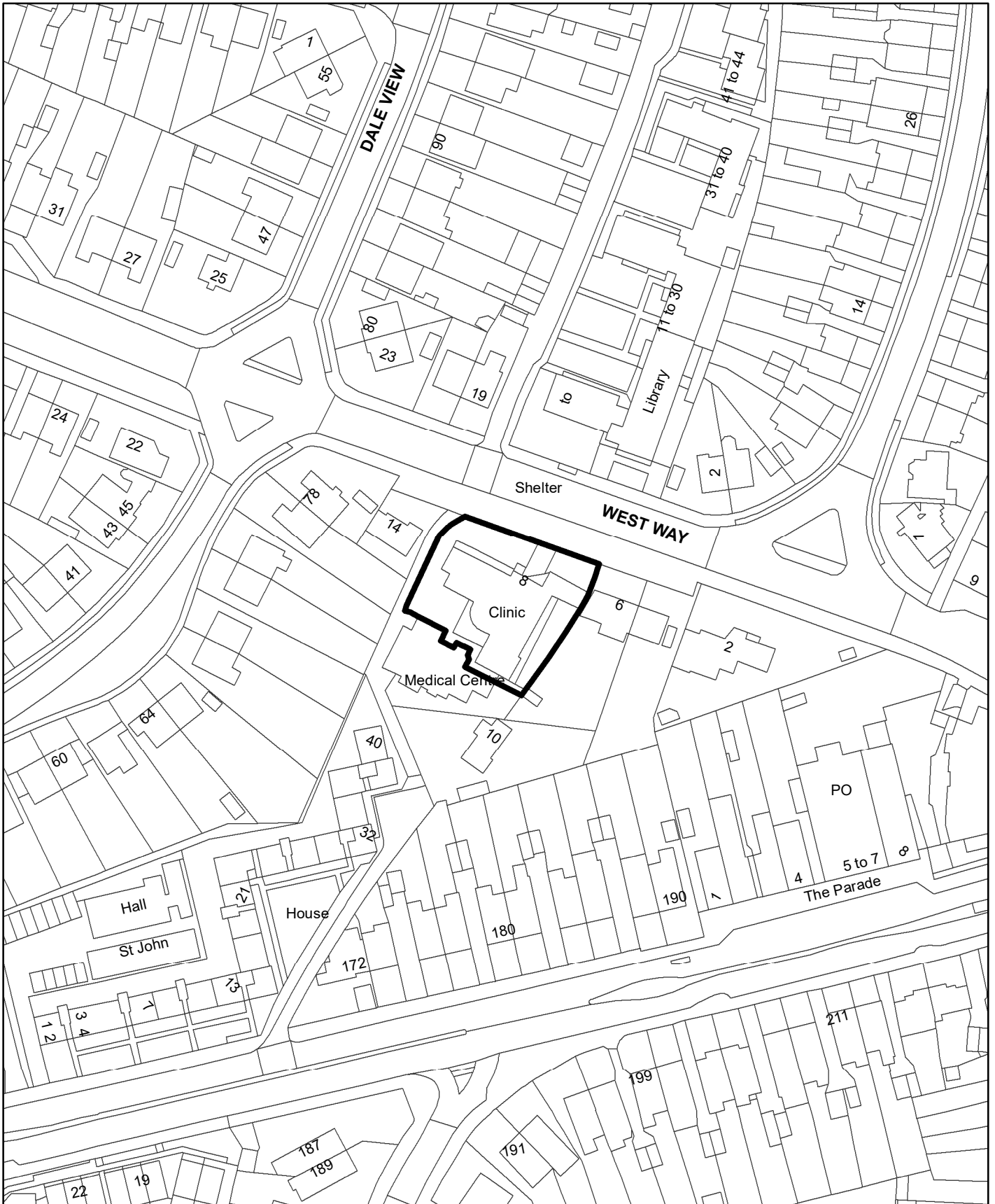
# **ITEM D**

**8 West Way  
BH2021/04397  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2021 04397 - 8 West Way



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2021/04397</b>	<b><u>Ward:</u></b>	<b>Hangleton And Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>8 West Way Hove BN3 8LD</b>		
<b><u>Proposal:</u></b>	<b>Erection of an additional storey with ground floor extensions to create 2no two bedroom flats and 2no one bedroom flats (C3), enlargement of existing commercial unit and associated alterations.</b>		
<b><u>Officer:</u></b>	Charlotte Bush, tel: 292193	<b><u>Valid Date:</u></b>	13.12.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	07.02.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Darby Architectural Ltd 84 Westbourne Street Hove BN3 5FA		
<b><u>Applicant:</u></b>	Mr Arif Essaji 16 Crown Hill Seaford BN25 2XJ		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	01		13 December 2021
Proposed Drawing	P.01		13 December 2021
Proposed Drawing	02		13 December 2021
Proposed Drawing	P.02		13 December 2021
Proposed Drawing	P.03	c	17 March 2022
Report/Statement	Planning Statement		17 December 2021
Report/Statement	DAYLIGHT REPORT	X126	28 February 2022

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

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

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

- a) details of all cladding and render (including details of the colour of render/paintwork to be used)
- b) details of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) details of all other materials to be used externally

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and policy DM21 of City Plan Part Two.

4. The first floor residential units hereby approved shall not be first occupied until the louvered timber screens to the first floor terrace areas have been provided in accordance with the approved plan 03C. The terrace screens shall be maintained in accordance with the approved plans thereafter.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and policies DM20 and DM21 of City Plan Part Two.
5. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
6. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
7. At least one bee brick shall be incorporated within the external wall of each dwelling hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. At least four (4) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
9. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

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

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

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

10. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development the redundant vehicle crossover next to the site's main existing pedestrian access shall be reinstated back to a footway by raising the existing kerb and footway, and thereafter retained as such.

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

11. Prior to first occupation of the development hereby permitted, a car park layout plan, in accordance with SPD14 Parking Standards, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and SPD14 Parking Standards and CP9 of the City Plan Part One.

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

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, SPD 14 Parking Standards and CP9 of the City Plan Part One.

13. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan

shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

**Reason:** In the interests of amenity and road safety and to comply with policies TR7, SU3, SU5, SU8, SU9, SU10, SU11, SU12, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP1, CP2, CP3, CP7, CP8, CP9, CP11, CP12, CP13 and CP15 of the City Plan Part One.

14. The development hereby permitted shall not be occupied until the new apartments hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

15. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above 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.

16. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, Policy DM21

of the Submission City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

17. Other than where indicated on the plans hereby approved, access to the flat roofs of the property as extended 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 Policies DM20 and DM21 of the Submission City Plan Part 2.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the proposed highway works should be carried out in accordance with the Council's current standards and specifications and under licence from the 'S278 team'. The applicant should contact the 'S278 team' (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay.
3. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
4. 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 also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By- Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system again seen at railway stations where appropriate. Also, where appropriate provision should be made for tricycles, reclining cycles and 'cargo bikes'
5. The applicant is advised that on 22 November 2021 there was a Government announcement that in 2022 all development including new build and redevelopment would require electric vehicle charging points (EVCPs). As no details have yet been announced it is for the applicant to decide whether they

wish to pre-empt this advice and install EVCPs. The applicant is also advised that some user-classes (A, B, C and E for example) in SPD14 Parking Standards October 2016 already require the applicant to provide EVCPs in some circumstances. In those circumstances the applicant is also advised that they may also wish to consider installing both their 'active' and 'passive' EVCP provision to ensure they can provide compatible equipment. For any further advice and updates on EVCPs please contact your Planning Case Officer in the first instance.

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

## **2. SITE LOCATION**

- 2.1. The application relates to a single-storey building on the southern side of West Way, Hove, in a predominantly residential area. The site was formerly a doctors' clinic, prior to the opening of a replacement facility at Nevill Avenue, but is now in use as a dental surgery and nursery.
- 2.2. To the rear (south) of the site is Hove Medical Centre, accessed by an existing driveway which abuts the western boundary of the application site. Adjoining properties immediately to the west are typically detached residential bungalows, while to the east are two-storey semi-detached houses. Hangleton Library is directly opposite on the ground floor of a large three storey block of flats extending north along Kingston Close.
- 2.3. The site lies in close proximity to The Grenadier local centre which is well served by public transport.

## **3. RELEVANT HISTORY**

- 3.1. **BH2010/03486** - Formation of additional storey at first floor level to create two 2no bedroom and two 1no bedroom residential units, ground floor extension at front and associated works. Refused 06/05/2011. Appeal Allowed. Costs Awarded.

- 3.2. Reasons for refusal:
1. The proposed development will result in a loss of amenity by reason of unacceptable overlooking to numbers 6 and 14 Westway and number 76 Dale View contrary to policy QD27 of the Brighton and Hove Local Plan 2005.
  2. The proposed development will not be located in a Controlled Parking Zone. In the absence of any mechanism to secure the scheme as car free development the proposed development will result in unacceptable impact on on-street parking in the area contrary to policies TR1, TR7 and TR19 of the Brighton and Hove Local Plan 2005.
  3. The proposed development by reason of its design, bulk, massing and materials in relation to the scale and appearance of the existing building would appear incongruous and represent an unduly dominant addition to the existing building contrary to policies QD2 and QD14 of the Brighton and Hove Local Plan 2005.
  4. The applicant has failed to demonstrate that the nursery facility existing on the site will be protected during the construction phase of the proposed development contrary to policy HO20 of the Brighton and Hove Local Plan 2005.
- 3.3. The appeal Inspector found the proposed development to be acceptable in all respects and costs were awarded to the applicant.
- 3.4. **BH2008/03276**: Additional storey above existing single-storey building to form 4 self-contained flats. Refused 17/12/2008.

#### **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks planning permission for the erection of a ground floor extension, along with an additional storey at first floor level above the existing single-storey dentist and nursery building. The additional storey would accommodate four self-contained flats (2 x 1-bed and 2 x 2-bed).
- 4.2. The proposed scheme would be similar in design, mass and scale to that in previous application BH2010/03486, which was allowed on appeal.

#### **5. REPRESENTATIONS**

- 5.1. Fifteen (15) letters has been received (including 5 duplicates), objecting to the proposed development for the following reasons:
- Inappropriate height of development
  - Noise
  - Overshadowing
  - Overdevelopment
  - Over looking and loss of privacy
  - Hazardous materials putting staff/children at risk
  - Inappropriate layout and density of building

- Restriction of view
- Smells
- Too close to the boundary
- Road safety/highway impacts and parking
- Reduction in community facilities (during construction works)
- Bin store next to nursery may attract vermin and could be used to store
- Loss of outdoor amenity space for the nursery
- Views into clinical rooms via velux windows, thereby reducing patient privacy
- Overlooking of children's facilities.

5.2. A letter of representation has been received from **Councillor Lewry** objecting to the proposed development. A copy of the representation is attached to the report.

## 6. CONSULTATIONS

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

6.2. **Sustainable Transport:** No objection  
Cycle parking facilities are offered as part of the scheme. However, a secure cycle parking condition and informative should be attached to improve the layout and security of the facilities.

6.3. No parking spaces are offered as part of this scheme. This is in line with SPD14 Parking Standards maximum and is therefore deemed acceptable in principle. However, a vehicle access is being extinguished and the car park reduced in size. Therefore we request that the Car Park Layout Plan condition and the Electric Vehicle Charging Point (EVCP) informative is attached to any permission granted.

6.4. The site is outside of a controlled parking zone so there is free on-street parking available. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore, in this instance we would not consider the lack of dedicated, for sole use only on-site disabled car parking to be a reason for refusal.

6.5. The site is in the Outer Area for public transport and is therefore adjudged to generally have not so good public transport provision when compared with other parts of the City. However, buses do run nearby, cycle parking facilities will be provided and there is also access to a taxi rank near by private hire vehicles and on-street 'car club' bays.

6.6. The increase in trip generation and impact on carriageways is not considered significant.

6.7. A DEMP/CEMP and associated commitments to address safety, amenity, and traffic impacts during demolition/construction of the development should be secured by condition.



- 6.8. Proposed Conditions:
- Reinstatement of Redundant Vehicle Crossing
  - Car Park Layout Plan
  - Hard surfaces
  - Cycle parking scheme
  - Demolition/Construction Environmental Management Plan (DEMP/CEMP)
- 6.9. **Urban Design** (verbal comment 09/03/2022): No objection  
Roofscape is acceptable.
- 6.10. Proposed change in cladding to Prefa' Aluminium Cladding In 'Oak' is preferred to the Zinc cladding, but a return to the timber cladding would be favoured.
- 6.11. The balcony detailing on the north elevation is acceptable.

**Urban Design (verbal comment 09/02/2022):**

- 6.12. The roofscape highlights the stairwell tower and draws eyes to the vertical elements. It is a more convoluted roofscape than the previous scheme. The slight pitch on the previous scheme was more successful as the slope down was easier on the eye from the taller property one side to the smaller property on the other and generated a more dynamic roof form.
- 6.13. The switch from timber to zinc is resisted as it is a much darker material which will appear to increase the mass and bulk of the upper floor. The first-floor materials should also be laid horizontally as its current vertical nature will increase the perceived height of the upper floor. It will also contrast with the vertical element of the tower.
- 6.14. The height of the full width and full height doors needs to be disguised on the northern elevation it appears as if the cill heights are the same as the other windows (change balcony details from glass). A landscaping scheme should be sought.

## 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

### Brighton & Hove City Plan Part One

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

### 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
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
HO20	Retention of community facilities

### Brighton & Hove City Plan Part Two

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

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
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 the development, the impact on the character of the area, the standard of accommodation, the impact on neighbouring amenity, and transport and sustainability issues.

9.2. The Officer visited the site and the neighbouring property 6 West Way on the 9th March 2022.

**Principle of the Development:**

9.3. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

9.4. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 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 provision of a total of four new residential units comprising 2 x two-bedroom apartments suitable for three occupants, and 2 x one-bedroom apartments suitable for two occupants. This is of benefit to the delivery of housing supply to the City, which must be given significant weight in the planning balance.

9.7. The principle of the development has already been established through the approval, on appeal, of application ref. BH2010/03486 which allowed similar scheme. The Inspector dismissed all of the Local Planning Authority's reasons for refusal, which included the design and appearance of the building, impact on neighbouring amenity and transport issues.

9.8. At ground floor level the building currently comprises a dental surgery and children's nursery, both of which would be retained. The development includes a single-storey front extension which would provide improved access arrangements to the nursery, a buggy store and new soft play area. These additional and improved facilities are welcomed.

9.9. In principle, therefore, the proposal is considered acceptable.

**Design and Appearance:**

9.10. The application site is located in a neighbourhood where the prevailing character is created by semi-detached houses and bungalows in wide streets with grass verges which provides a domestic scale to the area. The southern side of West Way adjoining the application is reflective of this and comprises two-storey dwellings to the west and bungalows to the east, with land broadly sloping to the west.

9.11. A 2008 application for an additional storey to the building was refused as it was considered the additional storey would appear incongruous and represent an unduly dominant addition to the street scene. However, the appeal Inspectors for both the 2008 application and 2010 application found the design and scale to be acceptable. These conclusions are a material consideration in relation to this scheme.

9.12. The Inspector for BH2010/03486 considered *'due to its limited storey height and its partly set back flat-roof design, and thus its minimal mass, the first-floor extension, including the projection at the back, would respect the scale and massing of the existing building and its surroundings. The use of timber cladding and rendered panels would give the whole building a unified contemporary appearance. The completed building would provide a harmonious transition in the street scene in West Way, between the 2-storey pitched roof dwelling at 6 West Way on higher ground to the east and the pitched-roofed bungalow at 10 West Way on lower ground to the west. The scale would complement the 3-storey flats on the opposite side of West Way and the 1 1/2 storey medical centre at the back of the site.'*

9.13. The appeal Inspector therefore considered the design, scale, height and use of materials in the extension to be appropriate to the character and appearance of the wider area.

9.14. It should be noted that the plans for the scheme currently proposed have been amended over the lifespan of the application, to accommodate recommendations of the Council's Urban Design Officer. The most fundamental alteration was to the roofline so that it would remain similar to the pitch of the approved scheme. The proposed materials were also amended.

9.15. However, in essence this proposed development closely follows the previously approved scheme with some minor alterations to the approved scheme, which include:

- Changing the timber cladding to zinc cladding to the main structure (the stairwell would be clad in timber). The Urban Design Officer raised concerns regarding the colour of the zinc as its dark appearance could add to the perception of bulk, and its vertical configuration which could increase the perception of height. The agent has therefore proposed the use of 'Prefa' Aluminium Cladding In 'Oak' and the cladding would be laid horizontally. The Urban Design Officer considered the amendments acceptable
  - Full height and width patio doors on the northeast elevation instead of a window and partially glazed door
  - Rearrangement of windows on the southwestern elevation
  - An additional high-level window on the eastern elevation
  - Removal of sedum roof
  - Altering the terrace balustrade/screening materials
- 9.16. Taking into account the most recent Inspector's decision it is considered that there can be no objection to the additional storey in terms of height and mass, and the alterations to the materials and fenestration are not considered to cause harm to a degree that would warrant the refusal of this application.
- 9.17. The scheme also proposes some remodelling of the existing building at ground floor level to incorporate render and brickwork detailing, and a new single-storey extension to the front of the property. This design and detailing are considered appropriate in this location.
- 9.18. To soften the impact of the development and improve biodiversity provision on site, a landscaping scheme would be sought by condition.
- 9.19. For the reasons outlined the proposal is considered to comply with policies CP12 of the Brighton & Hove City Plan, QD5 and QD14 of the Brighton & Hove Local Plan, and DM18 and DM21 of the emerging City Plan Part 2. Policy DM21 can be given more weight in the planning balance than QD14 of the Brighton & Hove Local Plan.
- Standard of accommodation:**
- 9.20. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which now carries more weight than QD27) 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. These policies aim to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the living spaces and bedrooms, once standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 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 and Hove City Plan, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can

now be given significant weight. The standards provide a useful guideline on acceptable room sizes. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>.

- 9.22. **Flat 1:** 2 bedroom apartment for 3 occupants: Semi-open plan lounge/kitchen/diner, family bathroom, double bedroom measuring 13.4m<sup>2</sup>, single bedroom measuring 7.6m<sup>2</sup>.
- 9.23. **Flat 2:** 2 bedroom apartment for 3 occupants: Open plan lounge/kitchen/diner, family bathroom, double bedroom measuring 14.3m<sup>2</sup>, single bedroom measuring 8.9m<sup>2</sup>.
- 9.24. **Flat 3:** 1 bedroom apartment for 2 occupants: Open plan lounge/kitchen/diner, bathroom, double bedroom measuring 13.4m<sup>2</sup>.
- 9.25. **Flat 4:** 1 bedroom apartment for 2 occupants: Open plan lounge/kitchen diner, bathroom, double bedroom measuring 13.1m<sup>2</sup>.
- 9.26. All four apartments meet the minimum space requirements for the number of bedspaces/occupiers and the inductive layout with furniture demonstrates that there would be a good level of circulation space and access to natural light and ventilation in the main living areas.
- 9.27. The windows to the bedrooms in the two-bedroom apartments are set at 1.7m high to prevent overlooking of neighbouring properties, but will still provide natural light, ventilation and outlook. There is no window to the kitchen area of flat 3. However, there is a window to the lounge area as well as an openable rooflight to provide additional ventilation.
- 9.28. The two-bedroom apartments also have access to a private terrace which is of benefit to these larger apartments which may be suitable for families. Whilst the one bedroom units would not have access to external amenity space, there are a number of public open space areas within easy reach of the site.
- 9.29. The standard of accommodation is therefore considered acceptable.

**Impact on Amenity:**

- 9.30. 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.
- 9.31. It is noted that living accommodation in 6 West Way has been altered since the decision on the BH2010/03486 appeal. The garage has been converted into living accommodation. There is now one side window on the ground floor side elevation but this is not a primary window as there are large patio doors to the

rear, and an obscure glazed window at 1st floor level. This is taken into account in the following.

- 9.32. As part of this application a Daylight & Sunlight Assessment has been submitted to assess the impact of the development on these adjoining properties. The information is based on guidance in the Building Research Establishment (BRE) publication 'BR 209: Site Layout Planning for daylight and sunlight: a guide to good practice 2011'. There are no apparent reasons to question the methodology of the submitted assessment.
- 9.33. The analysis indicates that light to ground and first floor windows to both adjoining properties would continue to exceed BRE recommended levels. It is therefore considered that whilst some loss of light would result the development would not cause significant harm for adjoining properties. Similarly in relation to sunlight the impact of the development should not be noticeable and the remaining level would be acceptable.
- 9.34. On this basis it is considered that the resulting harm would not be so significant as to warrant refusal of the application.
- 9.35. The previous appeal decisions considered that the set-back of the extension coupled with the distance between neighbouring properties to the west and the application site would ensure a generally open outlook would remain to properties on Dale View. It was further considered that the main outlook from adjoining properties on West Way is away from the application site with only oblique views available, and on this basis the development would not appear overbearing from these properties.
- 9.36. There have been no significant changes to the scale of proposed development or adjoining properties since the 2008 or 2010 appeal decisions. It is therefore considered that refusal of the application due to an overbearing impact would not be warranted and could not be sustained at a potential appeal.
- 9.37. The 2008 appeal decision and 2010 appeal decision considered the positioning of the windows, privacy screening, in conjunction with the distance retained to adjoining properties, would be sufficient to ensure no harmful overlooking of adjoining properties.
- 9.38. In the BH2010/03486 appeal, the Inspector concluded *'because of the siting and scale of the proposed privacy screening; the window positions in, and the internal arrangement of, the proposed flats; and their distance from the nearby dwellings and their gardens; harmful overlooking, including the perception of being overlooked, would not be likely to occur.'*
- 9.39. It is acknowledged that there would a small degree of overlooking, or perception of overlooking towards the rear garden of No. 6 West Way. However, this is not considered to be of a degree that would be unusual in a residential area such as this. A condition is recommended to ensure the screening is erected prior to first occupation of the proposed units.

- 9.40. Objections have noted the potential impact of building works, but these are not usually a material consideration unless the construction period is so long as to not be considered temporary in nature, which is not the case with this scheme.
- 9.41. Overall, the impact on neighbouring amenity is not considered to be significant and would not warrant the refusal of this application.

**Sustainable Transport:**

- 9.42. The development is considered acceptable in terms of its impact on highway capacity and road safety, with no objection raised by the Local Highway Authority, subject to the imposition of conditions.

**Ecology**

- 9.43. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.44. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species. A condition requiring bee bricks and swift bricks is sought to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.45. As already noted, a landscaping scheme would be secured by condition.

**Sustainability:**

- 9.46. Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This will be secured by condition.

**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 £ 22,365.27. 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. The pedestrian access arrangements onto the adopted (public) highway would be altered to increase the width of the ramp to provide better disabled access to the ground floor. There is no lift to the first-floor accommodation, however, there is a large stairwell which could be adapted in the future if necessary.



## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. The proposed development would make effective use of an existing site. The proposal also incorporates a number of measures that improve the efficiency of the development including cycle parking which reduces the reliance on vehicular transport, and conditions will secure the inclusion of nature improvements such as bee bricks and swift boxes and securing energy and water efficiency standards.





PLANNING COMMITTEE LIST  
COUNCILLOR REPRESENTATION

**Cllr. Nick Lewry**  
**BH2021/04397 - 8 West Way**

**27th January 2022:**

Please be informed that I am strongly opposing the go ahead of application BH2021/04397 and ask that this application is brought forward to a planning committee.



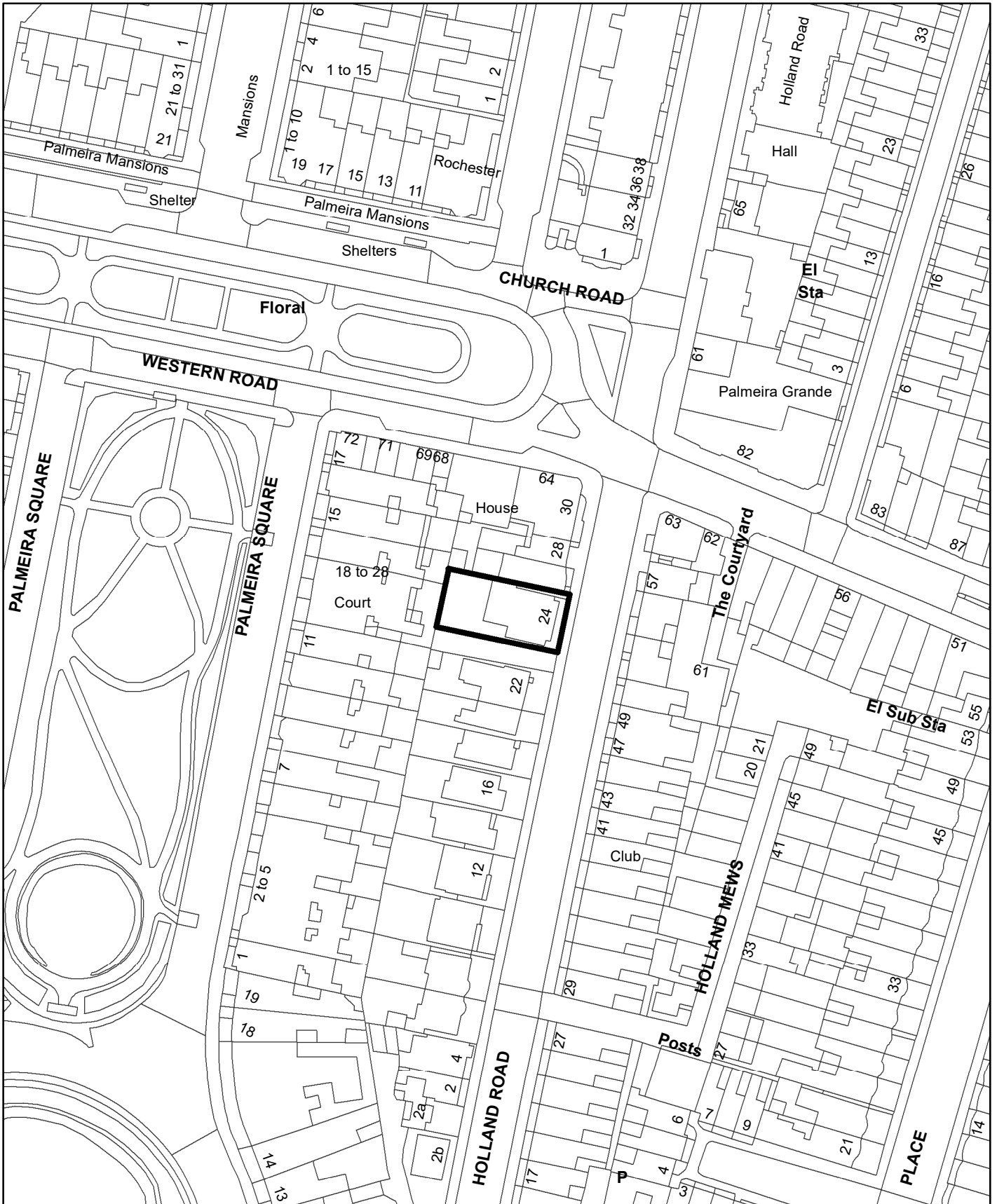
# **ITEM E**

**24 Holland Road  
BH2021/03761  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2021 03761 - 24 Holland Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2021/03761</b>	<b><u>Ward:</u></b>	<b>Brunswick And Adelaide Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>24 Holland Road Hove BN3 1JJ</b>		
<b><u>Proposal:</u></b>	<b>Change of use from Language School (F.1) to Hotel (C1), with associated works.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	21.10.2021
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	16.12.2021
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr James Webb Care Of Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

**Conditions:**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	YO426-001		21 October 2021
Block Plan	YO426-002		21 October 2021
Proposed Drawing	YO426-120		21 October 2021
Proposed Drawing	YO426-121		21 October 2021
Proposed Drawing	YO426-122		21 October 2021
Proposed Drawing	YO426-200		21 October 2021
Proposed Drawing	YO426-201		21 October 2021
Proposed Drawing	YO426-202		21 October 2021
Report/Statement	Hotel Impact Assessment		17 February 2022

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

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

3. All new windows and doors indicated on the approved plans shall be constructed of timber and shall have a painted finish to match the existing windows.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall not be occupied until the railings shown on the approved plans have been painted black and shall thereafter be retained as such.

**Reason:** In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, Policy DM33 of City Plan Part 2, and SPD14: Parking Standards.

6. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protect the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and Policies DM20 and DM33 of City Plan Part 2.

Informatives:

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

## 2. SITE LOCATION

- 2.1. The application relates to a two-storey, detached property located on the western side of Holland Road, near to the junction with Western Road. The property is not listed but is located within the Brunswick Town Conservation Area. The site is located on the boundary of the Central Brighton area designated in policy SA2 of the City Plan Part One (CPP1), aimed at reinforcing Brighton's role as a 'vibrant, thriving regional centre'.

- 2.2. The building was in use as a language school (F.1), however following the onset of the COVID-19 pandemic this use has ceased.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/03272** - Change of use from existing language school (F.1) to 10no bedroom visitor accommodation (sui generis). External alterations comprising of new access to kitchen at the rear, two juliette balconies to first floor rear elevation, new railings and gate to front elevation and the removal of the existing fire escape stairs & door on the north elevation. Refused, appeal allowed 13/01/2022

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a change of use of the building to a twelve-bedroom hotel (C1). The application also includes external alterations including a new door at the rear, one juliette balcony to the first floor rear elevation and new railings and gate to the front.

### 5. REPRESENTATIONS

- 5.1. **Thirteen (13)** letters of objection:
- Noise disturbance
  - Overdevelopment
  - Overlooking
  - Loss of community facility
  - Impact Assessment not provided
  - Nearby hotel closed recently
  - Parking
- 5.2. **Councillor Clare** has objected to the proposal and asked for it to be determined at planning committee. A copy of this correspondence is attached to this report.

### 6. CONSULTATIONS

#### 6.1. Planning Policy:

It is accepted that the building is not needed for its existing language school use. The site is outside of the SA2 area, and a sequential test has not been carried out. A Hotel Impact Assessment will be required.

#### Verbal Update 24/2/2022:

- 6.2. A Hotel Impact Assessment has been provided and is considered acceptable.

#### 6.3. Sustainable Transport:

No objection with regards to access, trip generation, car parking. Secure cycle parking should be secured by condition.

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

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

6.6. **Tourism and Leisure:** No comment received

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

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

## 8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity

HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part 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.

DM9	Community Facilities
DM18	High quality design and places
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:

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

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use, the design and appearance of the proposed alterations, the impact upon neighbouring amenity and sustainable transport matters.

**Principle of Development:**

Loss of language school

- 9.2. The existing language school use ceased operation at the onset of the COVID-19 pandemic, and the building is currently empty. As noted above, planning permission has already been granted on appeal for the loss of the language school, and the use of the site for ten bedrooms of visitor accommodation. The principle of the loss of the language school has therefore been accepted.
- 9.3. Further, policy HO20 of the Brighton and Hove Local Plan states that planning permission will not be granted for development proposals that involve the loss of community facilities, with exceptions, including that the site is not needed.
- 9.4. As part of the previous application, the loss of the language school was justified, with evidence provided of the marketing efforts that had taken place over a 12-month period to accommodate an alternative community use. The Planning Policy consultee has raised no objection to the loss of the language school, and

as noted, the loss of the language school has been established through the recent appeal, decided on 13 January 2022.

- 9.5. As such no objection is raised in principle to the loss of the language school.

Proposed hotel use

- 9.6. Policy CP6 of the Brighton & Hove City Plan Part One seeks to ensure the provision of a sufficient and wide-ranging type of visitor accommodation, and specifically directs new hotel accommodation into the Central Brighton (SA2) Area.
- 9.7. In addition, the proposed hotel use would be considered as a 'main town centre' use for the purposes of NPPF paragraph 87.
- 9.8. The site is located outside of, albeit immediately adjacent to, the boundary of SA2, and the proposal would not therefore in the strictest sense fully comply with the requirements of NPPF 87 and policy CP6 which seeks to keep visitor accommodation within the defined area.
- 9.9. However, it is considered that the broad thrust of this guidance and policy would not be compromised. The site is no less sustainable in planning terms than if it were to be located within the SA2 Central Brighton area on the opposite side of Holland Road - with no material difference in the character of the area or the available transport links which would allow easy access to other facilities and attractions in Central Brighton. It is therefore considered that the proposed location would align with the aims of policy CP6 as set out in the supporting text p.4.62.
- 9.10. It is also a material consideration that the recent proposal for visitor accommodation was allowed at appeal.
- 9.11. It is therefore considered that some greater flexibility can be had and justification in the form of a sequential test is not required in this case.
- 9.12. The second requirement of policy CP6 is for a Hotel Impact Assessment (HIA) to be provided, so as to identify how the proposal would impact upon the current supply and offer of hotel accommodation.
- 9.13. A HIA has been provided and has been reviewed by the Planning Policy consultee, and it is considered that the proposal is unlikely to result in a significant detrimental impact upon the existing hotel offer.
- 9.14. Accordingly, no objection is raised to the principle of the development, subject to the compliance with other local and national policies.

**Design and Appearance:**

- 9.15. 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.

- 9.16. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.17. The proposed external alterations comprise:
- 9.18. To the front elevation:
- the addition of new railings and gate.
- 9.19. To the rear elevation:
- the enlargement of a ground floor window to form a door;
  - the enlargement of 1no first floor window and addition of juliette balustrading.
- 9.20. The proposed external alterations are reduced compared to the extant permission (for visitor accommodation). It remains considered that the proposed alterations are acceptable and would not have a significant harmful impact upon the character and appearance of the site or the wider Brunswick Town Conservation Area, in accordance with policies CP12 and CP15 of the City Plan Part One, policy DM21 of the City Plan Part 2 (which has more weight than local plan policy) and policy HE6 of the Brighton and Hove Local Plan.

**Impact on Amenity:**

- 9.21. Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 (which can be given more weight than QD27) of the emerging City Plan part Two 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.
- 9.22. The proposed external alterations would be unlikely to give rise to a significant harmful impact on neighbouring amenity in terms of overshadowing, loss of light, or overlooking. No new window openings would be created, and there already exists a degree of mutual overlooking from the rear of the building to the neighbours to the west.
- 9.23. The proposed hotel (C1) use would be likely to result in some change in the patterns and timings of movements to and from the site, and the nature of activity within the building and grounds, compared to the language school use. However, it is considered that there is unlikely to be a significant increase in terms of noise and disturbance for neighbours, given the more subdued nature of hotel accommodation, the limited number of proposed bedrooms and the provision of 24-hour on-site staff supervision. The communal areas would be accessible only to guests of the hotel.
- 9.24. It is also worth noting that there would likely be a reduced level of noise disturbance compared to the extant permission for unsupervised visitor accommodation.

- 9.25. It is further noted that the Council has separate noise abatement powers outside of the Planning regime to control any significant noise and disturbance which may arise.

**Sustainable Transport:**

- 9.26. The proposal is unlikely to result in a significant uplift in trip generation, particularly when compared with the scheme approved on appeal.
- 9.27. SPD14 Parking Standards requires the provision of 6 long-stay cycle parking spaces (4 for staff and 2 for guests), and 1 short-stay cycle parking space for guests.
- 9.28. The proposal includes 2no Sheffield stands and 2no bike lockers to provide secure, long term and also short stay cycle parking. However, this is not in full compliance with SPD14, and furthermore the access to the proposed bike lockers appears to be too narrow to be easily and conveniently accessible. Further revised details of the long-stay cycle parking will therefore be secured by condition.
- 9.29. No on-site car parking is proposed, which is in accordance with SPD14 standards. The site is located within a Controlled Parking Zone (CPZ) so any overspill parking demand or loading/unloading can be controlled under the CPZ management system.
- 9.30. The proposal includes provision of access ramps and 180-degree opening front gates to ensure that movement into and out of the site is not obstructed.
- 9.31. In response to concerns raised by residents, a Delivery and Service Management Plan would be secured by condition to ensure that deliveries to and from the site take place at appropriate times of day, avoiding peak traffic hours, and early/late hours with the resulting potential for disturbance in this residential setting.

**Conclusion:**

- 9.32. The proposed change of use is considered acceptable in principle, as is the design and appearance of the proposed external alterations. The impact upon neighbouring amenity and sustainable transport matters can be accepted subject to the recommended conditions. Approval is therefore recommended.

**10. EQUALITIES**

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

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The proposal would make for continued use of a currently vacant building in a sustainable location.



**Cllr. Hannah Clare**  
**BH2021/03761 – 24 Holland Road**

**23<sup>rd</sup> November 2021:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity

Comment: I am writing in my capacity as ward councillor for Brunswick and Adelaide. I wish this application to be heard by planning committee. I recognise this is the second application on this site and a number of improvements have been made in response to concerns regarding the first application.

Residents have contacted me as they still have some concerns regarding this application and therefore I wish for it to be heard by planning committee. I welcome the aims for sustainable transport usage, however I would like to see plans for how this will be encouraged. Zone M which this accommodation is within is an oversubscribed parking area and residents of Holland Road have contacted me on a number of occasions previous to outline their concerns regarding the number of spaces. Even a few additional cars in this location would provide great frustration to residents. I would hope that the applicants would be able to provide by committee a sign on how they will encourage visitors using the hotel to use sustainable transport in line with their comments in the application that this will be the case.

I would also like to understand whether remarketing this as a language school at this time has been considered - given the previous marketing happened at a time of uncertainty for language schools.



# **ITEM F**

**295 Dyke Road**

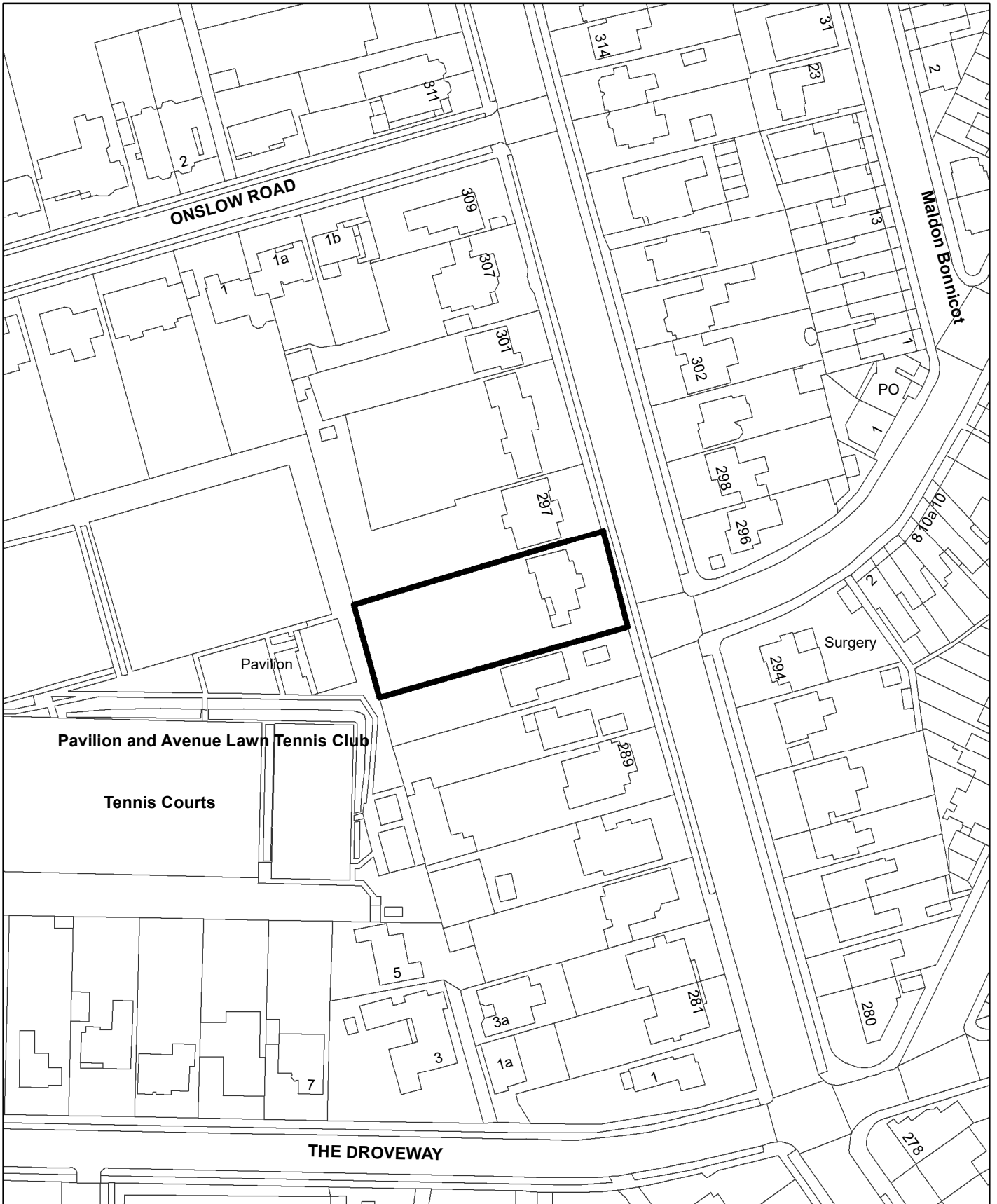
**BH2021/04003**

**Outline Application Some Matters Reserved**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2021 04003 - 295 Dyke Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/04003</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Outline Application Some Matter Reserved</b>		
<b><u>Address:</u></b>	<b>295 Dyke Road Hove BN3 6PD</b>		
<b><u>Proposal:</u></b>	<b>Outline Application with some matters reserved for the erection of 1no single dwelling on land to the rear of existing dwelling, including enlargement of existing vehicular crossover and creation of access driveway to southern boundary.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	11.11.2021
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	06.01.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	MortonScarr Architects 47 Middle Street Brighton BN1 1AL		
<b><u>Applicant:</u></b>	Mr Godarz Nekoei 295 Dyke Road Hove BN3 6PD		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	2110(10)000	B	11 November 2021
Proposed Drawing	2110(11)000	E	14 March 2022

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 3 below, whichever is the later.

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

- 3.
- a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
- (i) layout;
  - (ii) scale;
  - (iii) appearance;
  - (iv) landscaping (including trees)
- b) The reserved matters shall be carried out as approved.

- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.  
**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.  
Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
5. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One, and DM43 of the Brighton & Hove City Plan Part Two.
6. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings), and it shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policies HO13 of the Brighton & Hove Local Plan, and DM1 of the Brighton & Hove City Plan Part Two.
7. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. At least three swift bricks/boxes shall be incorporated within the external surface of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
9. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided



in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

10. The dwellinghouse hereby approved shall not be occupied until it has achieved:
  - a) an energy efficiency standard of a minimum of 19% CO<sub>2</sub> improvement over Building Regulations requirements Part L 2013 (TER Baseline).
  - b) a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy and water to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

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

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policies TR14 of the Brighton & Hove Local Plan; CP9 of the Brighton & Hove City Plan Part One; and DM33 of the Brighton & Hove City Plan Part Two.

12. The development hereby permitted shall not be occupied until the extended crossover and access has been constructed. The crossover and access shall thereafter be maintained for the use of the development.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the reserved matters part (iv) should contain the following information:
  - a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used.
  - b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other

protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. This schedule should include one or more disease-resistance elm trees as requested by the Arboriculture Officer.

- c) details of all boundary treatments to include type, position, design, dimensions and materials.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
6. 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.
7. 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.
8. The water efficiency standard required by condition 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.
9. 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.

10. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

## **2. SITE LOCATION**

- 2.1. The application relates to a property containing a two-storey detached dwellinghouse, located on the western side of Dyke Road. The site has a relatively long back garden containing a swimming pool and paved area, enclosed by trees/foliage and fences. The site is not in a conservation area, or otherwise subject to any designations.
- 2.2. It had previously been home to a mature elm tree in the southeast corner of the site, adjacent to the public footway, but this has been removed after reportedly contracting Dutch Elm Disease.

## **3. RELEVANT HISTORY**

- 3.1. **BH2018/00341** Outline application with some matters reserved for the erection of 1no single dwelling (C3). Approved

## **4. RELEVANT HISTORY AT OTHER SITES**

- 4.1. **BH2014/02755 - Land rear of no.285 Dyke Road** Erection of three bedroom detached bungalow with access from The Droveaway. Refused - Appeal Allowed

## **5. APPLICATION DESCRIPTION**

- 5.1. Outline permission is sought for the subdivision of the plot in order to facilitate the erection of a dwellinghouse to the rear of the property.
- 5.2. The application seeks approved in principle for the provision of an additional dwelling on the plot along with access arrangements. All other matters, which include appearance, landscaping layout and scale, are reserved for further approval.

## **6. REPRESENTATIONS**

- 6.1. Eleven representations have been received objecting to the proposal on the following grounds:
  - Damage to trees and other vegetation in neighbouring gardens
  - Harm to the character of the local area as a result of the subdivision of the land
  - Detrimental impact on property value
  - The proposed development could set a harmful precedent
  - Lack of detail with regards to appearance of the proposed dwellinghouse
  - Impact on residential amenities for the following reasons:
    - Loss of privacy
    - Overbearing
    - Overshadowing
    - Noise nuisance
    - Additional vehicular traffic
    - Impact from the construction process
    - A dwellinghouse of two or more storeys would be unacceptable
    - Change in policy context since last approved application

## **7. CONSULTATIONS**

- 7.1. **Arboriculture**  
No objection. It is requested that a disease-resistant Elm be planted somewhere on the site to replace the one that has been removed to continue the TPO.
- 7.2. **Transport**  
No objection subject to the recommended conditions and informatives, regarding the extended vehicle crossover, hard surfaces, and cycle parking.

## **8. MATERIAL CONSIDERATIONS**

- 8.1. 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.

- 8.2. 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.
- 8.3. 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.

## 9. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP19	Housing Mix

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

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

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

WMP3	Implementing the Waste Hierarchy
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#### 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 Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

## **10. CONSIDERATIONS & ASSESSMENT**

10.1. The main considerations in the determination of this application relate to the principle of the development; the design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents; and on highway safety and road capacity.

10.2. The application seeks outline planning permission with all matters except access reserved. This means that details of appearance, layout, scale and landscaping have not been provided, but will be submitted as 'reserved matters', if the application is approved. The application seeks only to establish whether the principle of providing a dwelling at the rear of 295 Dyke Road, using the access shown on the plans, is acceptable.

### Principle of Development

10.3. 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).

10.4. 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.

10.5. 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).

- 10.6. 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).
- 10.7. The principle of subdivision of the site to create an additional dwelling has been agreed with the granting of outline permission BH2018/00341. Whilst objections have noted that the situation has changed so the application should be refused, it is not considered that circumstances or policy have changed in any material way that means that the principle of development can reasonably be confused. The two mature trees at the front of the site that were a constraint for development are no longer present, and the city's five year housing land supply is significantly lower than it was in October 2018, when outline permission was granted.
- 10.8. Since October 2018 the Government has published amendments to the NPPF and, at local level, the Brighton & Hove City Plan Part Two is nearing adoption, with many of its policies now able to be given significant weight in the planning balance. Neither the revised NPPF or City Plan Part Two policies fundamentally affect the acceptability of the principle of the scheme in any way.
- 10.9. Concerns have been raised that if outline permission is granted for the proposed development that it could set a harmful precedent. Each planning application is assessed on its own merits; therefore, this concern would not justify withholding planning permission.
- 10.10. On this basis the provision of a house at the rear of 295 Dyke Road is considered acceptable in principle.

#### Design and Appearance

- 10.11. No detailed drawings of the proposed dwelling have been provided for consideration, although an indicative site plan and site sections have been included. The only detailed matter to be considered is the proposed access,
- 10.12. It is considered that a modestly scaled property could be accommodated within the plot. While the footprint and height shown on the indicative plans would be considered an overdevelopment of the site, it is considered that a smaller scale property, with greater distance to the side boundaries would be acceptable. The drawings are indicative, and the height, form and scale of the development would be dependent on the details considered under reserved matters so on this basis, the scheme is considered acceptable. Amended drawings have been received that have removed reference to the proposed building height (in terms of storeys).
- 10.13. At the time of the previous application, back-land development was granted on appeal at no.285 Dyke Road (ref. BH2014/02755) and has now been constructed. Though each planning application is assessed on its own merits, weight must be given to this appeal decision, and it is not considered that subdivision of one of the large residential plots of land has caused any significant

harm to the character of the streetscene in the instance of the works at no.285, and nor would it be the case at the current application site. Other back-land development in the area includes nos. 1a and 1b Onslow Road, which have been built in what was previously the rear gardens of nos. 307 and 309 Dyke Road. Permission has also been granted for a new dwellinghouse in the land to the rear of no.308 Dyke Road.

- 10.14. On this basis, the principle of the development of a single dwelling on this plot is considered acceptable in terms of its design and appearance.

Impact on Amenities

- 10.15. The proposed dwelling would be situated to the rear of the existing dwelling which would still retain approximately 305m<sup>2</sup> of rear garden. The distance between the existing dwelling and that proposed would measure approximately 21m, so although there would be some mutual overlooking this is not unusual in a residential area and would not be considered to be of a degree that would warrant the refusal of the application.

- 10.16. It is considered that a modestly-scaled property could be accommodated within this plot which would not result in significant harm in terms of overshadowing, loss of outlook, increased sense of enclosure or loss of privacy. Each additional storey would intensify any impacts on the amenity of neighbouring properties. However, the impacts would be dependent on the details which would be considered in a future application for reserved details, including relating to boundary treatments and planting.

- 10.17. Whilst the proposal would result in an intensification of the use of the site, it is not considered that this would result in any significant harm in regard to noise and disturbance relationship with neighbouring properties to other dwellings within the street.

- 10.18. Concerns have also been raised that the vehicle movements associated with a new dwelling would be harmful to the amenities of local residents in terms of noise nuisance and pollution. Dyke Road is a very busy road and one of the main thoroughfares leading into and out of the city, so background noise from vehicles is a near constant. It is not considered that the vehicle movements associated with a single dwellinghouse would be so disruptive or polluting that it would justify withholding planning permission. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on the Highway Capacity and Road Safety

- 10.19. It is not forecast that the proposed development would result in a significant increase in vehicle trip generation as a result of these proposals therefore any impact on highway capacity would be minimal.

- 10.20. Parking would be considered as part of the detailed layout which would be considered under reserved matters. However, the indicative site plans shows that there is potentially space for a garage and for vehicles to park and turn in



front of the proposed. Two cycle parking spaces would be required for this development, and this can be secured by condition.

- 10.21. It is proposed that the northern crossover is retained for use by the existing dwelling which is considered acceptable. The existing southern crossover would be retained to provide access to a proposed driveway bordering the southern boundary of the site. A new boundary fence would be constructed between the driveway and the existing property at no.295 Dyke Road. This is considered acceptable. A planning condition will be included to require the extended southern crossover to be fully completed before the new dwelling is occupied, in the interest of highway safety.

#### Standard of Accommodation

- 10.22. Floor plans have not been provided, and the standard of accommodation cannot therefore be fully assessed. However, it is considered that the plot could provide a layout which would provide a satisfactory standard of accommodation subject to the layout and external private amenity area. Adequate outlook should also be achievable, although no indications of window positioning have been provided for assessment.

#### Other Considerations

- 10.23. Planning conditions will be included with any permission to ensure that the proposed dwellinghouse achieves sustainability targets with regards to energy and water usage.
- 10.24. The Arboriculture Officer has no concerns with any development within the rear garden subject to a good landscaping scheme. They have requested that one or more disease-resistant elm trees are planted within the site to replace those which have been lost at the front of the site, and the agent for the applicant has indicated this would likely be acceptable to the applicant. Such measures would be secured within a landscaping scheme that makes up part of the reserved matters.
- 10.25. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably-worded condition will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.

#### Conclusion

- 10.26. The principle of subdividing the land and erecting a new dwellinghouse on the land is considered to be acceptable, as is the method of access to and from the site. Planning conditions will be attached with mind to the further information to be secured through the reserved matters to ensure the final proposed scheme is acceptable in terms layout, scale, appearance, and landscaping. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP1, CP8, CP9, CP10, CP11, CP12, CP13 and CP14 of the Brighton and Hove Local Plan; and TR7, TR14, SU10, QD15, QD16, QD27, HO5 and HO13 of the City Plan Part One.

- 10.27. It is also considered that the proposal would be in accordance with policies DM1, DM20, DM22, DM33, DM37 and DM43 of the Proposed Submission City Plan Part Two which is gathering weight. Policies DM1, DM22, DM33 and DM43 are considered to have significant weight at this stage and policy DM20 is considered to have more weight than the adopted Local Plan policy QD27.

## **11. EQUALITIES**

- 11.1. The site appears to offer level access from the public highway to the front of the indicative dwelling; this is considered acceptable. Further plans, demonstrating level access to the dwelling itself shall form part of the reserved matters. The design of the new dwelling should seek to achieve the requirements of Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. The proposed development would allow a more efficient use of a brownfield site, reducing the need for development elsewhere. Planning conditions will be included to ensure sustainability targets are achieved, and biodiversity measures are included within the design.

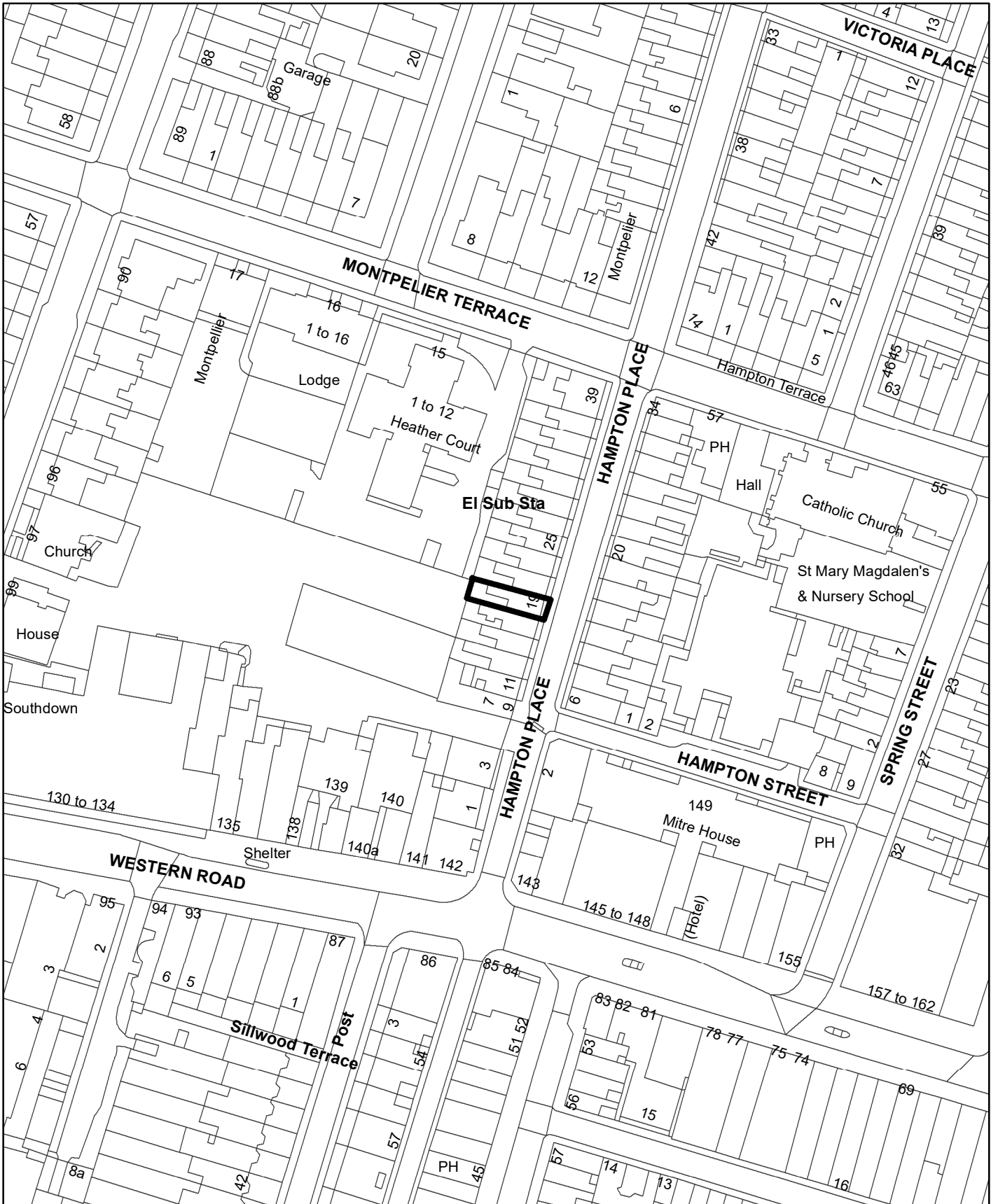
# **ITEM G**

**19 Hampton Place  
BH2021/02689  
Householder Planning Consent**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2021 02689 - 19 Hampton Place



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/02689</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>19 Hampton Place Brighton BN1 3DA</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension to replace existing, construction of glass enclosure to existing rear lightwell, additional rear dormer, installation of flat rooflight, photovoltaic panels and air source heat pump on roof, revised fenestration and associated works.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, 292193	tel: <b><u>Valid Date:</u></b>	11.08.2021
<b><u>Con Area:</u></b>	Clifton Hill	<b><u>Expiry Date:</u></b>	06.10.2021
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	
	Building Grade II		
<b><u>Agent:</u></b>	3W Architecture Limited Studio 1S.09 The Barley Mow Centre 10 Barley Mow Passage London W4 4PH		
<b><u>Applicant:</u></b>	Ms Allison Brown 19 Hampton Place Brighton BN1 3DA		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	246(05)001	A	22 July 2021
Block Plan	246(05)002	A	11 August 2021
Proposed Drawing	246(12)001	D	28 January 2022
Proposed Drawing	246(10)002	E	28 January 2022
Proposed Drawing	246(11)002	C	28 January 2022

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 installation of secondary glazing hereby permitted shall not take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No works shall take place until full details of the proposed materials and detailing for the rear extension including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

**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.

5. No works shall take place until full details of the existing dormer window and proposed materials and detailing for the new dormer window including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

**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.

6. No cables, wires, aerials, pipework, meter boxes, ventilation grilles or flues 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 policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

## 2. SITE LOCATION

- 2.1. The building is listed Grade II, part of group listing, Nos.19 and 21 and attached railings and is located in the Montpelier and Clifton Hill Conservation Area. Number 19 is mid terraced built c1825. Stucco, roof obscured by parapet. 3 storeys over basement, one-window range. Steps up to flat-arched entrance framed by pilasters and architrave with over-light and panelled door of original design; 2-storey segmental bay with tripartite windows and cornice.



- 2.2. At the rear there is a single storey side return. The rear elevation, whilst of less significance than the primary appears to have retained architectural integrity.
- 2.3. Hampton Place as a whole, with groups of uniform terraced houses and the dominance of stucco, retains a high level of architectural integrity and is of high significance. The interior of the heritage asset (not inspected) contributes to the significance of the building through remaining plan-form, architectural features and historic materials and finishes. It is clear from the planning history and information submitted that some fairly minor partitioning has taken place internally, leading to some loss of significance.

### **3. RELEVANT HISTORY**

- 3.1. **BH2021/02690** - Erection of single storey rear extension to replace existing, construction of glass enclosure to existing rear lightwell, additional rear dormer, installation of flat rooflight, photovoltaic panels and air source heat pump on roof, revised fenestration and associated works. Concurrent Listed Building Application.

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for:
  - The erection of a single storey rear extension to replace the existing;
  - The construction of a glass enclosure to the existing rear lightwell;
  - An additional rear dormer;
  - The installation of a flat rooflight;
  - The installation of photovoltaic panels and air source heat pump on roof; and
  - Revised fenestration and associated works.
- 4.2. In order to address concerns raised by Heritage Officers, the plans have been amended. These amendments included:
  - Removing the changes to the front elevation
  - Replacing the full width glazed extension with a glazed outrigger extension
  - Removing the terrace from the roof of the extension
  - Addition of a service riser
  - Removing the changes to fireplaces and cupboards
  - Replacing the wide rear dormer with smaller dormer matching the size and design of the existing

### **5. REPRESENTATIONS**

- 5.1. **Six (6)** letters have been received objecting to the proposal on the following grounds:
  - Adverse impact on listed building, street and conservation area
  - Not in keeping with Regency style
  - Detrimental to property value

- Noise from proposed terrace
- Noise from heat pump
- Overdevelopment
- Overshadowing
- Restriction of view
- Too close to the boundary
- Inappropriate height
- Poor design
- Privacy
- No other properties on the terrace have usable outdoor space above ground level

## 6. CONSULTATIONS

### 6.1. **Heritage** 02.09.2021

Several responses during course of application, with additional information submitted to overcome concerns raised, specifically noting that the removal of the proposed alterations to the front basement area, installation of double glazing and internal insulation from the scheme are welcomed. Secondary glazing remains part of the work and is considered acceptable in principle, subject to approval of details which can be conditioned.

6.2. Revised drawings have been submitted with the required definition between the dining area and the snug, including a downstand beam to mark the position of the original rear wall and this is now acceptable.

6.3. The application now excludes proposals to alter the fireplaces and cupboards, therefore the heritage team considers that the application is now acceptable subject to conditions as outlined above.

### 6.4. **The Georgian Group** 07.09.2021 Objection

The Group has concerns over the plans to remove internal fittings within the house and a wall to the ground floor. Additionally, the removal of a rear window to allow for the new extension would cause an element of harm to the building and therefore requires a clear and convincing justification in line with paragraph 200 of the NPPF.

6.5. The Group supports the comments of your Conservation Team and requests the applicant provide a robust Heritage Statement as part of the application in line with paragraph 194 of the NPPF. If the applicant is unwilling to, then this application for Listed Building Consent should be refused.

6.6. In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

## 7. MATERIAL CONSIDERATIONS

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

## 8. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban Design
CP15	Heritage

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

SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on Listed Buildings
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.

DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM40	Protection of th Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

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

Montpelier and Clifton Hill Conservation Area Character Statement

**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 Grade II listed building and the wider Montpelier and Clifton Hill 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 area should be given "considerable importance and weight".

Design Comments

- 9.4. During the course of determining the application, a number of amendments to the design of the proposal were made to address the heritage concerns. These amendments included: removing the changes to the front elevation, replacing the proposed full width glazed extension with a glazed outrigger to maintain the crenulated development pattern of the terrace, replacing the flat roof and terrace on the proposed extension with a dual pitched glazed roof, a new service riser to accommodate the new wiring/pipework associated with the photovoltaic panels and air source heat pump, deleting the proposals to alter the fireplaces and cupboards, removing the wide rear dormer and proposing the retention of the existing dormer and the addition of another dormer which would match the

size and details of the existing (to reduce the bulk on the roof). A heritage statement was also received for clarification and justification purposes.

- 9.5. Following amendments to the design/detail and subject to the conditions recommended by heritage, the proposal is considered to be acceptable and would not be detrimental to the listed building, the setting of other adjacent listed buildings, the terrace or wider conservation area. The proposal would therefore be in accordance with Brighton & Hove Local Plan policies HE1, HE3, HE4 and HE6 and Brighton & Hove City Plan Part Two policies DM26, DM27 and DM29 (which are considered to have more weight than the adopted Local Plan policies HE1, HE3, HE4 & HE6).

Impact on Neighbours and Amenity

- 9.6. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which now carries more weight than QD27) 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.
- 9.7. With regard to amenity, no significant adverse impacts are expected as a result of the proposed development. The amendments to the design of the extension to reduce its width and height are considered to address some of the main points raised in the letters of objection including: overdevelopment, overshadowing, restriction of view, inappropriate height of development and poor design. The privacy issues raised have also been adequately addressed by the addition of raised planters to either side of the access steps from the extension into the garden. The terrace atop the flat roof of the original rear extension proposed has been removed from the design of the proposal in favour of a dual pitched glazed roof. This amended design is considered to address the neighbour's concerns regarding privacy, overlooking and the fact that no other properties on the terrace have usable space above ground level.
- 9.8. While the noise of the air source heat pump may be audible for adjacent neighbours, this amenity impact is not considered significant enough to warrant a refusal of the application. The pump would be located on the flat roof of the property, around the middle, so not adjacent to any windows or doors, reducing the potential for disturbance. Further, the installation of such plant would be 'permitted development' if the building was not listed, with noise impacts not taken into account.
- 9.9. It is considered that for the reasons set out above, the proposed development would not cause significant harm to the amenity of neighbours and would comply with policy QD27 of the Brighton and Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part 2 which now carries more weight than QD27.

**10. CLIMATE CHANGE/BIODIVERSITY**

- 10.1. The enlargement of the dwelling would help make more efficient use of an existing residential development and the installation of a rooflight would optimise daylight/sunlight and minimise the need for lighting/heating. Furthermore, the addition of solar photovoltaic panels and an air source heat pump provide a more sustainable way to provide electricity and heat.

**11. EQUALITIES**  
None identified

# **ITEM H**

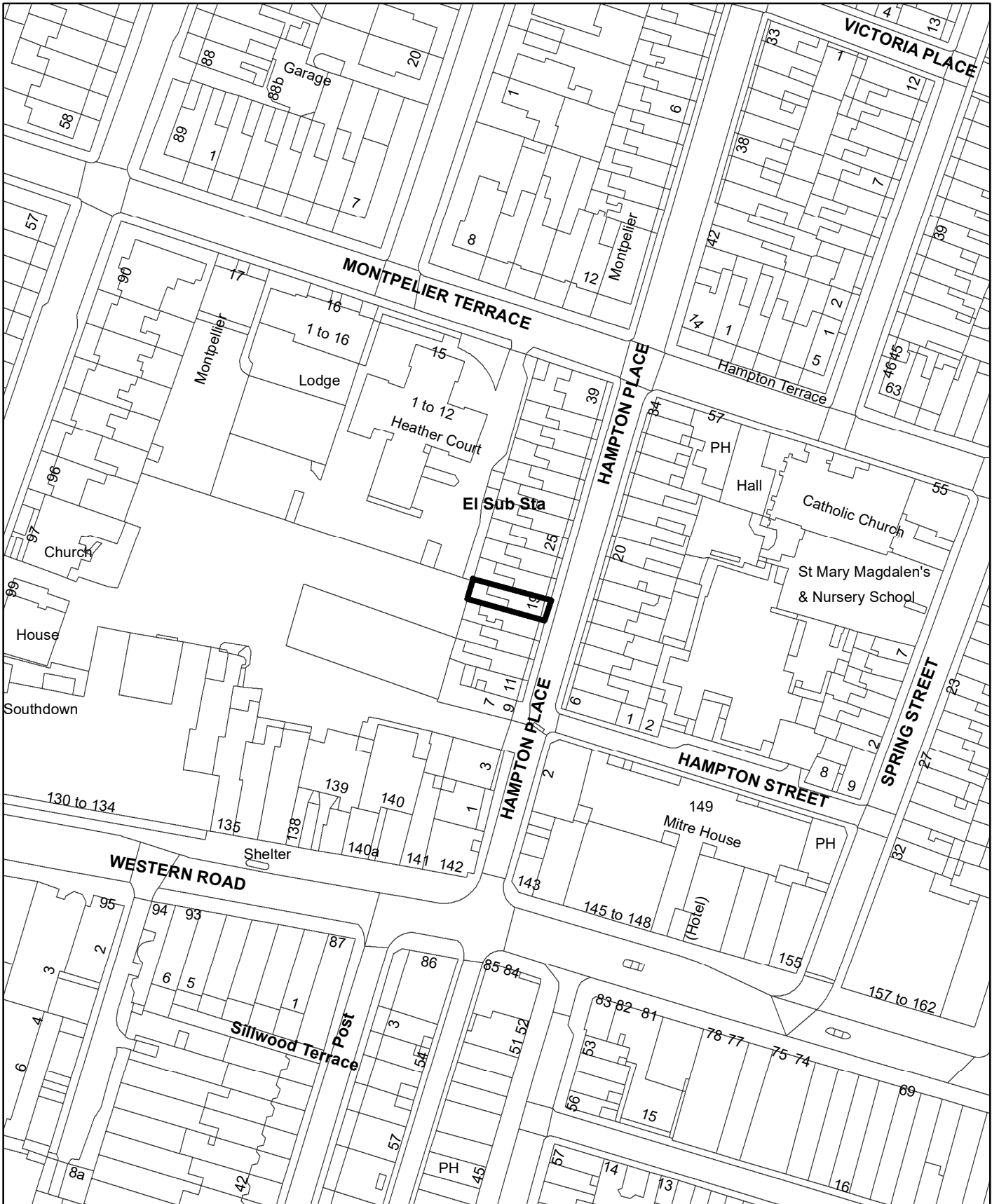
**19 Hampton Place  
BH2021/02690  
Listed Building Consent**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**





# BH2021 02690 - 19 Hampton Place



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/02690</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>19 Hampton Place Brighton BN1 3DA</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension to replace existing, construction of glass enclosure to existing rear lightwell, additional rear dormer, installation of flat rooflight, photovoltaic panels and air source heat pump on roof, revised fenestration and associated works.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, tel: 292193	<b><u>Valid Date:</u></b>	11.08.2021
<b><u>Con Area:</u></b>	Clifton Hill	<b><u>Expiry Date:</u></b>	06.10.2021
<b><u>Listed Building Grade:</u></b>	Listed Building Grade II		
<b><u>Agent:</u></b>	3W Architecture Limited Studio 1S.09 The Barley Mow Centre 10 Barley Mow Passage London W4 4PH		
<b><u>Applicant:</u></b>	Ms Allison Brown 19 Hampton Place Brighton BN1 3DA		

## 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. The installation of secondary glazing hereby permitted shall not take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
3. No works shall take place until full details of the proposed materials and detailing for the rear extension including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

**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.

4. No works shall take place until full details of the existing dormer window and proposed materials and detailing for the new dormer window including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

**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.

5. No cables, wires, aerials, pipework, meter boxes, ventilation grilles or flues 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 policy HE1 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
Location Plan	246(05)001	A	22 July 2021
Block Plan	246(05)002	A	11 August 2021
Proposed Drawing	246(12)001	D	28 January 2022
Proposed Drawing	246(10)002	E	28 January 2022
Proposed Drawing	246(11)002	C	28 January 2022

**2. SITE LOCATION**

- 2.1. The building is listed Grade II, part of group listing, Nos.19 AND 21 and attached railings and is located in the Montpelier and Clifton Hill Conservation Area. Number 19 is mid terraced built c1825. Stucco, roof obscured by parapet. 3 storeys over basement, one-window range. Steps up to flat-arched entrance framed by pilasters and architrave with over-light and panelled door of original design; 2-storey segmental bay with tripartite windows and cornice.
- 2.2. At the rear there is a single storey side return. The rear elevation, whilst of less significance than the primary appears to have retained architectural integrity.
- 2.3. Hampton Place as a whole, with groups of uniform terraced houses and the dominance of stucco, retains a high level of architectural integrity and is of high significance. The interior of the heritage asset (not inspected) contributes to the significance of the building through remaining plan-form, architectural features and historic materials and finishes. It is clear from the planning history and

information submitted that some fairly minor partitioning has taken place internally, leading to some loss of significance.

### **3. RELEVANT HISTORY**

- 3.1. **BH2021/02689** - Erection of single storey rear extension to replace existing, construction of glass enclosure to existing rear lightwell, additional rear dormer, installation of flat rooflight, photovoltaic panels and air source heat pump on roof, revised fenestration and associated works. Concurrent Full Planning Application.

### **4. APPLICATION DESCRIPTION**

- 4.1. Listed building consent is sought for:
- The erection of a single storey rear extension to replace the existing
  - The construction of a glass enclosure to the existing rear lightwell
  - An additional rear dormer
  - The installation of a flat rooflight
  - The installation of photovoltaic panels and air source heat pump on roof
  - Revised fenestration and associated works.
- 4.2. In order to address concerns raised by heritage, the plans have been amended. These amendments included:
- Removing the changes to the front elevation
  - Replacing the full width glazed extension with a glazed outrigger extension
  - Removing the terrace from the roof of the extension
  - Addition of a service riser
  - Removing the changes to fireplaces and cupboards
  - Replacing the wide rear dormer with smaller dormer matching the size and design of the existing

### **5. REPRESENTATIONS**

- 5.1. **Six (6)** letters have been received objecting to the proposal on the following grounds:
- Adverse impact on listed building, street and conservation area
  - Not in keeping with Regency style
  - Detrimental to property value
  - Noise from proposed terrace
  - Noise from heat pump
  - Overdevelopment
  - Overshadowing
  - Restriction of view
  - Too close to the boundary
  - Inappropriate Height of Development
  - Poor design

- Privacy
- No other properties on the terrace have usable outdoor space above ground level

## 6. CONSULTATIONS

### 6.1. **Heritage No Objection**

Several responses during course of application, with additional information submitted to overcome concerns raised, specifically noting that the removal of the proposed alterations to the front basement area, installation of double glazing and internal insulation from the scheme are welcomed. Secondary glazing remains part of the work and is considered acceptable in principle, subject to approval of details which can be conditioned.

6.2. Revised drawings have been submitted with the required definition between the dining area and the snug, including a downstand beam to mark the position of the original rear wall and this is now acceptable.

6.3. The application now excludes proposals to alter the fireplaces and cupboards, therefore the heritage team considers that the application is now acceptable subject to conditions as outlined above.

### **The Georgian Group Objection**

6.4. The Group has concerns over the plans to remove internal fittings within the house and a wall to the ground floor. Additionally, the removal of a rear window to allow for the new extension would cause an element of harm to the building and therefore requires a clear and convincing justification in line with paragraph 200 of the NPPF.

6.5. The Group supports the comments of your Conservation Team and requests the applicant provide a robust Heritage Statement as part of the application in line with paragraph 194 of the NPPF. If the applicant is unwilling to, then this application for Listed Building Consent should be refused.

6.6. In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

## 7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

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

## 8. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part 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
HE4	Reinstatement of original features on Listed Buildings
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
DM29	The Setting of Heritage Assets

#### Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
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#### Supplementary Planning Documents:

SPD09	Architectural Features
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#### Montpelier and Clifton Hill Conservation Area Character Statement

## 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 Grade II listed building, the setting of other listed buildings and the wider Montpelier and Clifton Hill 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. Moreover, when considering whether to grant listed building consent 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".
- 9.4. A heritage statement was received and a number of amendments to the design of the proposal have been made in order to address the concerns raised by heritage. These amendments to the proposal include: removing the changes to the front elevation, replacing the proposed full width glazed extension with a glazed outrigger extension to maintain the crenulated development pattern of the terrace, replacing the flat roof and terrace on the proposed extension with a dual pitched glazed roof, a new service riser to accommodate the new wiring/pipework associated with the photovoltaic panels and air source heat pump, deleting the proposals to alter the fireplaces and cupboards, removing the wide rear dormer and proposing the retention of the existing dormer and the addition of another dormer which would match the size and details of the existing (to reduce the bulk on the roof).
- 9.5. A number of objections to the proposal have been received. The amendments to the detail/design of the proposal are considered to address these concerns. The amended proposal would be more sympathetic to the listed building, terrace and wider conservation area. The concerns raised in the objections regarding the impact of noise, overshadowing and privacy are not material considerations in the determination of a listed building consent application which only seeks to assess the impacts upon the historic character of the building and wider conservation area.
- 9.6. Following the 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 Grade II listed building or wider conservation area, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM21, DM26 & DM27 of the Brighton & Hove City Plan Part Two (which are considered to have more weight than the adopted Local Plan policies HE1, HE3, HE4 & HE6).

**10. EQUALITIES**  
None identified



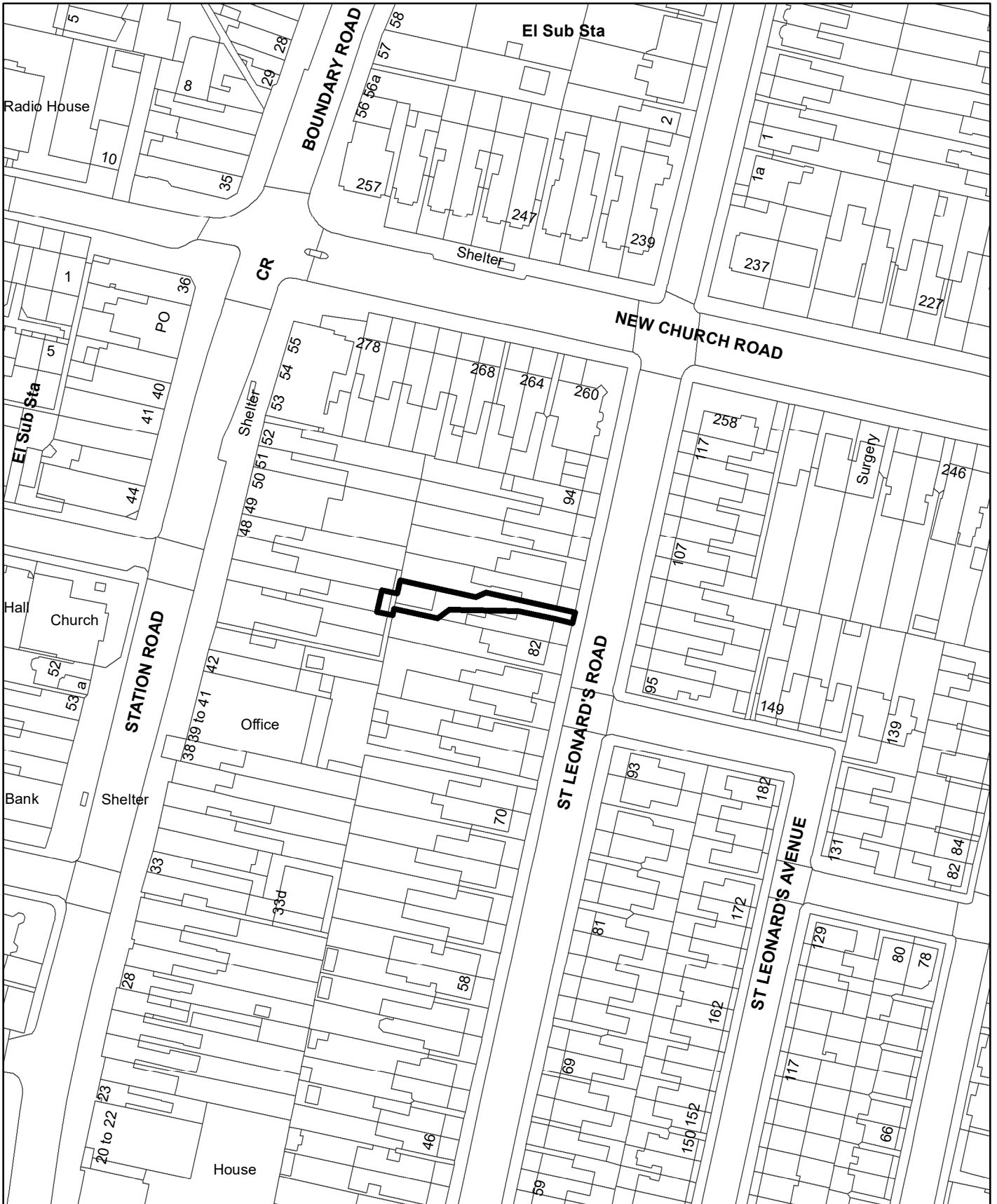
# **ITEM I**

**Garage Rear of 46 Boundary Road  
BH2021/04485  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2021 04485 - Garage Rear Of 46 Boundary Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/04485</b>	<b><u>Ward:</u></b>	<b>Wish Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Garage Rear Of 46 Boundary Road Hove BN3 4EF</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing detached garage to form 1 no one bedroom dwelling (C3) with revised fenestration, installation of rooflights and associated works.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	21.12.2021
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	15.02.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b>Applicant:</b>	Downsview Developments Ltd C/O Lewis And 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 **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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	2021/132		21 December 2021
Proposed Drawing	2021/131		21 December 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. Unless otherwise agreed in writing by the Local Planning Authority, the external finishes of the development hereby permitted shall match those given on the submitted application form and approved drawings.

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

4. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully

implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

5. The development hereby permitted shall not be occupied until the redundant vehicle crossover to St Leonards Road has been converted back to a footway by raising the existing kerb and footway, which shall thereafter be retained as such.

**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.

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

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

7. The development hereby permitted shall not be occupied until the 1.8m high close-boarded boundary fence, as indicated on the approved drawings, has been fully implemented. The fence shall be retained and maintained at all times thereafter.

**Reason:** To protect the amenity of both future occupiers and neighbouring residents and to comply with emerging policy DM20 of the Brighton and Hove City Plan Part Two.

8. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

Informatives:

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

## **2. SITE LOCATION**

- 2.1. The application relates to a detached single-storey garage building, associated with no. 46 Boundary Road, set between the buildings fronting Boundary Road and St Leonards Road. The garage is positioned in line with the rear of the gardens of the dwellings on St Leonards Road, from which it can be accessed via its own vehicular passageway.
- 2.2. The garage is not listed, and the site is not located within a conservation area.

## **3. RELEVANT HISTORY**

None identified.

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the conversion of the garage to form 1 no. one-bed dwelling. The application also includes external works including revised fenestration, the installation of rooflights, new cladding and other associated works.

## **5. REPRESENTATIONS**

- 5.1. **Six (6) letters of objection:**
- Additional traffic
  - Noise
  - Overdevelopment
  - Loss of property value
  - Access from St Leonards Road is not suitable
  - Boundary on plans is incorrect
  - Overshadowing
  - Poor design
  - Disruption during building works

## **6. CONSULTATIONS**

- 6.1. **Housing:** No comment received
- 6.2. **Sustainable Transport: Verbal comments:**  
No objection with regards to the loss of the existing garage, access, trip generation, or on-site car parking. Further details of secure cycle parking should be secured by condition, as should the reinstatement of the crossover back to a footway.

- 6.3. **Private Sector Housing:** No comment
- 6.4. **Environmental Health:** No comment received
- 6.5. **East Sussex Fire and Rescue:** No comment received

## 7. MATERIAL CONSIDERATIONS

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

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing Density
CP19	Housing Mix

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

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



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.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

## **9. CONSIDERATIONS & ASSESSMENT**

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

**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. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.4. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 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 proposal would result in the creation of an additional dwelling at a time when the LPA is unable to demonstrate a five-year housing supply. This is given increased weight in accordance with the NPPF, as set out above.
- 9.7. Residential use is established in the area, on both Boundary Road and St Leonards Road. There are also examples of dwellings similarly set in between the Boundary Road and St Leonards frontages ('back-land development') a short distance to the south. Conversion of the garage for residential purposes would therefore not be inappropriate or run counter to the established residential character of the area.
- 9.8. The existing garage is effectively already set in its own plot, with its own independent access from St Leonards Road. The proposal would not therefore require the subdivision of an existing garden and would not require the formation of a new accessway. As a result, it is considered that the proposal would not set a precedent for back-land development on St Leonards Road.
- 9.9. The proposal can therefore be accepted in principle, subject to an assessment of other material planning considerations, as set out below.

**Design and Appearance:**

- 9.10. The existing garage is a single-storey brick-built structure. The proposals do not include an increase in built footprint; however the garage door would be replaced with a residential frontage, the two doors on the southern side elevation would be removed, and the tripartite window on the western rear elevation would be replaced with a set of patio doors. In addition, the front elevation and part of the side and rear elevation would be clad in a grey Cedral boards . A 1.8m timber fence would be erected to the front and rear boundaries of the site.
- 9.11. No objection is raised to the proposed external alterations on design grounds. The converted garage would remain of an appropriate scale and appearance, in accordance with Policy DM21 of City Plan Part 2 (which has more weight than local plan policy), and policy QD14 of the Brighton & Hove Local Plan, along with SPD12 guidance.

**Impact on Amenity:**

- 9.12. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 (which can be given more weight than QD27) states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.13. The proposed converted garage would not increase in footprint or height over the existing, and as such there would be no impact in terms of increased

overshadowing or sense of enclosure for neighbours. The proposed fenestration would not give rise to additional or extended views towards neighbouring dwellings, and views into and out of the proposed dwelling would in any case be for the most part obstructed by the proposed 1.8m timber fencing. The proposal is therefore considered acceptable in terms of its impact on privacy.

9.14. The proposed residential use, which comprises a one-bed dwelling, would be appropriate for the area in terms of the nature and intensity of activity on site and as such no concerns are held regarding potential noise disturbance for neighbours. Compared to the existing garage use, it is likely that the proposal would give rise to more consistent activity on site, however of a less potentially disruptive nature.

9.15. It is also noted that the proposal would involve the removal of vehicle movements to and from the garage via the narrow passageway past nos. 84 and 86 St Leonards Road. This aspect of the scheme would result in an improvement to the amenity of residents of these dwellings.

**Standard of Accommodation:**

9.16. The proposed dwelling would provide approximately 39sqm of accommodation, laid out as an open-plan kitchen/dining/living area, a shower room and a single bedroom. Approximately 61sqm of outdoor amenity space would be available.

9.17. The accommodation is of regular internal proportions providing space for furniture and circulation, with access to natural light and outlook available from the fenestration on the front and rear elevation, and a rooflight.

9.18. The proposal would comply with the Nationally Described Space Standards (NDSS), which stipulate that a single-storey, one-bedroom, one-person dwelling with a shower room should have a minimum of 37sqm of internal space.

9.19. The proposed standard of accommodation is therefore considered to be acceptable.

**Sustainable Transport:**

9.20. The proposal is not likely to result in a significant uplift in trip generation as it would allow a one-bed dwelling. No objection is raised to the loss of the existing garage, nor to the provision of zero (0) on-site car parking space. Any uplift in on-street car parking demand can be accommodated through the Controlled Parking Zone (CPZ) management system.

9.21. Cycle parking facilities are indicated on the proposed drawings, however there is a lack of dimension and detail and this will be secured by condition.

**Other Considerations:**

9.22. A condition requiring at least one 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.

- 9.23. It is noted that several of the public representations have raised concerns regarding the ownership status of the access passage from St Leonards Road. This is not a planning matter, nor is loss of property value.
- 9.24. Whilst some disruption during building works would be inevitable, it is considered that for a development of this scale this would not be a material consideration, and a Construction and Environment Management Plan (CEMP) would not be necessary given the limited scale of development proposed.

**Conclusion:**

- 9.25. The proposed change of use is considered acceptable in principle, as is the design and appearance of the proposed external alterations. The impact upon neighbouring amenity, the standard of accommodation provided and sustainable transport matters are all considered acceptable subject to the recommended conditions. Approval is therefore recommended.

**10. EQUALITIES**

- 10.1. Level access would be provided at the access to the dwelling, increasing its usability for those with mobility issues.

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The proposal would make a better, more efficient use of an existing building in a sustainable location.

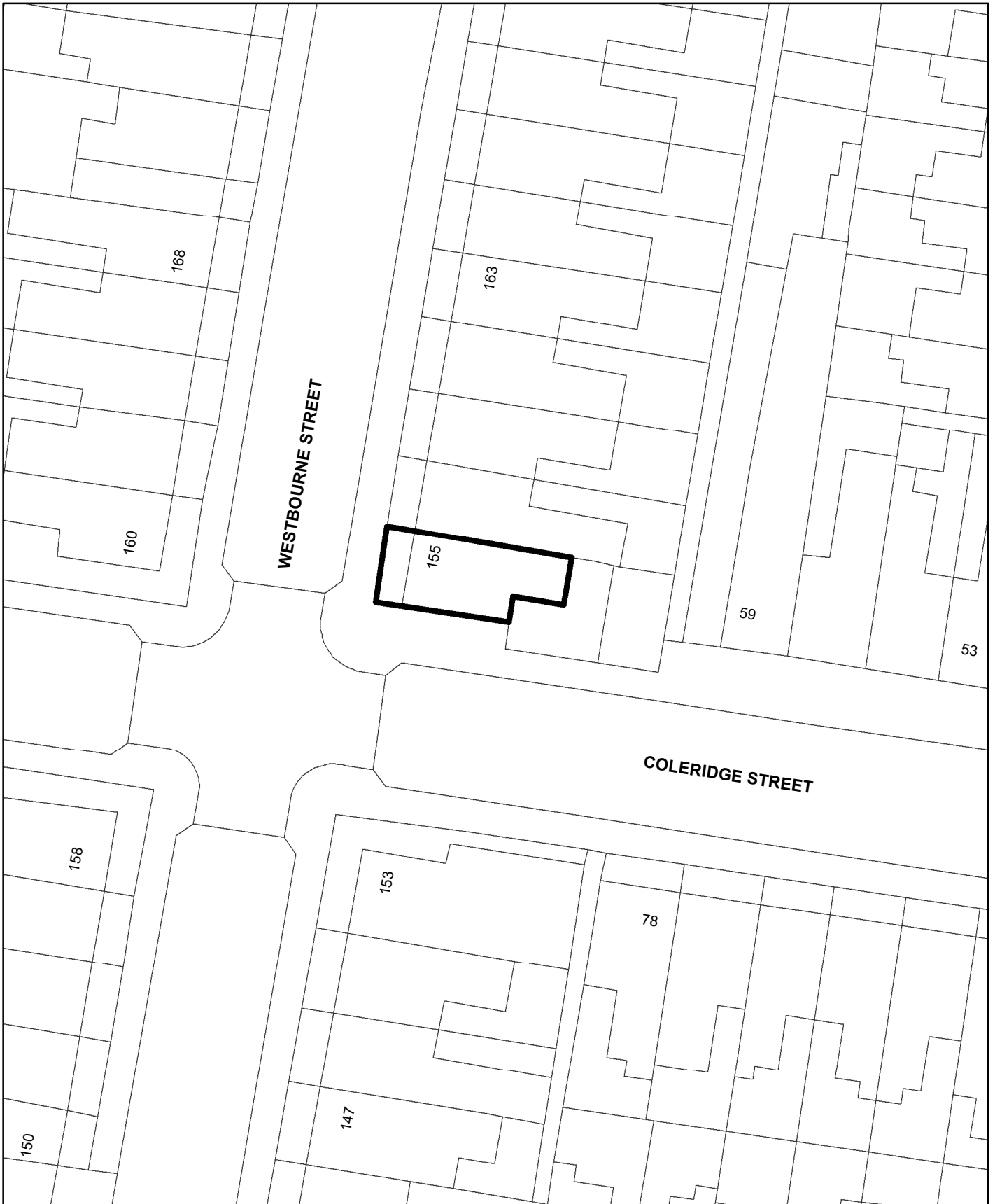
# **ITEM J**

**155 Westbourne Street  
BH2022/00280  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2022 00280 - 155 Westbourne Street



N



**Scale: 1:365**





<b><u>No:</u></b>	<b>BH2022/00280</b>	<b><u>Ward:</u></b>	<b>Westbourne Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>155 Westbourne Street Hove BN3 5FB</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey side extension and re-location of compressor units.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 293311	tel: <b><u>Valid Date:</u></b>	07.02.2022
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	04.04.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	MKM Design And Construction 104 Bridgwater Road Ruislip HA4 6LW		
<b><u>Applicant:</u></b>	MDN Local 6 Bosham Road Portsmouth PO2 7LQ		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	MKM/21/WES155 /PL02		7 February 2022
Location and block plan	MKM/21/WES155 /PL02		7 February 2022

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. At least one 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.
3. No planning history can be found in relation to the existing advertisements on site which should be regularised. Any additional advertisements would also need consent.

**2. SITE LOCATION**

- 2.1. This application relates to a two-storey end-of-terrace corner property located on the junction between Westbourne Street and Coleridge Street. The ground floor of the property comprises a commercial unit, currently occupied as a corner shop (retail use, Class E). The first floor of the property contains a residential property. The application site is not located within a conservation area or otherwise subject to any designations.

**3. RELEVANT HISTORY**

None identified.

**4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for a single storey side extension to enlarge the existing retail unit.

**5. REPRESENTATIONS**

- 5.1. **Six (6)** letters of representation have been received objecting to the proposed development on the following grounds:
  - The needs of local people are already met
  - The shop already attracts antisocial behaviour
  - Increased number of vehicles visiting
  - Changes the nature of the architecture of the street
  - Not in keeping with the local residential area
  - Not in line with building lines
  - Out of proportion

- Potential to reduce visibility for pedestrians and road users

## 6. CONSULTATIONS

None

## 7. MATERIAL CONSIDERATIONS

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

## 8. POLICIES

The National Planning Policy Framework (NPPF)

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

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

DM20 Protection of Amenity  
 DM21 Extensions and alterations  
 DM23 Shopfronts

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  
QD27 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 visual impact of the development and any potential impact on the amenities of neighbouring properties.

### **Design and appearance**

9.2. Planning permission is sought for a single storey, flat-roofed extension which would project from the side elevation of the property, over an area facing onto Coleridge Street.

9.3. During the lifetime of the application, amendments have been received to set back the side extension from the elevation fronting Westbourne Street in order to retain the original appearance and proportions of the existing shop front and entrance.

9.4. The extension would measure a maximum of 2.7m in width within Coleridge Street and 3m in height.

9.5. The extension would result in a building line which would continue that of the adjacent property fronting Coleridge Street (the side garden of 155A Westbourne Street), and also that of the flat-roofed, single storey commercial unit beyond that on Coleridge Street. The proposed extension would therefore not cause detrimental harm to the pattern of development on this part of the road.

9.6. The proposed extension would incorporate a shallow pitched roof to match that of the existing and would have materials to match those of the existing ground floor retail unit comprising render and aluminium fenestration.

9.7. The overall increase in size of the retail unit is considered acceptable given that it would reflect neighbouring building lines. The proportions of the extension proposed are not considered to cause demonstrable harm to the character and appearance of the host property or wider street scenes.

9.8. It is acknowledged that the existing unit features a number of advertisements for which no planning history can be found. It should be noted that should this application be approved, the applicant would need to obtain advert consent to display any advertisements on the extension.

9.9. The two existing compressor units on the side wall of the building are to be relocated to sit just above the proposed roof of the extension. This is considered

acceptable, and would not result in any increased harm to the streetscene, or be out of keeping with it, particularly given the retail use of the site.

- 9.10. The proposal is therefore considered to be in accordance with policy QD14 of the local plan and policy DM21 of the City Plan Part Two which is now afforded more weight than the Local Plan policy.

**Impact on Amenity:**

- 9.11. The proposed extension relates to a corner property, located on a road junction. The properties opposite the application site on both Westbourne Street and Coleridge Street are sufficiently separated from the site to not be significantly impacted in terms of privacy or overbearing impact.
- 9.12. The proposed development would extend to the boundary treatment of No.155A which comprises a 2m high blockwork wall. The extension would measure approximately 1.1m higher than this boundary. The extension wouldn't however, project past the main rear wall of the application property. Owing to the height and position of the rear wall of the extension it is not considered that harmful impact would be had in terms of privacy or loss of light to the occupiers of No.155A.
- 9.13. With regards to the compressors on site, the application proposes the re-location of existing units and therefore no additional impact would be had above the existing scenario.
- 9.14. The scheme would add a side extension to the shop, with no alterations proposed to the entrance. It is not therefore considered reasonable to require wheelchair access to be provided, and the scheme remains in accordance with Policy DM23 of City Plan Part 2 (which carries more weight than the equivalent Local Plan policy).
- 9.15. The proposed development is therefore considered to be in accordance with Policy QD27 of the Local Plan and Policy DM20 of the City Plan Part 2 which is now afforded more weight than the Local Plan policy.

**Climate change/biodiversity**

- 9.16. The extension to an existing building makes for an efficient use of the application site. The building provides a flexible space to respond to the changing needs of the occupier. A condition is also attached to secure the installation of a bee brick as a minor improvement to the schemes contribution biodiversity in line with Policy CP10.

**10. EQUALITIES**

- 10.1. The development would not adversely affect those with protected characteristics.



# **ITEM K**

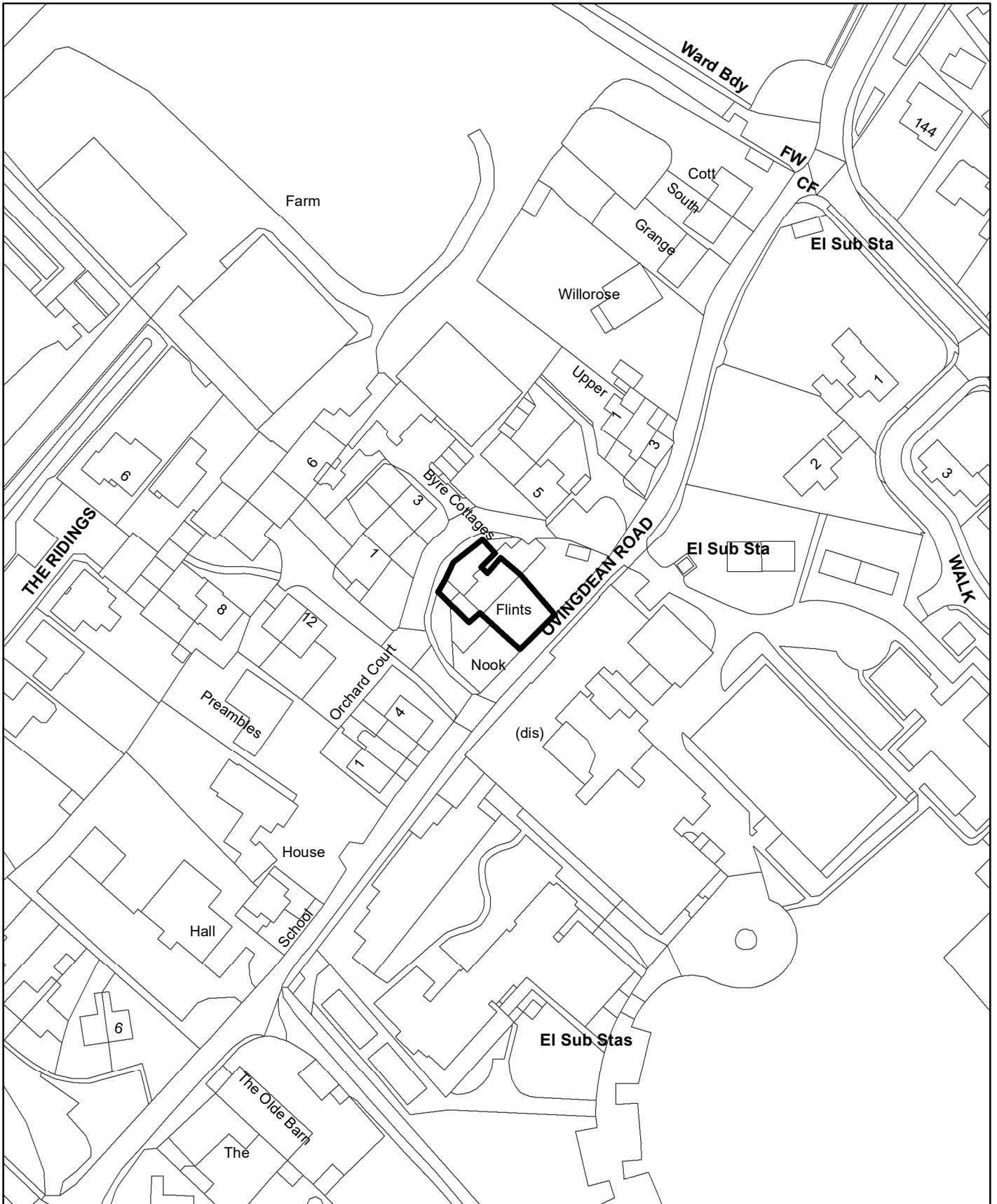
**Flints, Ovingdean Road  
BH2021/03276  
Householder Planning Consent**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**





# BH2021 03276 - Flints, Ovingdean Road



N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2021/03276</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>Flints Ovingdean Road Brighton BN2 7BB</b>		
<b><u>Proposal:</u></b>	<b>Relocation of existing rear porch door, replacement of existing front rooflight with larger rooflight and the replacement of all existing windows with double-glazed windows.</b>		
<b><u>Officer:</u></b>	Liz Arnold, tel: 291709	<b><u>Valid Date:</u></b>	10.09.2021
<b><u>Con Area:</u></b>	Ovingdean	<b><u>Expiry Date:</u></b>	05.11.2021
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	
	Building Grade II		
<b><u>Agent:</u></b>	Spruce Architecture Glennys Estate Unit E 158 Latimer Road Eastbourne BN22 7ET		
<b><u>Applicant:</u></b>	Emily Summerfield Flints Ovingdean Road Brighton BN2 7BB		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	SP-0220.04	b	3 February 2022
Proposed Drawing	SP-0220.05	b	3 February 2022
Proposed Drawing	SP-0220.06	b	3 February 2022

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. Prior to the replacement of any window hereby approved a Schedule of Existing Windows together with 1:20 elevation and section drawings and 1:1 scale joinery details of the proposed windows must be submitted to and approved in writing by the Local Planning Authority. All replacement windows must be timber framed, painted white, and incorporate slimline double-glazing only.

**Reason:** 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.

4. The rooflight hereby approved shall have steel or cast metal frames, colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
5. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6. At least one 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 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. APPLICATION SITE

- 2.1. This property is a grade II listed building within the Ovingdean conservation area. It is listed with The Cot and The Nook (formerly Durrants) as a former farmhouse and a cottage of late 18th century date. It is formed with two storeys, faced in flint with brick dressings, with a roof of clay tiles and scattered fenestration, chiefly segmental-arched.
- 2.2. The irregular form and plan of Flints, The Cot and The Nook reveal the piecemeal development of this group over time. Originally comprising the farmhouse or 'Bailiff's House' to Ovingdean Hall farm, Flints was constructed in c1792 and its is considered to be the most intact of this group, which is set behind grassed front gardens with flint boundary walls onto Ovingdean Road, from where they are prominent.

## 3. RELEVANT HISTORY

- 3.1. **BH2021/03277** (Concurrent listed Building Consent) Relocation of existing rear porch door, replacement of existing front rooflight with larger rooflight, the replacement of all existing windows with double-glazed windows and internal alterations to layout. under consideration.

#### **4. APPLICATION DETAILS**

- 4.1. The applicant seeks planning permission for the relocation of an existing rear porch door, the replacement of the existing front rooflight with a larger rooflight, and replacement windows.
- 4.2. The scheme has been amended during the course of the application following concerns that the proposed dormer windows on the rear elevation would harm the historic character of the building. These elements have now been removed from the proposal.
- 4.3. In addition, the amended drawings now include the replacement of all of the existing windows with double-glazing and as such the application has been subject to further public consultation.

#### **5. CONSULTATIONS**

5.1. **Heritage:**

Initial comments 7.10.2021 Refuse

It has not been demonstrated that the internal alterations would have no harmful impact on the architectural or historic interest of the listed buildings through alterations to plan form, potential loss of historic fabric and impact on historic features. The proposed external alterations would cause clear harm to the significance of the listed building and to the wider roofscape, so clearly harming the character and appearance of the Ovingdean conservation area.

Second comments 11/01- Refuse / Seek Modifications

- 5.2. The newly submitted Heritage Statement Addendum has appropriately assessed the significance of the building and has considered the impact of the works on that significance. The conclusions are largely agreed with. Regrettably, however, the plans for the internal alterations have not been informed by this assessment and have not been amended accordingly. The Heritage Statement addendum makes important recommendations that have not been acted upon. Furthermore the substantial loss of the original masonry wall between rooms G2 and G3 - to create an open plan dining and kitchen area, is considered to be very harmful to the readability of the original plan form and would result in the loss of much historic fabric (with further loss of historic fabric to create an opening from G3 in the garage).
- 5.3. A much smaller opening in the wall may be acceptable, no wider or taller than double doors.

- 5.4. There is no objections to the larger replacement rooflight to the front roof slope, subject to the standard condition on conservation rooflights, and no objection to the alterations to the 20th century rear porch.

Comments on final plans 11/2/2020 Approve with conditions

- 5.5. The amended plans have satisfactorily addressed the previous heritage concerns with regard to the proposed internal alterations and it is now considered that these would conserve the historic fabric and features of the buildings.
- 5.6. The proposals now additionally include for the replacement of all existing windows with double-glazed windows. The existing windows are generally not historic and are largely timber casements that likely date from various periods of the 20th century, although there is a first floor sliding sash window to the front elevation of late Victorian pattern. The front dormer is UPVC. These windows appear to have been in place for at least 30 years, likely longer.
- 5.7. In principle therefore slimline double glazing would be acceptable in this case as the windows are non-historic and the scattered fenestration and non-traditional design creates an opportunity for improvement to the appearance of the building. An approval would therefore need to be subject to a condition requiring schedule of the windows to be replaced and large scale details of the proposed windows.

## **6. REPRESENTATIONS**

- 6.1. None on this application
- 6.2. Letters of objection have been received on the concurrent Listed Building Consent application (ref: BH2021/03276) which is also to go before this Planning Committee.

## **7. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage
CP10	Biodiversity

Brighton & Hove Local Plan (retained policies March 2016)

HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting Conservation Areas
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.

DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets

Supplementary Planning Documents:

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

Ovingdean Conservation Area Character Statement

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main issues to consider in assessing this application are the impacts on the character of the area, particularly its heritage features, and the impact on the residential amenity of neighbouring occupiers.
- 8.2. 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.
- 8.3. 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 area should be given "considerable importance and weight".

Impact on Character and Heritage Assets

- 8.4. In order to be considered acceptable, the works should preserve or enhance the historic character of the building and wider area. This is reflected in the adopted policies CP15 of City Plan Part 1, policies HE1 HE3 and HE6 of Brighton and Hove Local Plan and emerging policy DM26 and DM27 of City Plan Part 2, both of which carry significant weight. SPD09 also addresses the importance of architectural features for historic buildings.

- 8.5. The informal group of listed and non-listed historic buildings that originally formed a collection of farm related buildings on the west side of Ovingdean Road remains a coherent and attractive grouping. Steeply pitched, unbroken clay tiled roofs are a distinctive and very positive characteristic of this part of the conservation area, proving clear evidence of the agricultural origins. Whilst they have all been converted to residential use, and there are some rooflights, the characteristic roofscape remains largely unchanged and there is a notable absence of dormer windows.
- 8.6. The scheme has been significantly amended following the concerns relating to the external works proposed. The rear dormers initially proposed have been removed from the application and the front dormer (believed to date from the 1970s) is proposed to remain in situ. The applicant now also submitted a much more comprehensive heritage statement to justify the proposal.
- 8.7. The latest drawings for the site have amended the internal works (which are assessed in the accompanying application for listed building consent), also added to the proposal replacement of all the windows with double glazed units.
- 8.8. Following a comprehensive review of the scheme by the Heritage Team, the proposed development is now considered to be acceptable from a Heritage perspective, subject to recommended conditions.
- 8.9. There is no objection in design terms of the alterations proposed to the 20th century rear porch, namely the re-location of the door from the side elevation to the rear elevation.
- 8.10. No adverse harm to the historic character and appearance of the property would result from a larger replacement rooflight to the front roof slope, although it would be necessary to ensure the installation is conservation style and this can be secured by condition. The alterations to the porch would affect a 20th century addition to the property and would not result in a loss of any historic fabric.
- 8.11. In regard to the replacement windows, the principle of slimline double glazing would be acceptable in this case as the windows are non-historic. The scattered fenestration and non-traditional design would create an opportunity for improvement to the appearance of the building however the full detail has not been submitted as part of the application and further detail would be required by condition.
- 8.12. Overall, it is considered that the proposal would be acceptable in terms of its impact on the host property and the wider area, including the surrounding Ovingdean Conservation Area, and other Listed Buildings/Locally Listed Building located within the vicinity of the site, in accordance with polices set out above.
- Impact on Amenity
- 8.13. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which now carries more weight than QD27) 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.

- 8.14. It is noted that a number of representations have been made on the concurrent application for listed building consent regarding overlooking and a loss of privacy from the proposal. These are not relevant considerations for a Listed Building Consent application, but the points made are taken into account in relation to this planning application.
- 8.15. The dormer windows which were initially proposed have been removed from the application so are no longer relevant. The front rooflight would be enlarged, giving a more 'developed' appearance to the property than is currently the case, however this is not considered that this would cause any overlooking or loss of privacy to neighbouring properties. Rooflights follow the plane of the existing roofslope and therefore views out from the enlarged rooflight would be directed sky-wards.
- 8.16. The relocation of the rear access door presents no issues for residential amenity and the development accords with adopted and emerging local planning policy.

#### Sustainability

- 8.17. 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.
- 8.18. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development. There is an opportunity for this to be installed as part of the works to the porch which is not a historic part of the building.
- 8.19. There is an assumption that the replacement windows with double glazing would improve the thermal performance of the property.

### **9. EQUALITIES**

None identified.

### **10. BIODIVERSITY AND CLIMATE CHANGE**

- 10.1. The proposed works would modernise and increase the flexibility of an existing property, and would improve its thermal efficiency. The bee brick required by condition would increase biodiversity in the location.



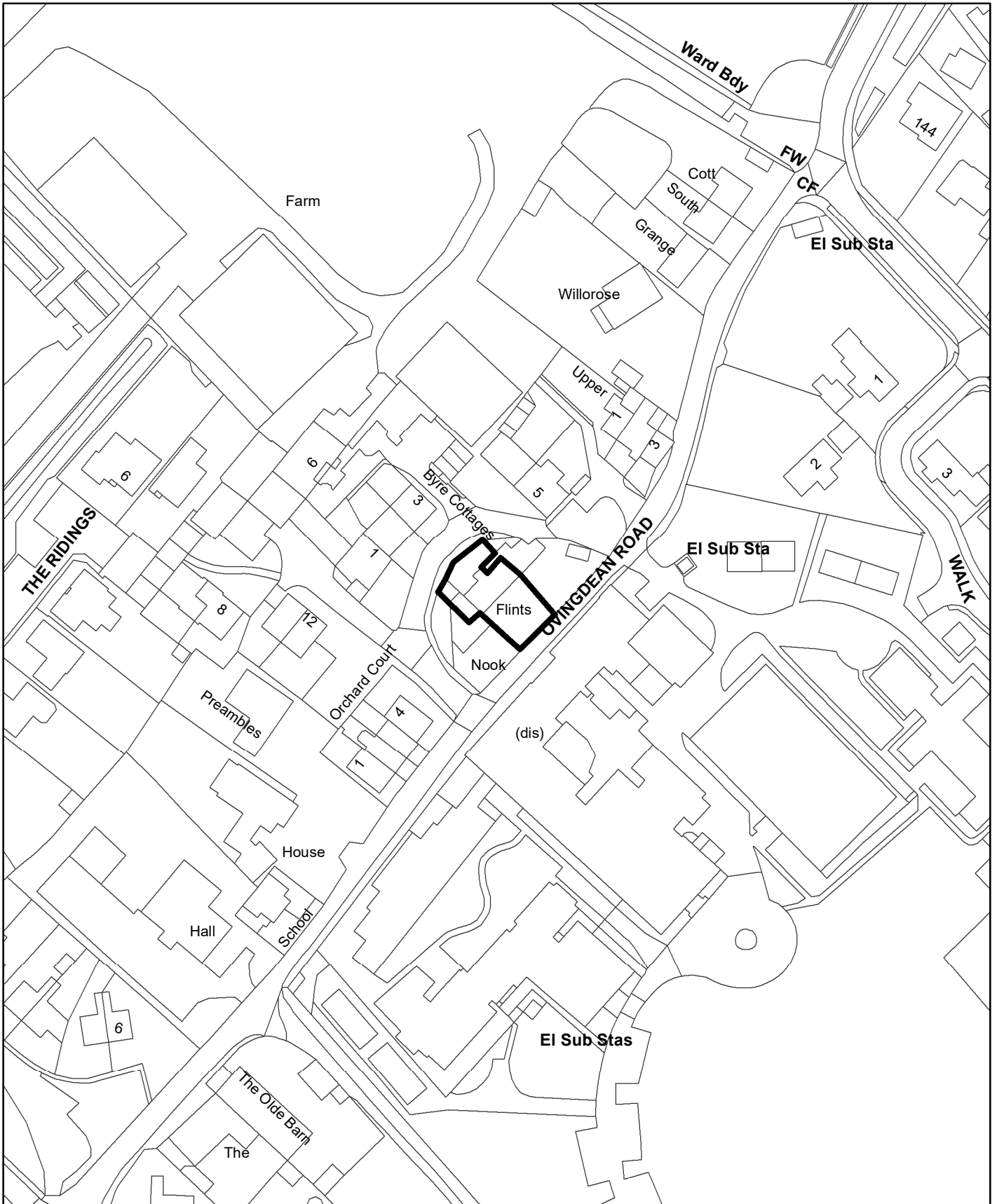
# **ITEM L**

**Flints, Ovingdean Road  
BH2021/03277  
Listed Building Consent**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2021 03277 - Flints, Ovingdean Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/03277</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>Flints Ovingdean Road Brighton BN2 7BB</b>		
<b><u>Proposal:</u></b>	<b>Relocation of existing rear porch door, replacement of existing front rooflight with larger rooflight, the replacement of all existing windows with double-glazed windows and internal alterations to layout. (Amended description)</b>		
<b><u>Officer:</u></b>	Liz Arnold, tel: 291709	<b><u>Valid Date:</u></b>	10.09.2021
<b><u>Con Area:</u></b>	Ovingdean	<b><u>Expiry Date:</u></b>	05.11.2021
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	
	Building Grade II		
<b><u>Agent:</u></b>	Spruce Architecture Glennys Estate Unit E 158 Latimer Road Eastbourne BN22 7ET		
<b><u>Applicant:</u></b>	Emily Summerfield Flints Ovingdean Road Brighton BN2 7BB		

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	SP-0220.04	B	3 February 2022
Proposed Drawing	SP-0220.05	B	3 February 2022
Proposed Drawing	SP-0220.06	B	3 February 2022

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

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

3. Prior to the replacement of any window hereby approved a Schedule of Existing Windows together with 1:20 elevation and section drawings and 1:1 scale joinery details of the proposed windows must be submitted to and approved in writing by the Local Planning Authority. All replacement windows must be timber framed, painted white, and incorporate slimline double-glazing only.

**Reason:** 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.

4. The rooflight hereby approved shall have steel or cast metal frames, colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
5. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6. All existing internal doors are to be retained, except where indicated on the drawings hereby approved.  
**Reason:** 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.

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. This property is a grade II listed building within the Ovingdean conservation area. It is listed with The Cot and The Nook (formerly Durrants) as a former farmhouse and a cottage of late 18th century date. It is formed with two storeys, faced in flint with brick dressings, with a roof of clay tiles and scattered fenestration, chiefly segmental-arched.
- 2.2. The irregular form and plan of Flints, The Cot and The Nook reveal the piecemeal development of this group over time. Originally comprising the farmhouse or 'Bailliff's House' to Ovingdean Hall farm, Flints was constructed in c1792 and its is considered to be the most intact of this group, which is set behind grassed front gardens with flint boundary walls onto Ovingdean Road, from where they are prominent.

## 3. RELEVANT HISTORY

- 3.1. **BH2021/03576** Concurrent Planning Application - Relocation of existing rear porch door, replacement of existing front rooflight with larger rooflight and the



replacement of all existing windows with double-glazed windows. Under consideration

#### **4. APPLICATION DESCRIPTION**

- 4.1. The applicant seeks listed building consent for the relocation of the existing rear porch door, the replacement of the existing front rooflight with larger rooflight, the replacement of all existing windows with double-glazed windows and internal alterations to the layout.
- 4.2. The proposal has been amended during the course of the application following concerns that the proposed dormer windows on the rear elevation, which were initially proposed, would adversely harm the historic character of the building. The dormers have now been removed.
- 4.3. The amended drawings now included the replacement of all of the existing windows with double-glazing and as such the application has been subject to further public consultation.

#### **5. REPRESENTATIONS**

- 5.1. **Five (5)** letters of representation have been received objecting to the proposal for the following reasons:
  - Adverse impact on the conservation area
  - Harmful to the historic character of the listed building and the group of buildings
  - Insertion of rear dormers
  - Support the removal of the roof light but not at the cost of inappropriate dormer windows
  - Overlooking
  - Overshadowing
- 5.2. **Ovingdean Residents & Preservation Society** objects to the application for the following reason:
  - Adversely affects Conservation Area
- 5.3. **One (1)** letter of support following re-consultation of the application for the following reason:
  - Good design
  - In keeping with Listed Building, and
  - On the understanding that the proposed dormer windows to the rear of the property have been removed from the plans, and no other roof lights to the rear are proposed, happy to support the proposed plans for the internal changes in the house, and the changes to the rear porch to create new access to the new boot room. I think the changes will allow for a lovely family home without impact on the listing of the building and its importance within the conservation area.

## 6. CONSULTATIONS

### 6.1. Heritage:

#### Initial comments 7.10.2021 Refuse

It has not been demonstrated that the internal alterations would have no harmful impact on the architectural or historic interest of the listed buildings through alterations to plan form, potential loss of historic fabric and impact on historic features. The proposed external alterations would cause clear harm to the significance of the listed building and to the wider roofscape, so clearly harming the character and appearance of the Ovingdean conservation area.

#### Second comments - Refuse / Seek Modifications

6.2. The newly submitted Heritage Statement Addendum has appropriately assessed the significance of the building and has considered the impact of the works on that significance. The conclusions are largely agreed with. Regrettably, however, the plans for the internal alterations have not been informed by this assessment and have not been amended accordingly.

6.3. Furthermore the substantial loss of the original masonry wall between rooms G2 and G3 - to create an open plan dining and kitchen area, is considered to be very harmful to the readability of the original plan form and would result in the loss of much historic fabric (with further loss of historic fabric to create an opening from G3 in the garage). A much smaller opening in the wall may be acceptable, no wider or taller than double doors.

6.4. There is no objections to the larger replacement rooflight to the front roof slope, subject to the standard condition on conservation rooflights, and no objection to the alterations to the 20th century rear porch.

#### Comments on final plans 11/2/2020 Approve with conditions

6.5. The amended plans have satisfactorily addressed the previous heritage concerns with regard to the proposed internal alterations and it is now considered that these would conserve the historic fabric and features of the buildings.

6.6. The proposals now additionally include for the replacement of all existing windows with double-glazed windows. The existing windows are generally not historic and are largely timber casements that likely date from various periods of the 20th century, although there is a first floor sliding sash window to the front elevation of late Victorian pattern. The front dormer is UPVC. These windows appear to have been in place for at least 30 years, likely longer.

6.7. In principle therefore slimline double glazing would be acceptable in this case as the windows are non-historic and the scattered fenestration and non-traditional design creates an opportunity for improvement to the appearance of the building. An approval would therefore need to be subject to a condition requiring schedule of the windows to be replaced and large scale details of the proposed windows.

## 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
CP15	Heritage

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

HE1	Listed Building Consent
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of conservation areas

#### Brighton & Hove City Plan Part 2

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

DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets

#### Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
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#### Supplementary Planning Documents:

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main issues to consider in assessing this application are the impacts on historic character on the host property and the character of the wider 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. Moreover, when considering whether to grant listed building consent 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".
- 9.4. In order to be considered acceptable, the works should preserve or enhance the historic character of the building and wider area. This is reflected in the adopted policies CP15 of City Plan Part 1, policies HE1 HE3 and HE6 of Brighton and Hove Local Plan and emerging policy DM26 and DM27 of City Plan Part 2. SPD09 addresses the importance of architectural features for historic buildings.
- 9.5. The scheme has been significantly amended following the concerns relating to the external works proposed. The rear dormers initially proposed have been removed from the application and the front dormer (believed to date from the 1970s) is proposed to remain in situ.
- 9.6. Added to the proposal in the most recent amendment to the scheme is the replacement of all the windows with double glazed units.
- 9.7. The internal works can be summarised as:
  - Block up existing ground floor dining room entrance from hallway, and remove wall between kitchen and dining area.
  - Knock through from new kitchen area in ground floor into the garage, with new staircase down to garage level. Opening size reduced to 1500mm (double-door size) with down stand from ceiling.
  - Create new ground floor guest WC in existing pantry area.
  - Re-arrange existing first floor partition walls to form new family bathroom and en-suite.
  - Construct new partition wall to centre of first floor master bedroom to form an additional bedroom. New entrance door to be formed where existing cupboard area is in hallway.
  - Existing second floor bathroom extended to allow for shower.
- 9.8. The external works can be summarised as:

- Main entrance door relocated from the side to the rear of the porch.
- Replace existing second floor roof window with larger conservation style roof window, and move to central position.
- Double glazing to replace all single glazed window units

- 9.9. The informal group of listed and non-listed historic buildings that originally formed a collection of farm related buildings on the west side of Ovingdean Road remains a coherent and attractive grouping. Steeply pitched, unbroken clay tiled roofs are a distinctive and very positive characteristic of this part of the conservation area, proving clear evidence of the agricultural origins. Whilst they have all been converted to residential use, and there are some rooflights, the characteristic roofscape remains largely unchanged and there is a notable absence of dormer windows
- 9.10. Following a comprehensive review of the scheme by the Heritage Team the development is now considered to be acceptable from a Heritage perspective. No adverse harm to the historic character and appearance of the property would result from a larger replacement rooflight to the front roof slope, although it would be necessary to ensure the installation is conservation style and this can be secured by condition.
- 9.11. The alterations to the porch would affect a 20th century addition to the property and would not result in a loss of any historic fabric.
- 9.12. In regard to the windows replacements, the principle of slimline double glazing would be acceptable in this case as the windows are non-historic. The scattered fenestration and non-traditional design would create an opportunity for improvement to the appearance of the building however the full detail has not been submitted as part of the application and further detail would be required by condition.
- 9.13. The amendments to the internal alterations proposed, improve the living spaces for the occupants but still allow for appreciation of the original plan form of the property which is considered significant. The amendments have limited the loss of historical fabric.
- 9.14. It is noted that representation has been made on this application regarding the impacts of the works on the character of the building and wider area. As discussed above, it is considered that the development, as amended, would not adversely harm the listed building or wider conservation Area. Conditions would ensure the detail of the works would be appropriate.
- 9.15. It is also noted that letters of representation made on this application also relate to impact on residential amenity. This is not a material consideration in an application for listed building consent, however, this is fully discussed in the linked application for full planning permission (ref: BH2021/03276) which has been included on this agenda for this reason.

## **10. CONCLUSION**

- 10.1. Subject to the recommended conditions, it is considered that the proposed works would not harm the historic character or appearance of the Grade II listed building or wider conservation area, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One, and DM26, DM27 and DM29 of the City Plan Part Two which carry significant weight and are therefore a key material consideration in making a planning decision.

# **ITEM M**

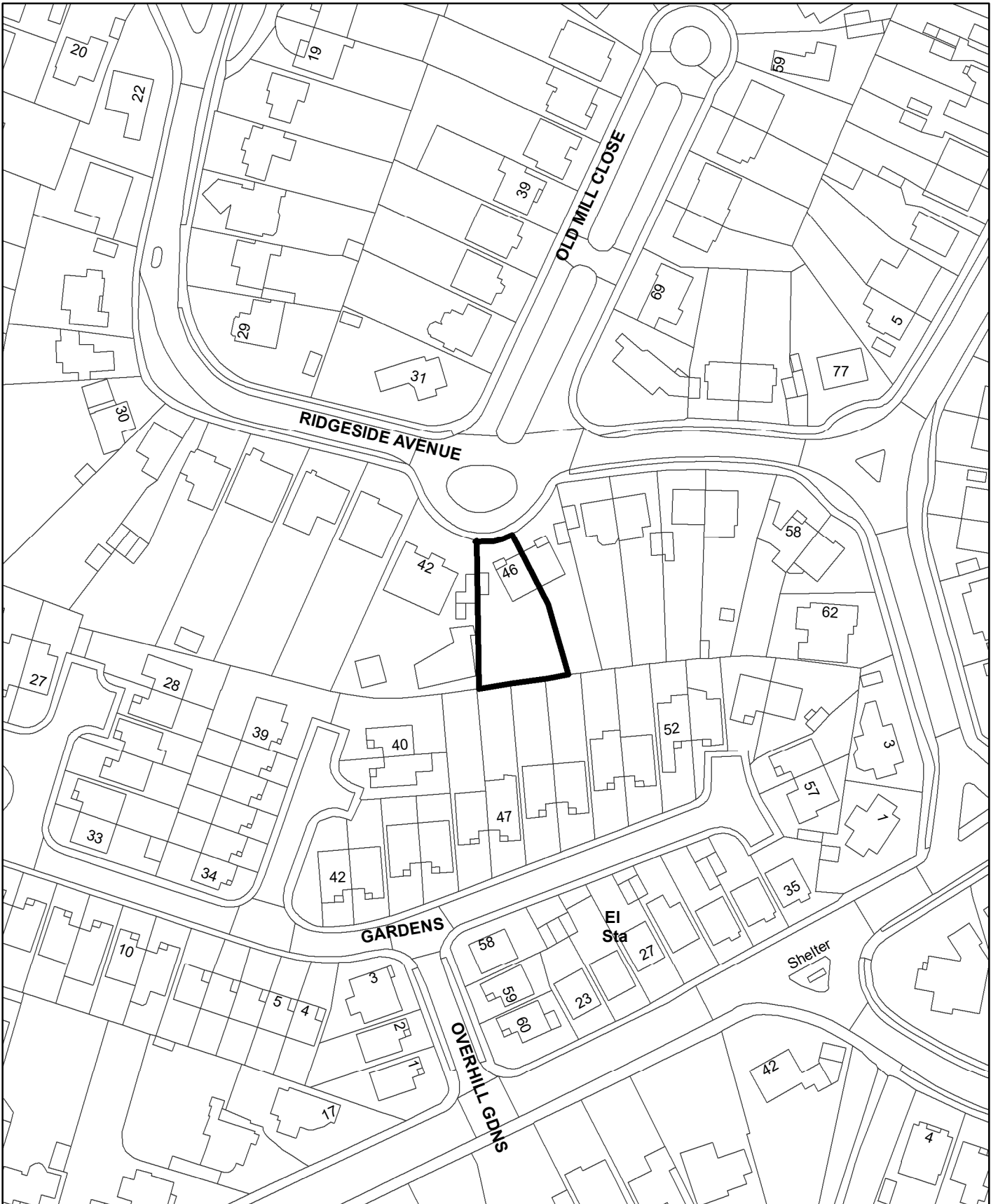
**46 Ridgeside Avenue  
BH2022/00428  
Householder Planning Consent**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**





# BH2022 00428 - 46 Ridgeside Avenue



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/00428</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>46 Ridgeside Avenue Brighton BN1 8WB</b>		
<b><u>Proposal:</u></b>	<b>Erection of single-storey outbuilding to rear.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	08.02.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	05.04.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	AUTRE Limited 31 Loder Road Brighton BN1 6PL		
<b><u>Applicant:</u></b>	Mr. Ivan Clarke 46 Ridgeside Avenue Brighton BN1 8WB		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	P02		8 February 2022
Proposed Drawing	P03		8 February 2022
Proposed Drawing	P04		8 February 2022
Proposed Drawing	P06		8 February 2022
Proposed Drawing	P07		8 February 2022
Proposed Drawing	P08		8 February 2022
Proposed Drawing	P09		8 February 2022
Location Plan	P01		8 February 2022
Existing Drawing	Tree Plan		16 March 2022
Report/Statement	Arboricultural Statement		16 March 2022

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. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the retained trees shall be protected in accordance with the arboricultural method statement and tree plan submitted on 16th March 2022. 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.

4. Prior to first use of the outbuilding hereby permitted, a landscaping scheme for the planting along the boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

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

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 a semi-detached two storey property on the southern side of Ridgeside Avenue. The property is not listed or within a conservation area, and there are no Article 4 Directions covering the site that are relevant to the proposed development.

## **3. RELEVANT HISTORY**

- 3.1. **BH2021/03395** - Demolition of existing garage and erection of two storey side extension incorporating 2no front rooflights, 1no rear rooflight and insertion of 1no rooflight to existing front roofslope. Withdrawn

## **4. APPLICATION DESCRIPTION**

- 4.1. This application seeks planning permission for the erection of an outbuilding in the rear garden. The building would be 8.9m in width, 3.5m in depth, and would have a pitched roof with a maximum height of 4.16m. It would be located at the rear (south) of the garden, some 0.6m from the common boundary with 48 and 49 Overhill Gardens.

## **5. REPRESENTATIONS**

- 5.1. **Three (3) letters** have been received objecting to the proposed development for the following reasons:
- Appearance and size / height of proposal are not appropriate.
  - Too close to boundary
  - Residential Amenity
  - Drainage from WC and potential land contamination
  - Overdevelopment
  - Restriction of view
  - Overshadowing
  - Building is a fire hazard
  - Use as a workshop would create noise
- 5.2. **Councillor McNair** has objected to the application for the following reasons and requested that the application be determined by the Planning Committee:
- Too close to the boundary with Overhill Gardens
  - The proposed outbuilding will be overbearing to neighbours and affect outlook.
  - The outbuilding would not be sheltered by trees.
  - Light from the rooflights would cause nuisance
  - The structure is too big.
  - Drainage issues.
- 5.3. A copy of Councillor McNair's comments is appended to this report.
- 5.4. A letter from UK Power Networks has been received in relation to this application which provides advice for the applicant about developing in close proximity to an electricity substation.

## 6. CONSULTATIONS

6.1. **Arboriculture: No objection**  
First Comment - 18/02/2022:

The applicant is planning to construct in very close proximity to retained trees. Whilst we do not have any detail on footing construction, piling will minimise root damage. We would want to see a tree protection plan / method statement provided at condition. Although there are concerns regarding the likelihood of damage occurring to trees in close proximity, it is still possible to incorporate them into the design. The trees are not of sufficient quality to justify preservation status and any impact upon them would not be a valid reason to refuse planning permission.

Second Comment - 17/03/2021:

- 6.2. The submitted Arboricultural Statement and Tree Plan is accepted and subject to a suitable condition securing this prior to commencement there is no arboricultural 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. POLICIES

### 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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity

#### 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.

DM20	Protection of Amenity
DM21	Extensions and Alterations
DM22	Landscape Design and Trees

#### Supplementary Planning Documents:

SPD06	Trees and development sites
SPD12	Design guidance 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 proposal, the impact of the development on neighbouring amenity and the impact on existing trees.

### **Design and Appearance:**

- 9.2. The proposal is for a large outbuilding in the rear garden, with a floor area of approximately 30.1sqm, located some 0.6m from the rear (southern) boundary of the property. The building would have a large main internal space, with a smaller room with toilet facilities. It would have a timber finish with a tiled, pitched roof. The windows would be in a crittall style with glazed, dark coloured frames. The doors would be timber.
- 9.3. The scale of the outbuilding is such that it would not appear overly dominant in the context of what is a fairly substantial garden. It is considered a suitable addition to the site, that that would not result in any significantly harm to the character and appearance of the existing dwelling or the wider surrounding wider area. The proposal would be in accordance with emerging policy DM21 of the City Plan Part Two (which can be afforded more weight than local Plan policy QD14) and CP12 of the City Plan Part One.

### **Impact on Amenity:**

- 9.4. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than QD27) 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.
- 9.5. The impact on the adjacent properties 42 & 48 Ridgeside Avenue and 47, 48 and 49 Overhill Gardens (to the rear), has been fully considered at a site visit in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified.
- 9.6. The building would be large, but the pitched roof combined with the set-back of 0.6m from the boundary, and the fact that it would back on to the relatively long gardens of adjacent properties mean that the proposal would not be significantly harmful to neighbouring properties or gardens in respect of overshadowing, overlooking or an overbearing impact.
- 9.7. Accordingly, it is considered that the development would not be significantly harmful to neighbouring amenity and would accord with policy QD27 of the Brighton and Hove Local Plan and policy DM20 of the City Plan Part Two which can be afforded significant weight.

### **Trees:**

- 9.8. As shown on the plans one tree on the rear boundary is to be removed, it is understood that the applicant has this tree inspected by an arboriculturist who has advised that the tree is damaged. The remaining trees, to the front of the

outbuilding, are to be retained with the notched design of the proposal accommodating one of these trees.

- 9.9. The use of piling foundations which would help to minimise any harm to the retained trees during the construction of the outbuilding. There is no Tree Preservation Order on the site and while the trees have some amenity value, they do not have any specific legal protection.
- 9.10. The applicant has submitted an arboricultural method statement to demonstrate how trees would be protected during construction. The Arboriculturist has reviewed this and confirmed that the measures are suitable to protect the existing trees to be retained. A condition is recommended to ensure that the tree protection is carried out prior to any works commencing.

Other matters:

- 9.11. The drainage for the WC within the proposed structure is not a material planning consideration. However, the structure, if approved, would require an application under Building Regulations and this would consider drainage for the site.

**10. EQUALITIES**

None identified

**11. CLIMATE CHANGE & BIODIVERSITY**

- 11.1. The proposal would provide additional utilities and space on an existing residential site, and new planting is proposed as screening on the boundary.



**Cllr. Alistair McNair  
BH2022/00428 - 46 Ridgeside Avenue**

**3<sup>rd</sup> March 2022:**

Please accept this letter as my objection to this planning application. While this is a letter of objection, in principle a single-storey outbuilding is perfectly acceptable. The three issues mentioned below can, I believe, be easily addressed, but I felt the issues important to raise. These issues are: proximity to the neighbours; size of structure; potential issues with drainage.

### **Proximity to neighbours**

The proposed development is sited only 600mm from a neighbour's fence on Overhill Gardens. This is a very large structure at 9m in length, and as such should be positioned much further away, and could be in such a large garden. At this proximity, the outhouse will have an overbearing presence on the neighbour's garden, and will affect their outlook. Fig. 1 suggests the structure will be sheltered by trees, but this is very misleading. Also, the height of the neighbour's fence is much lower than the picture suggests at around 1.5m, meaning that much of the structure will be visible from their garden. This size of structure should surely be set at least 2m from the border of a neighbour. Also, because of the windows in the roof, and the roof's proximity to the boundary, light will very likely flood into the garden causing light pollution.

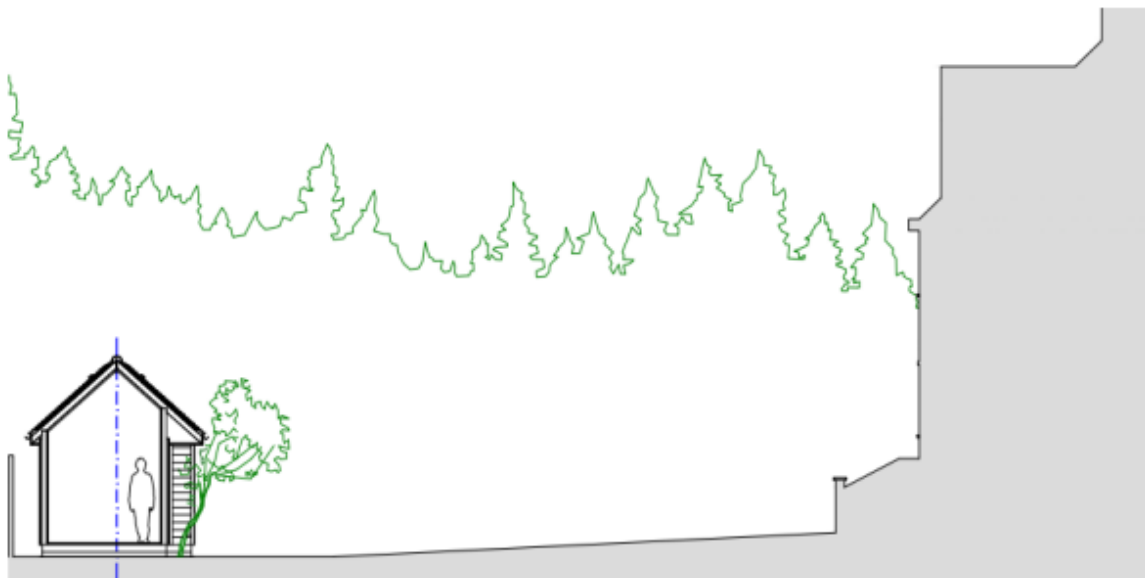


Fig.1 Outbuilding in relation to neighbour's garden

### **Size of structure**

The size of the outbuilding is large, especially with regards its height at 4m. The gable roof in particular makes it look even bigger. The maximum height allowed under the caravan act is only 3.05m which suggests that 4m should be considered high and obtrusive. The roof could be lowered, or slope in only one direction to reduce its impact. Instead of having a green, rural outlook, neighbours will instead have an obtrusive roofline as their outlook. If every property were allowed such an outbuilding it would severely impact the outlook of this

green neighbourhood.

**Issues with drainage**

The structure will house a bathroom. I have concerns about this, as the garden slopes upwards, and there may be issues with pumping waste water away. Should the drainage fail, waste water may leak into the neighbour's garden. This issue should be looked into before approval.

It may be felt that the above issues are small, and I believe they are easily rectifiable, but such outbuildings can have a significant impact on neighbours.

Should the Local Planning Authority consider granting this application, I request that it is brought to Planning Committee for determination where I reserve my right to speak to my letter and the application.

# **ITEM N**

**141 Elm Grove  
BH2021/04478  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2021 04478 - 141 Elm Grove



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/04478</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>141 Elm Grove Brighton BN2 3ES</b>		
<b><u>Proposal:</u></b>	<b>Application to vary conditions 1, 2 and 3 of planning permission BH2021/03176 to permit conversion of lower ground floor living room into sixth bedroom within house of multiple occupation.</b>		
<b><u>Officer:</u></b>	Charlotte Bush, tel: 292193	<b><u>Valid Date:</u></b>	21.12.2021
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	15.02.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	DJM Town Planning 16 Fairdene Southwick Brighton BN42 4QN		
<b><u>Applicant:</u></b>	Mishbec Ltd C/O DJM Town Planning 16 Fairdene Southwick BN42 4QN		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	2021-05-P-01	D	21 December 2021
Proposed Drawing	2021-05-HMO-08		21 December 2021
Proposed Drawing	2021-05-P-07	D	21 December 2021
Proposed Drawing	2021-05-P-13		21 December 2021

2. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 2021-05-P-07 D received on the 21 December 2021, and shall be retained as such thereafter.

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

3. The HMO unit hereby approved shall only be occupied by a maximum of six (6) persons.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 and DM20 of the Brighton & Hove Local Plan.

4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have

been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

5. At least one 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.

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

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

7. The external finishes of the extensions to the existing building 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 relates to a two storey (plus basement) terraced house, which until recently, had a rooflight on the front elevation, and two rooflights on the rear. Following recent works, allowed under a 2021 planning permission, the property now comprises a rear lower ground floor extension and a rear dormer window.



- 2.2. The site is located on the north side of Elm Grove, between Bonchurch Road and Whippingham Road, opposite the junction with Lynton Street.
- 2.3. Elm Grove is a prominently residential area with good transport links, and is within walking distance of local shops and facilities.
- 2.4. There is an Article Four Direction in place restricting the conversion of single dwellinghouses to houses in multiple occupation (HMOs)(planning use class C4, or sui generis (outside of a use class)).

### **3. RELEVANT HISTORY**

- 3.1. **BH2022/00469** - Application for Approval of Details reserved by Condition 4 (Secure Cycle Parking) of application BH2021/03176. Under consideration.
- 3.2. **BH2021/03176** - Change of use from residential dwelling (C3) to House in Multiple Occupation (C4) and erection of rear dormer and rear extension (part retrospective). Approved 02/12/2021
- 3.3. **BH2021/02447** - Certificate of lawfulness for proposed rear dormer. Approved 23/08/2021
- 3.4. **BH2021/02404** - Erection of a single storey rear extension, with associated works. Approved 20/08/2021
- 3.5. **BH2015/02962** - Conversion of single dwelling into 2no flats. Refused 19/01/2016
- 3.6. **BH2014/03885** - Conversion of existing single dwelling into 3no flats. Refused 17/07/2015

### **4. APPLICATION DESCRIPTION**

- 4.1. This application seeks to amend conditions 1, 2 and 3 attached to planning permission BH2021/03176 which allowed the 'change of use from a residential dwelling (C3) to House in Multiple Occupation (C4 use class) and for the erection of rear dormer and rear extension (part retrospective).' This permission restricted occupancy of the HMO to up to five people.
- 4.2. The applicant is now seeking to amend the drawings approved under condition 1; to change the internal layout of the building, required by condition 2 to be retained, so that the lower ground floor lounge is converted into a bedroom; and to allow an increase in the maximum occupation from five persons to six (condition 3).

### **5. REPRESENTATIONS**

- 5.1. **Three (3)** letters have been received objecting to the proposed development for the following reasons:
- Too many HMOs in the area
  - Noise pollution
  - Detrimental to house prices
  - Detrimental to the quality of life of existing residents
  - Overdevelopment
  - Lack of facilities
  - Not enough space for bikes and rubbish
  - Additional traffic and additional impact on parking
  - Subverting the planning process
- 5.2. A letter of representation has been received from Councillor Powell **objecting** to the proposed development. A copy of the representation is attached to the report.

## 6. CONSULTATIONS

- 6.1. **Environmental Health:** No objection  
Have looked at the acoustic report submitted with the above application and it states that testing shows that the wall structure exceeds the relevant criterion. 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.
- 6.2. [Officer clarification: the 'relevant criterion' referred to in this response is noted in the submitted Acoustic Report. The noise limits used in this are those specified in a condition imposed by a Planning Inspector in an appeal decision for a HMO at 55 Centurion Road, and by Building Regulations, namely 45dB DnTw +Ctr].
- 6.3. **Planning Policy:** No comment  
No comment required
- 6.4. **Private Sector Housing:** No objection  
Should the application be approved then the applicant will need to apply for an HMO Licence before the property is occupied.
- 6.5. **Transport:** No objection Verbal comments.  
The proposed scheme is unlikely to generate significantly more trips or on street parking. A HMO of this size requires cycle stands for a minimum of three bikes which should be secured by condition.

## 7. MATERIAL CONSIDERATIONS

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

material planning considerations identified in the "Considerations and Assessment" section of the report

- 7.2. 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
CP14	Housing Density
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity

#### 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 Quality, Choice and Mix
DM7	Houses in Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

Supplementary Planning Documents:

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

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to this application are the acceptability of the living accommodation, and the impact on neighbouring residents.

Background

- 9.2. Planning permission was granted by the Planning Committee in December 2021 for the change of use of the property from a dwelling (use class C3) to a House in Multiple Occupation (HMO, use class C4), along with the erection of a rear dormer and rear extension (ref. BH2021/03176). The principle of the development has therefore been agreed, and the Local Planning Authority considered the scheme to be acceptable in all regards, subject to various conditions.
- 9.3. The considerations to be taken into account in this application therefore solely relate to the changes to conditions 1, 2 and 3 of the previous permission which state:
- **“Condition 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.
  - **Condition 2:** The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 2021-05-P07 REV B received on the 28/10/2021, and shall be retained as such thereafter. The layout shall be retained as communal space at all times and shall not be used as bedrooms.  
Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
  - **Condition 3:** The HMO unit hereby approved shall only be occupied by a maximum of five (5) persons.  
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.”
- 9.4. The plans were changed during the consideration of the original application (ref. BH2021/03176) to alter the front lower-ground floor room from a bedroom to a lounge as it was considered that this room would have limited access to natural light and outlook, creating a dark and oppressive living space. It was also considered that this the proposed bedroom would also have been subject to noise and disturbance from people accessing and using the communal space. Conditions 1 - 3 were therefore imposed to secure the layout and prevent the use of the room as a bedroom.

- 9.5. This application seeks to revert the room back into a bedroom, as originally proposed.

Standard of Accommodation

- 9.6. The proposed extra bedroom is located at the front of the property, at lower ground floor level and therefore below the associated pavement level. To support this application, the applicant has provided an internal daylight report. The daylight study is undertaken in accordance with the new British Standard for Daylight in Building BS EN 17037:2018.
- 9.7. The submitted report finds that lux levels in the front half of the bedroom are between 500-2500 lux and the rear half of the room 100-500 lux. No area of the bedroom falls below the 100 lux required by British Standard for Daylight in Building for bedrooms. On this basis, daylight levels for the bedroom are considered acceptable.
- 9.8. An Acoustic Report has also been submitted as part of this application. After testing, the report concludes that the sound insulation between the communal space and the proposed bedroom achieved 45dB DnTw +Ctr (sound insulation). The Environmental Health Officer has confirmed that this is sufficient sound proofing.
- 9.9. The outlook, which looks out towards the external staircase due to the siting below pavement level, is not ideal, but is not considered reason enough on its own to warrant the refusal of the application.
- 9.10. The remaining communal space would measure 27.5sqm which exceeds the 4sqm per person required by policy DM7 of the emerging City Plan Part 2 which is given significant weight. As such, there is no objection to the loss of the front room as communal space.
- 9.11. On this basis, the proposed amendments have been shown to be acceptable in terms of the standard of accommodation provided.

Impact on Neighbouring Residents

- 9.12. The increase in occupancy from 5 to 6 persons retains the HMO in Use Class C4. The provision of a C4 HMO within this location has already been consented. As such, no objection can be raised on that basis and policy CP21 cannot be reapplied. It is not considered that the addition of a sixth bedroom to the HMO would cause significant additional noise, behavioural or waste-related issues.
- 9.13. The proposal is not considered to result in any significant uplift in trip generation or parking.
- 9.14. This application has therefore addressed the concerns raised by the Officer in application BH2021/03176 in regards to the lower ground floor front room being used as a bedroom, and this application to amend conditions 1 -3 is subsequently recommended for approval.

## **10. CONCLUSION**

- 10.1. The information submitted in support of this application has adequately demonstrated that the conversion of the lower ground floor lounge into a bedroom would not result in a poor standard of living accommodation for the occupant of the room, or for other occupants of the building. There would be no significant impact on neighbouring amenity or sustainable transport. The proposed scheme is therefore recommended for approval.

## **11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The proposal would maximise the use of the property as a C4 HMO, making a more efficient use of the site in a sustainable location.

## **12. EQUALITIES**

None identified.



PLANNING COMMITTEE LIST  
COUNCILLOR REPRESENTATION

**Cllr. Steph Powell**  
**BH2021/04478 – 141 Elm Grove**

**27th January 2022:**

I object to the amendment to BH2021/04478: 141 Elm Grove. My reasons are that would see the ground floor living space converted into a sixth bedroom. This makes the dwelling an HMO even bigger, in an already densely populated area, will put pressure on amenities, and will add to noise for those living in adjacent properties.





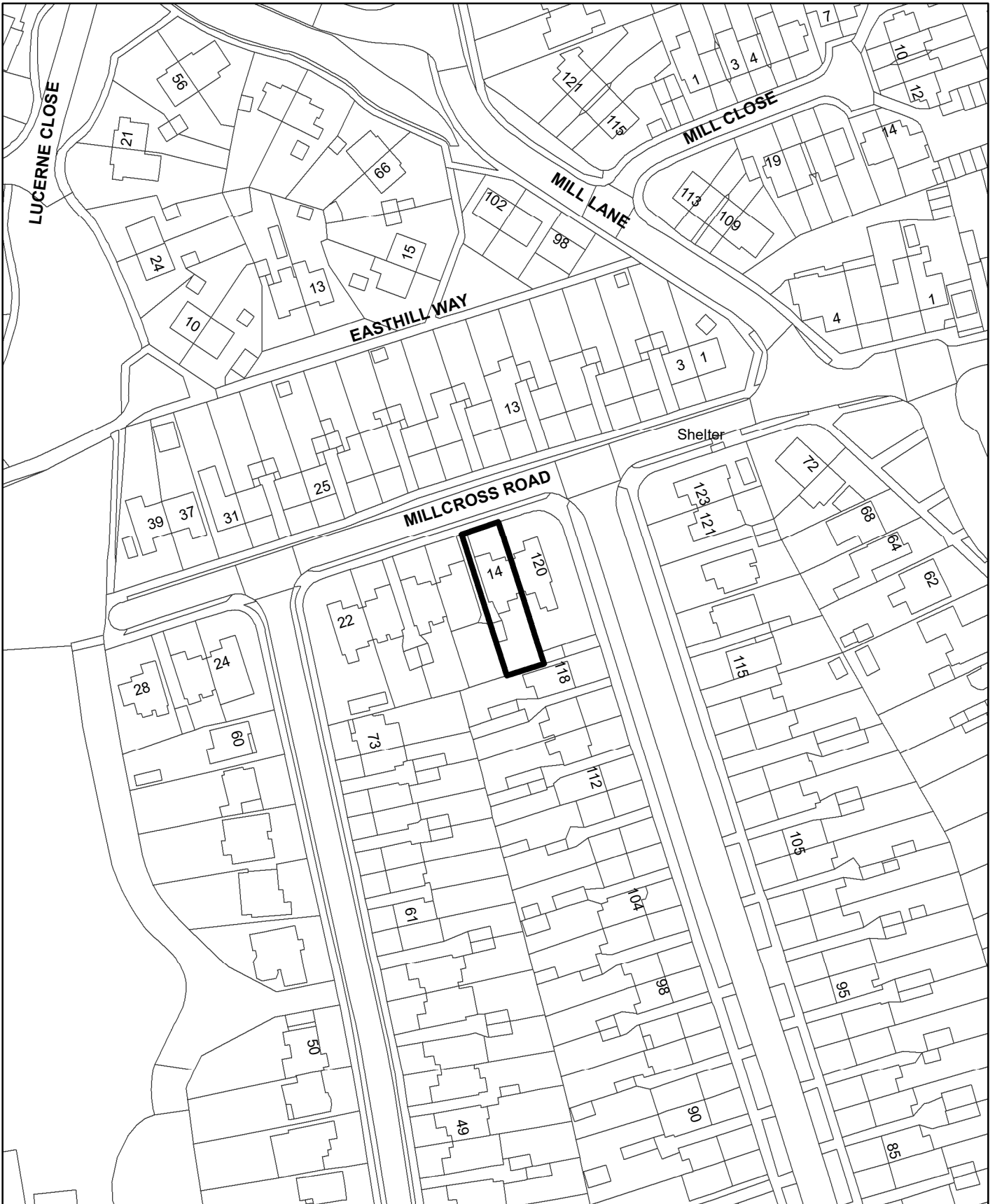
# **ITEM O**

**14 Millcross Road  
BH2022/00447  
Prior Approval Extension**

**DATE OF COMMITTEE: 6<sup>th</sup> April 2022**



# BH2022 00447 - 14 Millcross Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/00447</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Prior Approval Extension</b>		
<b><u>Address:</u></b>	<b>14 Millcross Road Portslade BN41 2BG</b>		
<b><u>Proposal:</u></b>	<b>Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.25m, for which the maximum height would be 3.356m, and for which the height of the eaves would be 2.8m.</b>		
<b><u>Officer:</u></b>	Alice Johnson, tel: 296568	<b><u>Valid Date:</u></b>	09.02.2022
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	23.03.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	07.04.2022
<b><u>Agent:</u></b>	Stephen Bromley 5 West Street Shoreham By Sea BN43 5WF		
<b><u>Applicant:</u></b>	Mrs J Hobbs 14 Millcross Road Portslade BN41 2BG		

## 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 **GIVE** prior approval, as prior approval is required for the development, and the following Condition and Informatives as set out hereunder.

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	11991-1PL-A		17 March 2022
Location Plan			25 February 2022

### 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 written notice does not confirm whether planning permission is required for the proposed development. In order to seek confirmation that planning permission is not required, you are advised to apply for a Lawful Development Certificate.
3. The applicant is advised to refer to the Town and Country Planning (General Permitted Development) Order 2015 to ensure that the proposed development conforms to all relevant restrictions.

4. Applicants are reminded that a CIL Form 5 should be submitted for lawful development certificates and prior approvals to determine whether the scheme would result in a CIL liability. The Commencement notice Form 6 should be submitted PRIOR to the commencement of any works. The forms should be submitted to the CIL team at [cil@brighton-hove.gov.uk](mailto:cil@brighton-hove.gov.uk). The forms and further guidance are available on the Planning Portal and the Council websites.

## **2. SITE LOCATION**

- 2.1. The application site at 14 Millcross Road is part of a semi-detached pair with no. 120 Foredown Drive. The property is a single storey dwellinghouse and is situated on the southern side of Millcross Road. The area is primarily residential, and a number of rear extensions are present in the area, including at the adjoining properties no. 120 and 118 Foredown Drive and 16 Millcross Road.
- 2.2. The site is not within a conservation area and there are no Article 4 Directions covering the site affecting alterations and extensions.

## **3. RELEVANT HISTORY**

- 3.1. **Q/52/35** semi-detached Bungalow Granted 14/05/2952 (Permission: unconditional: use class not specified)

## **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks prior approval under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 relating to a 'larger home extension', for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.25m, for which the maximum height would be 3.356m, and for which the height of the eaves would be 2.8m.
- 4.2. The maximum height of the extension was originally 3.5m and consultation was undertaken on this basis. After discussing the plans with the agent, the maximum height has been lowered to 3.356m. A re-consultation was not carried out due to the proposal being smaller than what was originally consulted on.
- 4.3. The application must be considered by the Planning Committee because it is made by a close relative of an officer.

## **5. REPRESENTATIONS**

- 5.1. Representations have been received from one neighbouring resident raising the following concerns:
  - Loss of value to property

- Damage and trespass at a neighbouring property
- Loss of light
- Loss of visual amenity

5.2. Officer Comment: Loss of property value is not a material consideration in relation to a planning application, and damage/trespass are civil, not planning matters.

### 5.3. RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework (NPPF)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

## 6. CONSIDERATIONS & ASSESSMENT

6.1. This application seeks prior confirmation as to whether prior approval is required for the development, and if so whether it is approved or refused. The below sets out consideration in response to each of the criteria set out in the legislation.

6.2. The information submitted with the application meets the requirements set out in the legislation, and the Council has notified owners and occupiers of any adjoining premises about the proposed development by serving on them a notice.

6.3. Objections have been received from the adjoining property, and so the Local Planning Authority must consider the impact of the proposed development on the amenity of all adjoining premises.

#### Impact on Amenity

6.4. The proposed extension would be in close proximity to no.120 Foredown Drive. No. 120 Foredown Drive currently has a rear extension of a considerable depth which limits the amount of light the property receives in places. The proximity of the proposed extension with no.120 means that it is likely the proposal will lead to some loss of light and overshadowing for the occupants of no. 120 Foredown Drive.

6.5. At the boundary with no.120 Foredown Drive the proposed eaves height would be relatively low at 2.8m. The low eaves height is unlikely to cause significant loss of light or overshadowing, particularly considering the extension's orientation and location to the west of no.120. The overshadowing and loss of light would not occur consistently throughout the day and the harm is therefore not considered substantial enough to warrant refusal.

6.6. No.16 Millcross Road is separated from the application site by a driveway. No.118 Foredown Drive is separated from the application site by a considerable distance due to the length of the garden at no.14. These distances are

considered sufficient enough that neither property is expected to experience any amenity impact.

**Visual Impact**

- 6.7. The proposed extension would not significantly deteriorate the neighbouring residents' views, particularly considering the existing extension at no. 14 and the extensions existing at the adjoining properties.

**7. EQUALITIES**

None identified



# PLANNING COMMITTEE

## Agenda Item 108

Brighton & Hove City Council

### NEW APPEALS RECEIVED 03/02/2022 - 09/03/2022

#### WARD

#### **CENTRAL HOVE**

APPEALAPPNUMBER

BH2021/00799

ADDRESS

Coombe Lea Grand Avenue Hove BN3 2NB

DEVELOPMENT DESCRIPTION

Installation of 6no telecommunication antenna apertures across 3no steel support structures, 3no 600mm wide dishes and 8no equipment cabinets all at roof-level, 1no cabinet at ground-level, plus ancillary works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

02/03/2022

APPLICATION DECISION LEVEL

Planning (Applications) Committee

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#### WARD

#### **GOLDSMID**

APPEALAPPNUMBER

BH2021/02514

ADDRESS

Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE

DEVELOPMENT DESCRIPTION

Prior Approval for the erection of an additional storey to provide 5no two bedroom flats (C3).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

15/02/2022

APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **HANGLETON AND KNOLL**

APPEALAPPNUMBER

BH2018/03633

ADDRESS

Land At King George VI Avenue (Toads Hole Valley) Hove

DEVELOPMENT DESCRIPTION

Outline application for a mixed use development comprising residential dwellings (C3 use); land for a 6-form entry secondary school (D1 use)/ community sports facilities (D2 use); office/ research/light industry floorspace (B1 use); neighbourhood centre including retail outlets (A1-5 uses), a doctors' surgery (D1 use) & community building (D1 use); public open space (including food growing space & children's play space), enhancements and alterations to the Site of Nature Conservation Interest (SNCI); & associated landscaping. Provision of 3no. vehicular accesses onto King George VI Avenue (unreserved) with associated highway alterations. [Additional Information to Environmental Statement Nov 21]

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 15/02/2022  
APPLICATION DECISION LEVEL Planning (Applications) Committee

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**WARD** **HANOVER AND ELM GROVE**  
APPEALAPPNUMBER BH2021/02644  
ADDRESS 44 Hanover Street Brighton BN2 9ST  
DEVELOPMENT DESCRIPTION Erection of rear dormer, insertion of 2 front rooflights and 2 rooflights on the rear outrigger roof.

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 02/03/2022  
APPLICATION DECISION LEVEL Delegated

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**WARD** **HOLLINGDEAN AND STANMER**  
APPEALAPPNUMBER BH2020/00674  
ADDRESS Land Adjoining 12 Dunster Close Brighton BN1 7ED  
DEVELOPMENT DESCRIPTION Erection of two storey building comprising 1no semi-detached four bedroom house and 2no one bedroom flats (C3).

ADDITIONAL INFORMATION - TRANSPORT STATEMENT  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 28/02/2022  
APPLICATION DECISION LEVEL Planning (Applications) Committee

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**WARD** **QUEEN'S PARK**  
APPEALAPPNUMBER BH2021/03818  
ADDRESS 28 Park Street Brighton BN2 0BS  
DEVELOPMENT DESCRIPTION Alterations to existing single storey rear extension to create first floor roof terrace with new door for access. Replacement and rearrangement of rear ground floor doors and windows.

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 21/02/2022  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEALAPPNUMBER BH2021/02245  
ADDRESS 2 - 3 Gardner Street Brighton BN1 1UP  
DEVELOPMENT DESCRIPTION Display of non-illuminated low-branded sponsored murals.

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 17/02/2022

APPLICATION DECISION LEVEL Delegated

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**WARD**

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

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**WESTBOURNE**

BH2021/00225

Garages Rear Of 148 To 166 Portland Road  
Fronting Raphael Road Hove

Erection of a single storey 2no bedroom  
dwellinghouse (C3).

APPEAL IN PROGRESS

08/03/2022

Delegated

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**WARD**

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

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**WESTBOURNE**

BH2021/01985

98 Portland Road Hove BN3 5DN

Change of use from existing basement flat (C3) to  
office (E).

APPEAL IN PROGRESS

14/02/2022

Planning (Applications) Committee

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**Brighton & Hove  
City Council**

### INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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Planning Application No	BH2018/03633
Site Address	Land At King George VI Avenue (Toads Hole Valley) Hove
Description	Outline application for a mixed use development comprising residential dwellings (C3 use); land for a 6-form entry secondary school (D1 use)/community sports facilities (D2 use); office/research/light industry floorspace (B1 use); neighbourhood centre including retail outlets (A1-5 uses), a doctors' surgery (D1 use) & community building (D1 use); public open space (including food growing space & children's play space), enhancements and alterations to the Site of Nature Conservation Interest (SNCI); & associated landscaping. Provision of 3no. vehicular accesses onto King George VI Avenue (unreserved) with associated highway alterations. [Additional Information to Environmental Statement Nov 21]
Application Decision	Appeal In Progress
Type of Appeal	Public Inquiry
Date Appeal To Be Held:	07.06.2022
Venue of Appeal	TBA
Planning Officer	Maria Seale



# PLANNING COMMITTEE

## Agenda Item 110

Brighton & Hove City  
Council

### APPEAL DECISIONS FOR THE PERIOD BETWEEN 23/02/2022 AND 22/03/2022

#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

#### **HOVE PARK**

APL2022/00004

141 Woodland Avenue Hove BN3 6BJ

Erection of two storey rear extension and single storey side extension, and erection of raised decking with privacy screen to rear.

Against Refusal

APPEAL DISMISSED

BH2021/03657

Delegated

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#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION  
NUMBER

APPLICATION DECISION LEVEL

#### **ROTTINGDEAN COASTAL**

APL2022/00001

14 Chorley Avenue Saltdean Brighton BN2 8AQ

Roof alterations incorporating raising of roof ridge height to create second floor with a roof terrace to front elevation, 4no rear rooflights and associated alterations.

Against Refusal

APPEAL DISMISSED

BH2021/02418

Delegated

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#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION  
NUMBER

APPLICATION DECISION LEVEL

#### **ROTTINGDEAN COASTAL**

APL2022/00008

14 The Cliff Brighton BN2 5RE

Erection of lower ground, ground floor, first floor and second floor extensions. Incorporates the replacement of roof with additional storey and roof terrace, and fenestration alterations.

Against Refusal

APPEAL DISMISSED

BH2021/02648

Delegated

