

# Planning Committee

Date: **5 February 2020**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Hill (Chair), Littman (Opposition Spokesperson), C Theobald (Group Spokesperson), Childs, Fishleigh, Janio, Mac Cafferty, Miller, Shanks and Yates

Conservation Advisory Group Representative

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# AGENDA

## 80 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.*

## 81 MINUTES OF THE PREVIOUS MEETING

1 - 14

Minutes of the meeting held on 8 January 2020 (copy attached)

## 82 CHAIR'S COMMUNICATIONS

## **83 PUBLIC QUESTIONS**

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 30 January 2019.

## **84 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

## **85 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.*

*Callover arrangements are in place and the Democratic Services Officer will refer to each application in turn. All major applications and any minor applications on which there are speakers are automatically reserved for discussion.*

### **MAJOR APPLICATIONS**

- |   |   |                |
|---|---|----------------|
| A | BH2019/02143, Former Garage Site Eastergate Road, Brighton - Full Planning                | <b>15 - 48</b> |
| B | BH2018/02483, Land Adjacent 6 Falmer Avenue, Brighton - Removal or Variation of Condition | <b>49 - 74</b> |

### **MINOR APPLICATIONS**

- |   |   |                  |
|---|---|------------------|
| C | BH20019/02639, 8 -9 King's Road, Brighton - Full Planning   | <b>75 - 98</b>   |
| D | BH2019/01602, Kingsmere (Blocks E & F), London Road, Brighton - Removal or Variation of Condition | <b>99 - 110</b>  |
| E | BH2019/03339, Land to Rear of 62-64 Preston Road, Brighton - Full Planning                        | <b>111 - 124</b> |
| F | BH2019/02871, 21 Tumulus Road, Saltdean, Brighton - Full Planning                                 | <b>125 - 136</b> |
| G | BH2019/01983, Fat 6, Princes Court, 11 First Avenue, Hove - Full Planning                         | <b>137 - 148</b> |

- H BH2019/03232, 34 Park Road, Brighton - Full Planning **149 - 158**
- I BH2019/02771, Hove Central Library, 182-186 Church Road, Hove - Full Planning **159 - 168**

**86 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**

**87 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **169 - 172****

(copy attached).

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

No new information to report.

**89 APPEAL DECISIONS **173 - 178****

(copy attached).

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

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

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### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email [penny.jennings@brighton-hove.gov.uk](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 8 JANUARY 2020****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors Hill (Chair), Childs, Littman (Opposition Spokesperson), Bagaeen, Druitt, Fishleigh, Miller, Shanks and Yates

**Co-opted Members:** Mr R Amerena (Conservation Advisotu Group)

**Officers in attendance:** Nicola Hurley, Planning Manager; Liz Arnold Principal Planning Officer; Tim Jefferies, Principal Planning Officer (Heritage Team); Alison Gatherer (Lawyer); David Farnham Development and Transport Assessment Manager and Penny Jennings, Democratic Services Officer

**PART ONE****70 PROCEDURAL BUSINESS****70a Declarations of substitutes**

70.1 Councillor Bagaeen was present in substitution for Councillor Theobald and Councillor Druitt was present in substitution for Councillor Mac Cafferty. It was noted that Councillor Janio had given his apologies.

**70b Declarations of interests**

70.2 Councillor Druitt declared a prejudicial interest in respect of Item E, BH2019/03091, Lace House, 39-40 Old Steine, Brighton by virtue of the fact that he had submitted a letter of support in his capacity as a Local Ward Councillor. He would address the Committee and having done so would withdraw from the meeting and take no part in the discussion or decision making process.

70.3 Councillor Yates referred to applications linked applications C, BH2019/02290 and D, BH2019/02273, 218 Dyke Road, Brighton. He was aware of the initiatives taken by the local community group in connection with returning "the Dyke" public house to use on

twitter, but had not expressed an opinion, remained of a neutral mind and would remain present at the meeting during consideration and determination of the application. Councillor Littman also referred to applications C, BH2019/02290 and D, BH2019/02273, 218 Dyke Road, Brighton. The application site was in his ward and he was also of the initiatives by the local community to return the site to use as a community asset. He expressed an opinion, remained of a neutral mind and would remain present at the meeting during consideration and determination of the application.

70.4 It was noted that Members of the Committee had been lobbied and had received communications in respect of applications C and D as referred to above, and remained of a neutral mind.

#### **70c Exclusion of the press and public**

70.5 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.

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

#### **70d Use of mobile phones and tablets**

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

#### **71 MINUTES OF PREVIOUS MEETINGS**

71.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 6 November 2019 as a correct record.

71.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 4 December 2019 as a correct record.

#### **72 CHAIR'S COMMUNICATIONS**

72.1 There were none.

#### **73 PUBLIC QUESTIONS**

73.1 There were none.

#### **74 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

74.1 There were none.

**75 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

- 75a The Democratic Services Officer read out items 75A-E. It was noted that there were no major applications to be considered that afternoon and that any minor applications on which there were speakers were automatically reserved for discussion.
- 75b The Chair, Councillor Hill, explained that this measure was intended to expedite the business of Committee and to avoid the necessity of those who had an interest in applications on which there were no speakers spending hours waiting for the committee to get to their applications.
- 75.c All of the applications set out on the agenda were called for discussion.

**A BH2019/03132 - Glenside, Wincombe Road, Brighton- Full Planning**

Conversion of existing dwelling house (C3) to form two 1no bedroom flats, one 2no bedroom flat and one 3no bedroom flat (C3) with new front balcony at first floor level, revised fenestration and other associated works.

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation by reference to plans, floor plans, site plans, photographs and elevational drawings setting out the proposed scheme. The application related to a two-storey detached house on the southern side of Wincombe Road which comprised two-storey, detached and semi-detached residential houses set out on large plots. This application had been submitted following a previous refusal which had been dismissed at appeal by the Planning Inspectorate who had considered that the principle of development was acceptable, but had had a number of concerns. Those concerns had included the design of the loft conversion and the standard of accommodation to be provided.
- (2) It was noted that the main considerations in determining this application related to the principle of the development, the design and appearance of the works and how they would impact on the standard of accommodation for future occupiers and the amenity of existing neighbours. It was considered that the scheme as amended and now put forward addressed the previous reasons for refusal and that the concerns raised by the Planning Inspector had also been addressed; approval was therefore recommended.

**Questions of Officers**

- (3) Councillor Shanks sought clarification of the differences between the currently submitted and previously refused schemes.

**Debate and Decision Making Process**

- (4) Councillor Littman stated that he considered that the scheme as now put forward was acceptable. He had considered it important however for the Committee to be updated in respect of the current scheme in view of the fact that earlier applications had been refused with those reasons for refusal upheld in part by the Planning Inspectorate. Those concerns had now been addressed.

(5) As no further matters were raised a vote was then taken. A vote was taken and on a vote of 8 to 1 planning permission was granted.

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

**B BH2019/02306 - 40 Dyke Road Avenue, Brighton- Full Planning**

Demolition of existing single dwelling (C3) with associated garage and erection of three storey five-bedroom single dwelling (C3)

**Officer Presentation**

(1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation by reference to photographs, plans, floor plans and elevational drawings setting out the proposed scheme. The representations received from the CAG set out in the Late/Additional Representations List were also referred to. The application site related to a detached dwelling on the northern side of Dyke Road Avenue, located within the Tongdean Conservation Area well set back from the road and bounded by a brick wall with piers to the street elevation. A number of trees on site were to be removed, although two important elms on the frontage were to be retained.

(2) It was noted that the main considerations in determining this application related to impact of the development on the character and appearance of the existing site, street-scene and the surrounding conservation area, impact on neighbouring amenity, the trees on site, transport network and sustainability issues. When considering whether to grant planning permission for development in a conservation area the council had a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The Heritage Team had indicated that the proposal would fail to meet the requirements of policies HE6 and HE8 of the Local Plan and would fail to preserve the appearance and character of the conservation area and would therefore cause demonstrable harm to the area with no benefits which might be weighed against that harm. The existing house was of significance and provided a positive contribution to the conservation areas as a whole being distinctive and reflective of the period when it had been built. For the reasons set out in the report the application was therefore recommended for refusal.

**Public Speakers**

(3) Mr Lap Chan accompanied the applicants and spoke on their behalf in support of their application. He explained that the approval was sought to demolish the existing dwelling on site in order to provide a home which was fit for modern family living.

**Questions of Officers**

(4) Councillor Yates referred to the plot which was referred to as 40A enquiring whether that address formed part of the application site i.e., whether the proposal was to erect one dwelling house on a space that had previously been occupied by two. It was confirmed that, that was not the case.

- (5) Mr Amerena CAG asked whether the Planning Department were aware that demolition works had recently been undertaken to the front wall of the property. It was confirmed that the Heritage Team were aware that parts of the boundary wall had been removed recently as they had been deemed structurally unsound and dangerous. A separate planning application would be required in order to regularise those works and did not form part of the current application.
- (6) Councillor Miller sought further information regarding the differences in site coverage between the existing and proposed schemes and photographs of the existing dwelling in relation to its immediate neighbours and in the context of the Tongdean Conservation Area.

### **Debate and Decision Making Process**

- (7) Councillor Miller stated that given that the dwelling could not be viewed from immediate vicinity he needed to give careful consideration to its acceptability in view of its location in the conservation area as there did seem to be a diversity of architectural styles as a result of earlier conversions.
- (8) Councillor Yates stated that he was in agreement with the officer recommendation. He was of the view that no case had been made for loss of the existing building, and was in agreement that the proposed scheme would be detrimental to the conservation area as it would further dilute and detract from its character.
- (9) Councillor Littman agreed, considering that it was important to protect and enhance the character of the conservation area.
- (10) Councillor Shanks agreed, considering that the existing building should be protected and retained.
- (11) Councillor Fishleigh stated that she could not see that any positive benefits would result from the proposed scheme and therefore supported the officer recommendation that the application be refused.
- (12) Councillor Druitt stated that he was not convinced by the case put forward to remove the existing building and considered that that the existing dwelling was capable of the adaptations necessary whilst retaining its appearance and character.
- (13) Councillor Bagaeen stated that he considered the proposed scheme to be acceptable in that it would provide a sustainable and efficient modern family home. There were a number of differing building styles in the vicinity and the development proposed would not be visible due to the level of screening and the distance that it would be set back from the highway.
- (14) A vote was taken and on a vote of 7 to 1 with 1 abstention the Committee voted that planning permission be refused.
- 75.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons set out in the report.

**C BH2019/02290 - 218 Dyke Road, Brighton - Full Planning**

Conversion of existing 2no flats at first floor level to create 2no two-bedroom flats & 1no one bedroom flat incorporating part two storey & part first floor rear extensions with gable roofs, front & rear terraces and associated alterations.

**Officer Presentation**

- (1) The Chair, Councillor Hill, explained that a joint presentation would be given detailing both applications, with public speakers setting out their views and concerns in respect of both. Following the debate both applications would be voted on separately.
- (2) The Principal Planning Officer, Liz Arnold, introduced the scheme and gave a detailed presentation by reference to plans, elevational drawings, aerial views and photographs showing the site from various properties to give the context of the neighbouring street scene. Comments received from the CAG in respect of both applications were as set out in the Late/Additional Representations List. that the building This property is a grade II listed building purpose built and historically used as a Public House, the ground floor of the building had recently been used solely for retail purposes (through Permitted Development Rights) but in June 2019 planning permission was granted to change part of ground floor (the western part) back to a public house. With regards to the upper floor, in 2018 an Enforcement Investigation had confirmed that the upper floor of the property had been in lawful use as two residential units, separate to the ground floor commercial uses. Since December 2018, the ground floor and garden of 218 Dyke Road, The Dyke Pub had been listed as an Asset of Community Value, this was capable of being a material planning consideration although it should be noted that the listing gave no right of access to the land. The only right which followed from a listing was the right of a community interest groups to bid to purchase the listed land should the owner intend to sell.

- (3) The main considerations in determining this application related to the principle of development, the impacts of the proposal on the historic character and appearance of the Grade II\* Listed Building, related street-scene and wider area, design and appearance, standard of accommodation, impact on amenity, highways and **sustainability**. As a result of pre-application discussions a conservatory and terrace originally in place for Flat 3 had been removed in response to concerns about the potential for noise disturbance and loss of outlook. A second storey/attic element of the scheme had been dropped entirely in order for the design to be appropriate for the listed building. One of the main objections to the proposal from local residents related to concerns regarding increased traffic generation and congestion. The transport team were however of the view that although there would be an increase in the number of trips to/from the site there would not be of sufficient impact to warrant refusal. Overall the proposed works were considered acceptable in relation to the listed building and its setting, the proposal was not considered to harm these heritage assets and approval was therefore recommended.

#### **Public Speakers**

- (4) Ms Redfern spoke on behalf of the Dyke Road and Highcroft Villas Local Community Group and the Save the Dyke Road Pub Group setting out their objections to the proposed scheme. Local objectors were very concerned on the impact that the proposals would have on the pub which was a valued community asset, impact on the listed building itself traffic, parking and congestion which would result. Also, in relation to rubbish and litter, overall in their view it would result in overdevelopment of the site.
- (5) Councillor Heley spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme and those of her ward colleague, Councillor Hugh-Jones. They were in agreement with objectors that the proposal represented unacceptable overdevelopment and that there would be multiple issues associated with it including additional traffic during and following the construction period at a busy junction. The proposal would also jeopardise survival of the Dyke pub which was back in use after a three-year community campaign to reinstate it.
- (6) Mr Mc Kee spoke on behalf of the applicant's in support of their scheme. He stated that the scheme had undergone significant amendments in order to respond to objections received and to ensure that the character of the listed building was respected as was the manner in which it related to the neighbouring street scene and wider area, design and appearance, standard of accommodation, impact on amenity, highways issues and sustainability.

#### **Questions of Officers**

- (7) Councillors Childs and Druitt sought clarification regarding the status of the garden area in relation to the current public house use, whether it was currently in use in conjunction with the pub use and how that could impact on the Asset of Community

Value. Councillor Childs also sought clarification regarding the existing cold storage area, whether it would need to be relocated and the impact that could have on the garden area. It was confirmed that changes to the existing cold storage area were proposed but that alternatives were being found within the area being leased by the pub, and that the garden area was not part of the public house demise.

- (8) Councillor Yates asked questions in relation to the layout and floor plan of the ground floor area of the building. It did not appear that a consistent approach was being adopted and he was concerned about the impact that the proposed changes could have on the asset of community value. If in future an application was made to change use of the garden area he wished to know whether that could nullify the existing permission. It was explained that the ACV gave no right of access to the land concerned although the community interest group had the right to bid to purchase the listed land should the owner intend to sell at a future date
- (9) Councillor Shanks referred to the fact that a large number of objections had been received enquiring whether it would be possible to add a condition(s) which would help to ensure the pub use was protected. It was confirmed that would not be appropriate.
- (10) Councillor Miller sought further clarification regarding access to the flats and in relation to bin storage/collection arrangements as a number of concerns had also been raised in respect of that issue. Access to the garden area would be separate from that to/from the building at ground floor level and would be for use by the flats at first floor level.
- (11) Councillor Hill, the Chair, asked for clarification of the area of garden concerned as it appeared to be separated into two sections. Also access arrangements to the two separate parcels of land
- (12) Councillor Bagaeen sought clarification why three rather than 2 flats were proposed and it was explained that the Committee needed to assess the application before them on its merits. Councillor Bagaeen referred to the layout specification and materials to be used asking what requirements there had been in terms energy efficiency and sustainability. It was explained that these could only be required in respect of new build developments.

### **Debate and Decision Making Process**

- (13) Councillor Littman stated that this site was located within his ward and as such he had followed the community interest which had resulted in re-instatement of the public house. He understood that the additional garden area to the rear of the building did not have specific protection and having considered the information put forward did not consider that there were valid grounds on which to refuse the application.
- (14) Councillor Bagaeen stated that he was unable to support the proposed scheme as did not consider that it was being completed to a sufficiently high standard.
- (15) Councillor Druitt stated that whilst he was pleased at the proposed improvements to be effected to the building and that fact that additional housing was to be provided, ultimately he felt unable to support the scheme due to the potential impact it could have on the ACV.



- (16) Councillor Yates stated that he had listened carefully to all that had been said. Although he had concerns regarding piece-meal future development which could impact on the ACV, there were no grounds on which the application could be refused. Councillor Childs concurred in that view.
- (17) Councillor Miller whilst also noting the improvements which were proposed had some concerns that the ACV could be undermined.
- (18) The Chair, Councillor Hill, reminded the Committee that they needed to consider the applications before them that day. Any further future applications in respect of this site would need to be considered on their respective planning merits.
- (19) A vote was taken and on a vote of 5 to 4 planning permission was granted.
- 75.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.
- D BH2019/02273, 218 Dyke Road, Brighton - Listed Building Consent**  
Internal alterations and the erection of a two-storey rear extension, with associated works.
- (1) A vote was taken and on a vote of 6 to 3 Listed Building Consent was granted.
- 75.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives also set out in the report.
- E BH2019/03091- Lace House, Flats 1-9, 39-40 Old Steine, Brighton- Full Planning**  
Replacement of existing aluminium framed double glazed windows with aluminium framed double-glazed windows (retrospective). Replacement of existing aluminium framed double glazed windows with aluminium framed double-glazed windows (retrospective).

### **Officer Presentation**

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation by reference to plans and photographs showing the site from locations in the neighbouring street scene. The application site was a stand-alone five storey building divided into self-contained flats located at the southern end of the Valley Gardens Conservation Area and was highly visible. It was adjacent to the Grade II\* Listed Royal Albion Hotel and the Grade II Listed Royal York Buildings. It was considered that the replacement windows, as a result of their incongruity with the building's style and the surrounding historic context had clearly harmed the appearance of the conservation area and the settings of the nearby listed buildings. Although the works carried out represented less than substantial harm great weight needed to be given to the fact that any harm to, or loss of, the significance of a designated heritage asset required clear and convincing justification. The test for the

local planning authority was whether the public benefit from the use of these windows would outweigh that harm.

- (2) The applicants had indicated that the window design used was necessary to comply with Building Control Regulation requirements relating to protection against falls and means of escape. It had not however been demonstrated that a more appropriate sash window design could not have been made to meet these criteria, it was therefore considered no public benefit had been demonstrated to outweigh the identified harm and refusal was therefore recommended.

### **Public Speakers**

- (3) Councillor Druitt spoke in his capacity as a Local Ward Councillor stating that he did not agree that the window treatment provided was detrimental to the character of the Valley Gardens Conservation Area nor to the adjacent listed buildings. The building was set well back from its neighbours and the works carried out had significantly improved the appearance not only of the building itself which had been unused and in a poor state of repair for some time but the immediate vicinity. The building itself had been much altered over the years and at one time had operated as a car showroom at ground floor level, original features were not therefore being lost. The windows provided were far safer than those which had had originally been in-situ, and of better quality. The manner in which these windows opened met building control requirements in that as there was only one internal staircase meant that whilst it was not possible to fall out of them they could be used as a means of escape by emergency services in the event of a fire.
- (4) The applicant's agent spoke on behalf of the applicants in support of their application accompanied by Ms Mitchell to assist in responding to questions. It was confirmed that the windows currently in situ had been provided in order to meet fire safety regulations, that they were an important safety feature and it was not considered that they were detrimental to the appearance of the building itself, the conservation area or the neighbouring listed buildings. The host building had been much altered over the years the window treatment provided was not considered at variance with its external appearance. If changes were required the replacement windows would be a retrograde step.
- (5) Councillor Miller sought clarification of the applicant's representative regarding the safety aspects referred to. It was explained that the windows which had been installed opened from the top to provide ventilation but that the "gap" was insufficient for anyone to fall through them.
- (6) Councillor Yates noted the information provided by the applicant's representative but considered that other options could have been considered and asked whether/why they had not been. Those present did not have that information.
- (7) Councillor Childs enquired why planning permission had not been requested for these works and it was explained that the applicant's had not been aware initially that permission was required, planning permission had been sought as soon as they were.

### **Questions of Officers**

- (8) In response to questions, the Planning Manager, Nicola Hurley confirmed that building control regulations were separate from planning and that the application needed to be considered on its planning merits. The cost of any replacement/reinstatement works was also not a planning consideration.
- (9) Councillor Shanks sought clarification regarding whether the type of window treatment required had been stipulated when the permission for change of use from B1 office use to residential had been given.
- (10) Councillor Miller enquired regarding when the building had been erected and regarding its former uses. It was confirmed that it had been erected circa 1860 and had, had various uses until the 1970's when it had been converted for use as a car showroom following which it had been in use as office space.

### **Debate and Decision Making Process**

- (11) Councillor Fishleigh stated that in her view the street lighting provided was at far greater variance with the neighbouring streetscene and had a greater detrimental impact. The building was well set back from its neighbours, the host building had been much altered over time and its current appearance represented an improvement.
- (13) Councillor Miller considered that overall as the architectural styles in the Steine differed greatly and this building at apart on its own island he did not agree that the works carried out had resulted in any significant harm.
- (14) Councillor Littman stated that he did not consider that impact of the windows provided was such that it warranted refusal. The building's current external appearance was much improved.
- (15) Councillor Shanks agreed considering the windows provided were acceptable.
- (16) Councillor Bagaeen considered that the windows were acceptable. They were not detrimental to its symmetry and reflected the building as it was now. It was a stand-alone building and the improvements made to it provided a positive rather than negative contribution to the neighbouring street scene.
- (17) Councillor Childs concurred stating that the works carried out to the building had improved it and brought it back into use and were not detrimental to its appearance or to the character of the conservation area or neighbouring listed buildings.
- (18) Councillor Yates stated that he concurred with the officer recommendation considering that other more acceptable safe window treatments could have been pursued. Incrementally changes made to conservation areas could result in them being nibbled away at to the point where their special character became nullified.
- (19) The Chair, Councillor Hill, stated that she was also in agreement with the officer recommendation, considering that it was important to maintain the standards set when works were carried out in a conservation area particularly when in close proximity to

listed buildings. It was not appropriate for developers to make the changes they wanted and to then “hope for the best.”

- (20) A vote was taken on the officer recommendation to refuse the application, with 8 members of the Committee present when the vote was taken and this was lost on a vote of 2 to 6. Councillor Miller then proposed that that the application be granted on the grounds that the existing windows were not contrary to policies CP12 and CP15 of the Brighton & Hove City Plan Part One and policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan (retained policies March 2016). The proposal was seconded by Councillor Littman and it was agreed that the final wording of the proposed reasons for grant be agreed by the Planning Manager in consultation with Councillors Childs and Littman.
- (21) A recorded vote was then taken and Councillors Bagaeen, Childs, Fishleigh, Littman, Miller and Shanks voted that planning permission be granted. Councillors Hill and Yates voted that planning permission be refused. Therefore planning permission was granted on a vote of 6 to 2.
- 75.5 **RESOLVED** – That the Committee has taken into account the report recommendations but resolves to **GRANT** planning permission on the grounds proposed by Councillor Miller. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.
- Note:** Having declared a prejudicial interest in the above application and having spoken in support of the application in his capacity as a Local Ward Councillor, Councillor Druitt withdrew from the meeting and took no part in the debate or decision making process.
- 76 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**
- 76.1 There were none.
- 77 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**
- 77.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.
- 78 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**
- 78.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.
- 79 APPEAL DECISIONS**
- 79.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 4.50pm

Signed

Chair

Dated this

day of



# **ITEM A**

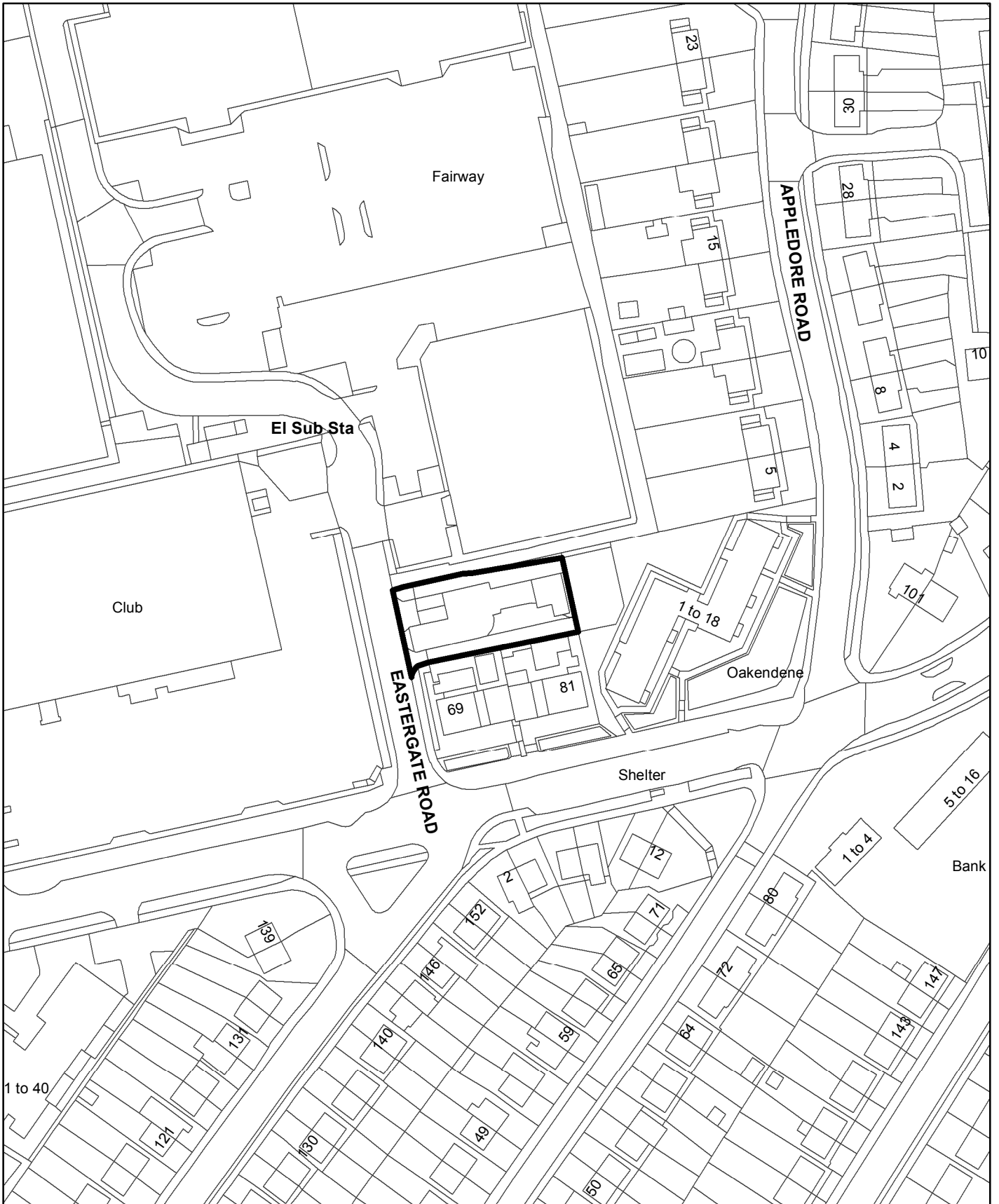
**Former Garage Site, Eastergate Road  
BH2019/02143  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2020**





# BH2019/02143 - Former Garage Site, Eastergate Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/02143</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Former Garage Site Eastergate Road Moulsecoomb Brighton &amp; Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garages and erection of 2no. four storey blocks with lower ground floor to provide 30no. transitional housing studio apartments, ancillary communal space, access and hard &amp; soft landscaping.</b>		
<b><u>Officer:</u></b>	Wayne Nee, tel: 292132	<b><u>Valid Date:</u></b>	05.08.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	04.11.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	DMH Stallard Griffin House 135 High Street Crawley RH10 1DQ		
<b><u>Applicant:</u></b>	Ms Kristin Sjovorr C/o DMH Stallard LLP Griffin House 135 High Street Crawley RH10 1DQ		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 12<sup>th</sup> May 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report.

### S106 Heads of Terms

- Affordable housing - On site provision of 12 no. affordable housing for rent (40% of site).
- Recreation / open space contributions - £36,106 towards provision in the local area;
- Local Employment Scheme contribution - £3,000 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase;
- Sustainable Transport Contribution - £13,600 towards improvements to pedestrian routes serving the site, including Moulsecoomb Way;
- Submission of a Construction Environment Management Plan (CEMP);
- Submission of a Delivery and Servicing Management Plan;
- S278 highway works to repair or make alteration as required by recommendations from the Highway Authority.

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	00-XX-XX-01-AR-DRG-10LG	B	9 December 2019
Proposed Drawing	00-XX-XX-01-AR-DRG-1000	B	11 December 2019
Location Plan	00-XX-XX-XX-AR-DRG-0001	A	18 July 2019
Block Plan	0-XX-XX-XX-AR-DRG-0002	A	29 July 2019
Proposed Drawing	00-XX-XX-01-AR-DRG-1001	A	18 July 2019
Proposed Drawing	00-XX-XX-01-AR-DRG-10LG	A	18 July 2019
Proposed Drawing	00-XX-XX-02-AR-DRG-1002	A	18 July 2019
Proposed Drawing	00-XX-XX-03-AR-DRG-1003	A	18 July 2019
Proposed Drawing	00-XX-XX-03-AR-DRG-1004	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2001	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2002	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2003	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2004	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2007	A	18 July 2019
Proposed Drawing	00-XX-XX-XX-AR-DRG-2008	A	18 July 2019

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

4. The development hereby permitted shall not be first occupied until
- i) details of any external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
  - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
- The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

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.

- 5.
- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
    - (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by Phase 1 Contamination Assessment produced by MLM Group, Document Reference 777830-MLM-ZZ-XX-RP-J0001 and dated 12/07/2019, in accordance with BS 10175:2011+A1:2013;  
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
    - (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
  - (ii). The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of (b) that any remediation scheme required and approved under the provisions of (b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
    - a) built drawings of the implemented scheme;
    - b) photographs of the remediation works in progress;
    - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

6. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
7. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
8. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.  
**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
9. Access to the flat roof of the building 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:** 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.
10. Prior to first occupation of the development hereby approved, details of the photovoltaic array depicted on the roof plan shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details and retained thereafter.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

11. 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.

12. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

13. 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.

14. 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.
15. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
16. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
17. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.
18. Development shall not be developed above ground floor slab level until a feasibility study has been submitted to and approved in writing by the Local Planning Authority for a communal ground source heat pump or communal air source heat pumps system to be used as the heating technology across the site. The agreed system shall be implemented within the development unless it can be proven not technically feasible or financially viable.  
**Reason:** To ensure that the development complies with policy CP8 of the Brighton & Hove City Plan Part One.
19. 19. Development shall not be developed above ground floor slab level until evidence has been submitted to demonstrate that the energy plant room has



the capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

- a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example, physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection.
- b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
- c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

**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.

20. Development shall not be developed above ground floor slab level until evidence has been submitted to and approved in writing by the LPA in the form of an overheating analysis to demonstrate that all units have been designed to ensure they do not overheat at any time of the year. This analysis must use dynamic thermal modelling in line with the guidance and data set out in CIBSE TM52 and TM59. The approved design measures to prevent overheating shall be implemented within the development and retained.

**Reason:** To comply with Brighton & Hove City Plan Part One CP8 Sustainable Buildings 2 g and h.

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 by Southern Water that a formal application for connection to the public sewerage system is required in order to service this development, Please refer to New Connections Services Charging Arrangements documents which has now been published and is available to read on the Southern Water website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. A formal application for connection to the water supply is required in order to service this development.
3. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of

compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The applicant is advised that the scheme required for the removal of parking permit entitlement should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site relates to an area of land set amongst the industrial units within Fairway Trading Estate on the eastern side of Eastergate Road.
- 2.2. The site previously consisted of a number of garages used in association with nearby residential properties. Most of the garages have since been demolished, and the site has more recently been used as a storage yard and parking area. There are currently two garages still on the site.
- 2.3. The wider surrounding area comprises a mixture of commercial units and residential properties. Immediately to the north (Unit 1) is a warehouse used as offices/storage. There is a significant land level drop down from the application site to this warehouse, with the sites separated by a tall retaining wall. To the west (Unit 1A) is a vacant industrial unit previously in use as a bingo hall, and has planning permission to be used as a mixed use of general manufacturing.
- 2.4. To the south of the site, there is a group of terraced properties with retail/café/takeaway uses on the ground floor, with the upper floors in use as residential flats. To the east on higher land, there are 3-storey blocks of purpose built residential flats (Oakendene).
- 2.5. Planning permission is sought for the demolition of existing garages and erection of 2no. four storey blocks with lower ground floor to provide 30no. transitional housing studio apartments, ancillary communal space, access and hard & soft landscaping.
- 2.6. During the application process, further information was submitted in relation to transport assessment, details of proposed residential use, energy, and

surface water drainage. The lower ground floor plan was amended for a reduction in size and rearrangement of the communal facilities.

- 2.7. Pre-application advice: The development has been influenced by pre-application feedback from officers. Amongst other issues, the scale, massing, and appearance of the proposed development has since been re-considered and amended.

### **3. RELEVANT HISTORY**

#### Fairway Trading Estate:

- 3.1. BH2016/00040 (Unit 1A) Change of use from bingo hall (D2) to mixed use general manufacturing (B2), offices (B1a), research and development (B1b), light industrial manufacturing (B1c), warehousing (B8) together with external alterations for new windows and doors and new entrance at ground floor level - Approved 17/05/2016
- 3.2. BH2010/01141 (Unit 1) Application for variation of condition 8 of application BH2009/03155 in order to enable longer hours of operation as follows: Communication Centre (B1 use) 24 hours a day, everyday including Sunday and Bank Holidays (for a maximum of 15 staff between 8pm and 7am). Other B1 (office) areas of building 7am-8pm everyday including Sunday and Bank Holidays. Stores and kitchen unit assembly areas (B8 and B2 uses) Monday - Friday 08.00-18.00, Saturdays 09.00-13.00 and Sunday and Bank Holidays no use allowed. Variation of Condition 9 to restrict deliveries, loading and unloading to between the hours of 08:00 and 18:00 Monday to Friday and 09:00 and 13:00 on Saturday and not at any time on Sundays, Bank or public holidays - Approved 04/08/2010
- 3.3. BH2009/03155 (Unit 1) Change of use of building from B2 (Industrial) to Local Authority Housing Services Repairs and Maintenance Offices and Depot (mix of B1, B2 and B8 uses). Insertion of 15 new windows and a door at ground floor level and 4 new windows at first floor level - Approved 24/03/2010

### **4. REPRESENTATIONS**

- 4.1. Three (3) letters of representation have been received objecting to the proposed development for the following reasons:
- Inappropriate location for this type of housing
  - Overdevelopment, too large, poor quality design
  - Inappropriate height of development
  - Tiny rooms not good for young people
  - Additional traffic, no space for more cars
  - Overshadowing and loss of views from Oakendene flats
  - Impact on demand for local GP practice
  - Short tenancies will have similar impact to student living
  - Additional noise

- 4.2. One (1) letter of representation has been received in support of the proposed development for the following reasons:
- Much needed opportunity to young people to get some affordable housing

## **5. CONSULTATIONS**

### **5.1. Planning Policy: Comment**

The site is proposed to be allocated in the emerging City Plan Part 2 for 24 residential units. The proposal is for 30 temporary housing studio apartments. Whilst the scheme will lead to the creation of affordable residential units for temporary accommodation, which is important for the city, there are concerns around the standard of space provision.

### **5.2. Housing Strategy: Support**

This application is for 30 transitional housing studio apartments being developed by the YMCA in agreement with Brighton & Hove City Council to meet housing need in the city. All the properties will be affordable which exceeds the policy (CP20) position which requires 40% of properties to be affordable in developments of more than 15 units. 40% would be 12 units. The housing provided will be specialist supported housing supporting young people into independent living.

- 5.3. Policy HO13 requires 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible in schemes of more than ten units. This scheme includes 3 wheelchair accessible home on the ground floor which equals 10% of the total housing and is therefore in excess of the policy position.

- 5.4. This application is supported by Housing Strategy as currently proposed.

### **5.5. County Archaeology: Comment**

This application is not situated within an Archaeological Notification Area and therefore it is not believed that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.

### **5.6. Sussex Police: Comment**

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

- 5.7. This application is likely to house potentially vulnerable young people and so it is important to prevent access to all their living area and prevent any likelihood of them being taken advantage of or accessed by antisocial elements of society such as drug users. It is important that the boundary between public space and private areas is clearly indicated and the building well managed and secure.

- 5.8. **County Ecologist:** No objection  
The biodiversity checklist submitted with the application was negative and as such no biodiversity report is required. The South Downs National Park lies to the west, north and east of the site, c. 180m from the site at its nearest point. Bevendean Down Local Nature Reserve (LNR) lies c. 240m north-east, and Wild Park LNR lies c. 395m west. However, given the nature and scale of the proposed development, there are unlikely to be any impacts on these sites or any others designated for their nature conservation interest.
- 5.9. The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- 5.10. The development is unlikely to impact on any other protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.11. The site offers opportunities for enhancement including the provision of green roofs, bird/bat/insect boxes and the use of species of known value to wildlife in the landscaping scheme.
- 5.12. The Planning Statement states that green roofs will be provided to be detailed in the Design and Access Statement. However, no reference to green roofs is made in the Design and Access Statement and the sustainability checklists states that no green roof will be provided. It is noted that photo-voltaics will be installed. Green roofs should be provided as they will provide a net gain in biodiversity and have been shown to increase the efficiency of photo-voltaics. Green roofs should be biodiverse rather than sedum and should use chalk grassland species to help meet Biosphere targets.
- 5.13. In summary, the proposed development is unlikely to have an impact on biodiversity and can be supported from an ecological perspective. Green (biodiverse) roofs and swift boxes should be provided to provide a net gain in biodiversity.
- 5.14. **Southern Water:** Comment  
The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the

developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- 5.15. The public foul sewers require a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. The public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance. No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewers and water mains. All existing infrastructure should be protected during the course of construction works.
- 5.16. In order to protect drainage/water apparatus, Southern Water requests that if consent is granted, a condition is attached for measures which will be undertaken to divert/protect the public sewers/water mains, prior to the commencement of the development.
- 5.17. Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Initial investigations indicate that Southern Water can provide foul water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.18. Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. The design of drainage should ensure that no land drainage or ground water is to enter public sewers network. The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.
- 5.19. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.
- 5.20. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy.

- 5.21. **City Regeneration:** Comment  
City Regeneration has no adverse comments regarding this application.
- 5.22. Should this application be approved, City Regeneration requests the submission of an Employment and Training Strategy a month prior to commencement, highlighting how the development will provide opportunities for employment and training for local people. Fuller details are included in the Main Comments section of this response document. Also, if approved, in accordance with the council's Technical Guidance for Developer Contributions, City Regeneration requests a contribution of £3,000 through a S106 agreement, towards the delivery of the council's Local Employment Scheme. The contribution is based on the number and size of accommodation units. A breakdown of developer contributions requested is provided in the following Main Comments section.
- 5.23. **Transport:** Comment  
Revised comments  
Cycle parking is below the expected quality standard and must be improved. Ideally this would be done before determination of the application but could otherwise be secured through a pre-commencement condition. Additionally, it is requested for some minor clarifications regarding how 'level access' is to be achieved, which the Highway Authority would be happy to review further details of prior to determination. In other respects, the development appears to comply with transport policies or the Highway Authority anticipate can be compliant through planning condition.
- 5.24. Aside from the issue of cycle parking and level access, and subject to conditions and obligations, the Highway Authority would not wish to object to the consent of the application.
- Site Access:
- 5.25. With regard to access and servicing, the Transport Statement (TS) identifies that the proposal includes associated changes to the access arrangements, although the details of this are limited and unclear. It is stated that the pedestrian footway adjacent to the site will be upgraded to provide dropped kerbs and tactile paving across the access to the private parking area and that the footway will connect with the existing footway to the north of the site. The Highway Authority assume that the structure on the highway will be removed and that the existing access junction which serves the site will be re-instated as footway, although neither is explicitly stated in the TS. Subject to review, these alterations can be secured through S278.
- 5.26. The plans refer to 'level access' but there are insufficient details; this is important to be able to assess appropriate cyclist and pedestrian access into the site, as well as refuse servicing. Loading/unloading including refuse and disabled parking (with a blue badge for up to three hours) would be permissible outside of the site. The TS identifies that "refuse collection will be kerbside with bins moved to the roadside by project workers or mentors". The

strategy therefore needs to be clarified. It is considered that issues could be addressed through a deliveries and servicing management plan.

Cycle Parking:

- 5.27. A revised ground floor plan has been submitted that shows a cycle store showing 16 stands. The level of provision is welcomed, however, some further details of the access to the spaces and the layout is still required:
- Sheffield stands should be spaced in accordance with the guidance in the DfT 'Manual for Streets'.
  - Having reviewed the submitted plans, the main aisle widths appear too narrow. It is required for an aisle width of 2m with a minimum of 1.8m to be provided to allow for sufficient manoeuvring space.
  - There appears to be 2 stands to the northwest of the site. It is unclear who these would be used by and this would need to be clarified. Furthermore, further details are required to clarify whether these would be covered and sheltered as set out in TR14.
  - At least 5% of stands spaces should also be Sheffield stands that are sized and spaced to cater for larger custom bikes (i.e. cargo bikes and those modified for use by disabled riders). Currently no suitable spaces can be identified and the proposals must therefore be deemed non-compliant with NPPF para 110(b).
- 5.28. Further details regarding cycle parking are required to demonstrate that this development can be made compliant with the City Council's policies on cycle parking.

Disabled parking:

- 5.29. The TS indicates that wheelchair occupancy is not expected, due to the location of the site and topography of the area. As noted, the reinstatement of the footway could provide space for short-stay disabled parking (3 hours) and therefore the Highway Authority consider that any disabled parking, for example associated with visitors, could be accommodated here. Therefore there are no objections in this instance.

Travel Forecasts:

- 5.30. Whilst the Highway Authority do not fully accept the approach undertaken regarding trip generation of the proposed development, it is considered that the scale and nature of the proposals are not such that would warrant an objection.

Parking Stress:

- 5.31. The proposal does not include any car parking on site and the TS argues that the development will not generate 'any material car parking demand'. To support this assertion it presents car ownership data obtained from the YMCA for other sites in the region. This does indicate a very low propensity for residents to own vehicles (less than one vehicle for the 30 residents is forecast). Potential parking demand in respect of the project worker, who will be on site each weekday, is also predicted to be low.



- 5.32. Following our 1st response, a parking survey has been undertaken and is included with the TS which reports parking stress levels of 48% (overnight) and 84% (daytime). Whilst this survey unfortunately does not fully comply with the Lambeth Methodology and therefore we cannot determine whether the data is robust, it is noted that the surveys do indicate some spare capacity. Additionally, it is accepted that parking demand is likely to be low. In view of the proposed use and information that has been provided, as well as the availability of on-street parking locally, it is therefore not considered that the proposals would result in an unacceptable parking impact.

Section 106 Contributions:

- 5.33. The proposed development will generate an increase in the level of trips to and from the site. In order to ensure that the development provides for the additional trips it generates and that there is adequate pedestrian provision for users of all abilities, the Highway Authority seeks a sustainable transport contribution of £13,600 in accordance with the council's standard contributions formula. This will be allocated towards:
- Local bus stop improvements within the vicinity of the site
  - Footway improvements to include, but not limited to, dropped kerbs and tactile paving along Moulsecoomb Way that will enable residents unimpeded pedestrian access to Moulsecoomb community centre.
- 5.34. These measures are required to ensure that the development serves the needs of pedestrians and public transport users in accordance with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

Initial Comments

- 5.35. The submitted planning application is not supported by either a Transport Statement or Transport Assessment. As a result we are unable to assess the impacts of the proposals. Therefore our advice is that it is not currently possible to determine the application. To rectify matters the applicant should submit a Transport Statement.
- 5.36. Also, the submitted plans show only a basic level of detail in respect to transport and movement. More detailed information should be provided, including in respect to cycle parking and levels/width/gradients to pedestrian and wheel chair access routes. Pedestrian access should be demonstrated to comply with BS 8300 requirements.
- 5.37. The team do not accept the assertion in their current submission that this site will not generate any parking demand. Given the car-free nature of the proposals and its location outside of a full time CPZ their TS will need to include, as noted above, a parking overspill assessment - informed by parking demand projections and a parking survey.
- 5.38. Proposed cycle parking appears to consist entirely of cramped two-tier racks. These are not accepted as satisfying policy TR14/15 and SPD14 requirements. In appendix A we attach guidance on meeting these. The locations of proposed visitor cycle parking are also currently unclear.

5.39. **Sustainability: Comment**

Conditions are proposed on heat technology, connection to a future district heat network, green roofs, water efficiency standard (residential), and overheating.

**6. MATERIAL CONSIDERATIONS**

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

6.2. The development plan is:

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

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

**7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two (Draft)

H1	Housing Sites and Mixed Use Sites
DM1	Housing Quality Choice and Mix

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA3	Lewis Road
CP1	Housing Delivery
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP16	Open Space

CP19	Housing Mix
CP20	Affordable Housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape Design
QD27	Protection of amenity
HO5	Provision of Private Amenity Space
HO13	Lifetime and Accessible Housing

Supplementary Planning Documents:

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

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of the loss of the existing use, the principle of a proposed residential use, the impact on the character and appearance of the existing building and the wider street scene, its impact on future occupiers and neighbouring amenity, sustainability and transport issues.

### **Planning Policy:**

- 8.2. The Draft City Plan Part 2 (CPP2) was published for consultation for 8 weeks over the Summer of 2018. Although CPP2 carries limited weight at this stage of the planning process it does indicate the Council's aspirations and the direction of policy for the future development of the site for comprehensive residential-led mixed use development.
- 8.3. The site is allocated for housing within Policy H1 of CPP2. Policy H1 states that planning permission will be granted for proposals that accord with the Development Plan and which provide minimum indicative amounts of development set out in the policy.
- 8.4. The site forms part of the Lewes Road Area and is set within the development area boundary of Policy DA3 of City Plan Part One. The strategy for this development area is to further develop and enhance the role of Lewes Road as the city's academic corridor by supporting proposals which improve further and higher education provision in the Lewes Road area, facilitate improved sustainable transport infrastructure that provides choice, including travel by bus, walking and cycling, secure improvements to the townscape and public realm, deliver inter-connected green infrastructure and biodiversity improvements, contributing to Biosphere objectives, improve air

quality in the Lewes Road area, and deliver development including new residential units.

Loss of Existing Use:

- 8.5. The site has historically consisted of garages which were associated with nearby residential uses. As existing the site contains only 2 garages, and is currently in use as private car parking and storage yard by the Council's housing contractors. The site is not identified for employment uses within the City Plan.
- 8.6. The site has no specific policy allocation in the adopted Development Plan, however as identified above it is included within the DA3 (Lewes Road) strategic policy area which sets out to deliver development including housing, as well as encouraging more efficient use of underused sites such as in this instance.
- 8.7. The site is allocated in the emerging City Plan Part 2 (CPP2) Policy H1 for a minimum indicative number of 24 residential units. Despite CPP2 still emerging and currently having limited weight, the plan indicates the direction of policy and any proposal coming forward should reflect this. It is considered that there are no conflicts in the emerging policy with the proposed development here.
- 8.8. Accordingly, the principle of re-developing the site can be accepted, subject to meeting other development plan policies detailed below.

Principle of Proposed Housing:

- 8.9. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.10. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.11. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure.

- 8.12. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.13. As previously stated, the site is allocated for housing within Policy H1 of CPP2. The site has been included in the 2018 annual review of the council's Strategic Housing Land Availability Assessment (SHLAA) published in February 2019 as having potential for 24 residential units and again this gives further weight to the proposed provision of housing on the site. It is noted that the proposed number of units is more than is set out in the SHLAA and in Policy H1. However this number is only indicative, and subject to the development being acceptable in all other respects, the proposed 30 no. units in this instance is acceptable in principal.
- 8.14. The site is well located for high density development, with good access to local facilities and services, and well served by public transport. The proposed residential use would make a welcome contribution to the supply of housing in the city, in accordance with policy CP1 Housing Delivery of the City Plan Part One.
- 8.15. Securing improvements to the public realm and townscape is a priority in the DA3 area. This is further considered under Design and Appearance later in this report.
- Proposed Mix:
- 8.16. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.17. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period which is 25% for 1 bedroom units, 35% for 2 bedroom units, 30% for 3 bedroom units, and 10% for 4-plus bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (36% and 34% respectively).
- 8.18. The proposal is for 30 no. studio flats suitable for single person occupation, which reflects the development format. The proposal is for one particular type of housing, addressed to a specific affordable housing from a particular

demography (in this instance young persons living alone). The proposal would result in an overall improvement in the utilisation of affordable housing units, and the specialist housing provided for young persons would contribute to a wider balanced housing mix when considering the housing needs across the city. The type of development is further considered under Affordable housing below.

- 8.19. It is therefore considered the overall mix would meet the needs for affordable rented accommodation in the city, and it is considered appropriate for an exception to be made for a broad mix of units in this instance.

Affordable Housing:

- 8.20. The proposed development would provide low cost rented accommodation. The National Planning Policy Framework (NPPF) recognises affordable housing for rent for those where housing needs are not met by the market. Annex 2 of the NPPF sets out a definition of affordable housing, where Affordable housing for rent would need to have rent set at least 20% below market rent, and should remain at an affordable price for future eligible households.
- 8.21. The application details that the proposed 30 residential units would be used to provide supportive housing in the form of short term 'transitional' accommodation for young men (18-25 years of age) who are either in education, employment or training and to provide a step up to independent living, whilst still maintaining on site management during the daytime.
- 8.22. The Housing Strategy Team have acknowledged that in this instance 100% of the housing provided will be managed by the YMCA as affordable rented housing with low level support for young people. The homes will be subject to a nominations agreement meaning that the council will nominate directly to 50% of the flats.
- 8.23. Although the tenancies are referred to as temporary in nature, this would normally be for up to 2 years, which is not dis-similar to private sector housing tenancy durations. The occupiers are seen as being suitably accommodated and can stay in the properties for the medium term until they move on into secure accommodation or the private sector.
- 8.24. Policy CP20 requires all sites of 15 or more (net) dwellings to provide 40% affordable housing on site. As the proposal is a form of 100% affordable accommodation (Affordable housing for rent), the CP20 provision is met in this instance with a significant uplift. A s106 obligation is required to ensure that a minimum 40% policy compliant affordable units (12 units in this instance) are provided and the housing remains affordable rent in nature.
- 8.25. Final details of the affordable housing and its management would be secured within the s106 heads of terms.
- 8.26. According to Policy HO13, 10% of the affordable units would be required to be wheelchair accessible, which would be three units in this instance. The

proposal includes three wheelchair accessible units on the ground floor, which is considered an acceptable provision.

Developer contributions:

- 8.27. Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.
- 8.28. The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Employment contribution of £3,000 for the delivery of the council's Local Employment Scheme;
  - Open Space contribution of £36,106.
  - Sustainable Transport contribution of £13,600

**Standard of Accommodation:**

- 8.29. The accommodation is set within two blocks, each consisting of 4 no. units on the first three floors and 3 no. units on the top floor. Units above the ground floor are accessed via 'social' walkways arranged around three sides of a central outdoor amenity space. The layout of each individual unit is generally considered acceptable, with all rooms having good access to outlook and ventilation.
- 8.30. The Local Planning Authority does not have adopted minimal space standards for new dwellings, however it is appropriate to consider the Government's Technical housing standards: Nationally Described Space (NDS) standard published in March 2015 as a benchmark for an acceptable level of living space for future occupiers. A 1-bed 1 person unit should have a floor space of at least 37m<sup>2</sup>.
- 8.31. The proposed units are of a modular build, with all of the units comprising a standard size and layout. The proposed units would all have a floorspace of 27.2m<sup>2</sup> or 27.3m<sup>2</sup>, except for the 3 no. ground floor wheelchair accessible units which would have a floorspace of 31.8m<sup>2</sup>, and are therefore below the NDS standard.
- 8.32. However these units, that are designed smaller than the standard floorspace, should be considered within the context of the requirements for the proposed development. The applicant has set out that the units are specifically designed as transitional homes with young people staying no longer than two years. A smaller space is considered more practical by the applicant in terms of being easier for young people to take care of as part of their adapting to a home of their own, and also ensuring that the person remains the only occupier of each individual unit. The applicant has added that smaller units also assist in managing expectations, as residents may be more reluctant to move out if they were larger. It will also discourage the opportunity for large

gatherings in an individual unit. Despite the limited space in each unit, they have an appropriate layout for independent living. Although each unit would have limited storage space, the applicant has stated that occupants are likely to have fewer than average personal possessions initially. On balance, the floorspace is considered acceptable in the context of this development, and an exception to the minimum space standards can be made in this instance.

- 8.33. The proposal includes a communal room on the lower ground floor. In support of the residents in maintaining their tenancies as they demonstrate the lifeskills and behaviours to live independently, a Project Worker will be based at the site during daytime office hours. Lead Tenants, one in each block, will act as peer mentors for residents. The communal room will be used for regular communication and monitoring meetings, as well as groupwork and activities that residents are obliged to sign up for.
- 8.34. The applicant has also confirmed that support will be available from a mobile night team between 8pm and 8am, and in emergencies from staff in 24-hour staffed projects located elsewhere in the city.
- 8.35. Brighton and Hove Local Plan policy HO5 requires the provision of private and useable external amenity space with new residential development. The proposed flats of the rear block would have access to private rear yards on the ground floor, and balconies on the first floor. The other flats would have no private outdoor amenity space. Given the character of this form of development and the surrounding context where many flats have no private outdoor space, the provision for these proposed flats is considered to be acceptable in this instance. The proposed residential development is required to provide open space and sports provision by way of developer contribution in accordance with the policies CP16 Open Space and CP17 Sports Provision.
- 8.36. The units are designed to be set out in two blocks facing each other. The majority of the units have a layout with the shower room and kitchenette at the front of the units facing into the central walkway, with the living areas at the rear close to the glazed doors/Juliet balconies. There would be some reduced privacy levels due to the units facing each other and set in around the communal walkways. However, the applicant has stated that the walkways will provide a sense of community and reduce the feeling of isolation as residents will be living alone. There is also a separating distance of approximately 12m between units. Overall, privacy and overlooking levels are considered adequate for this type of development.
- 8.37. The applicant has submitted a Daylight & Sunlight Assessment, which has been independently evaluated by the BRE by reviewing the scope and methodology, text and conclusions of the report.
- 8.38. Daylight provision to the units is considered to be reasonable. All the living areas would have good levels of daylight. Only 8 of the kitchenettes of the non-wheelchair units would meet the recommended guidelines. However these are small galley type kitchens and as such are not considered to be



habitable rooms. It should be noted that all of the kitchenettes open into the living room areas that are well-lit.

- 8.39. The bedroom areas of the 3 no. wheelchair accessible units on the ground floor would have limited daylight, however the adjacent living/kitchen areas all have good levels of light, and therefore on balance this is considered acceptable.
- 8.40. Sunlight provision would be above average, with 26 living rooms meeting the annual sunlight recommendation, and 18 would meet the winter recommendation. The remaining four would still receive some sun. The four ground floor outdoor yards would not meet the guidelines, and would suffer from limited sunlight.
- 8.41. It is therefore considered that future occupiers of the proposed units would overall experience adequate internal daylight levels contributing to an acceptable level of amenity.
- 8.42. In this proposal for 10 residential units, Policy HO13 requires 10% of affordable housing (and 5% of all housing) to be provided as wheelchair accessible. There are three proposed wheelchair accessible units on the ground floor which would be sufficient to be in accordance with Policy HO13.
- 8.43. For safety purposes, Sussex Police have recommended external lighting above the front entrances and footpaths, details of which are required by condition.
- 8.44. Future occupants will have access to cycle storage and refuse/recycling storage on the lower ground floor. The applicant has confirmed that a part-time caretaker will visit the site regularly to undertake small repairs and manage the refuse and recycling.
- 8.45. Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

**Design and Appearance:**

- 8.46. The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.
- 8.47. The existing garages make no positive impact on the street scene. The replacement of the existing unattractive buildings with a better articulated and stronger design of the proposed building is welcomed. The design of the building is considered to have evolved positively since the pre-application submission.

Scale/Massing:

- 8.48. Policy CP12 of City Plan Part One and QD5 of the Local Plan encourage high quality design that makes a positive contribution to the streetscene. Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history.
- 8.49. The proposed development of 30. no units on a site of this area would amount to a residential density of approximately 400 units/per ha, which would represent a very high density on what is a contained site. However the context of this should be considered. The proposed development has been amended during pre-application stage, where units were removed from the scheme.
- 8.50. In terms of neighbouring context, the nearby 3 storey 'Oakendene' block of flats is approximately 75 units/per ha, however this still represents a high density development making efficient use of its site. This site comprises 18no. 1&2-bed flats. It should be noted that the proposed development is for studio sized units only and is allocated in the emerging City Plan Part 2 for 24 residential units, which with a more broader mix of units (e.g. 1 or 2 no. bed units) could have resulted in a more bulkier form of building. The proposed units will instead be for single person households and as a result the level of crowdedness (as a measure of housing density) and occupancy level will be relatively low.
- 8.51. The buildings to the east and south of the site are mostly residential in use and generally are two storeys in height. There are some notable exceptions, with the 3-storey blocks of flats at Oakendene immediately to the east, as well as The Orchards, the senior assisted living three storey building further away to the south-west along Moulsecoomb Way. To the west and north of the site there are industrial buildings with the equivalent of approximately 3 or 4 storeys in height.
- 8.52. From the south elevation view from the corner of Eastergate Road and Moulsecoomb Way, the proposed building would be 3 storeys in height (with a lower ground floor level), with an additional top storey set back. Overall, it is considered that the height of the building would not appear over-dominant given the surroundings.
- 8.53. The options of massing have been fully considered by the applicant, and the option of two separate blocks was considered the most appropriate in terms of unit layout, circulation, overlooking and future resident amenity.
- 8.54. At pre-application stage, concerns were raised about the resultant massing and bulk. The design was reviewed, with one unit from each block nearest the adjoining parade on the side (south) elevation on the top floor. This was a positive step, and results in the staggering of the side elevation and reduces the stark profile.

- 8.55. The proposed front block has also been modestly set back from the Eastergate Road frontage. This would be beyond the building line of the side of the parade properties facing onto Moulsecoomb Way. However, it is considered that as there is no established building line fronting on Eastergate Road, the set back is sufficient for there to be no significant impact on the street scene.
- 8.56. For these reasons it is now considered that the building maximises the potential of the site whilst respecting the scale and massing of the adjacent buildings and the general rhythm and character of the street.

Detailing and Materials:

- 8.57. The proposed modular units would consist of concrete, but would be clad with brickwork, with the top floor units clad with zinc sheets. The proposed palette of materials is considered acceptable and would contribute positively to the street scene. The predominant use of brick on the exterior would be an appropriate choice of material in this setting. The mixture of materials and brick colours will ensure some texture and variation of tone in order to avoid appearing too harsh. Samples of materials would be required by condition.
- 8.58. The fenestration pattern uses a mix of regular and unordered glazing and panels. This design is considered appropriate given its location amongst industrial buildings and residential buildings of various types and quality, as well as the mid-long range views that the building would be visible from.

Landscaping:

- 8.59. In terms of landscaping, the surroundings of the building within the perimeters of the site offer limited opportunity for soft landscaping. However areas of planting are proposed to soften the paved pedestrian paths. Details of landscaping, including the areas of green roof, are required by condition.
- 8.60. The bin and cycle stores are located away from street view within the lower ground floor of the building. This enables the stretch of bank to the north of the site in between the retaining wall and the proposed building to be used for soft landscaping.
- 8.61. The meadow flower bank to the north of the development is expected to receive limited sunlight, which would restrict the range of soft landscaping that could be grown there; further details are required by condition.
- 8.62. Overall, due to the proposed footprint of the building, and the layout of central staircase and walkway, there is limited space for soft landscaping, however the green spaces and planting detailed in the submission would soften the appearance of the building to an extent. For these reasons the proposal would accord with policies QD15 & QD16 of the Brighton & Hove Local Plan.

**Impact on Neighbouring Amenity:**

- 8.63. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing

and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.64. The nearest residential properties are flats above the parade shops to the south at 69-83 Moulsecoomb Way, as well as the block of flats to the east of the site at 'Oakendene', which is located at the corner of Moulsecoomb Way and Appledore Road.
- 8.65. Whilst the proposal would generate a certain amount of noise from private amenity areas within the development and the usual comings and goings including vehicular movements that you would expect from a residential development of this scale, it is not considered that any potential noise disturbance would be significant. It should be noted that on-site management will take place by way of a Project Worker being present on the site during daytime office hours, and a mobile night team available to visit the site during the night if required.
- 8.66. A sunlight and daylight assessment has been submitted with the application. The Council has commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE).
- 8.67. A flats above the parade of shops (71 Moulsecoomb Way) would have one window of a room (which appears to be a kitchen) resulting in loss of light that is considered a minor adverse impact. Loss of daylight to flats at 'Oakendene', would be considered to be within the BRE guidelines and is therefore deemed negligible. It is considered that the loss of sunlight would not be an issue for any of these neighbouring flats, as the relevant windows face north.
- 8.68. The nearest area of Oakendene to the east is a car park, and so the impact here is not considered significant. The grounds of Oakendene, such as the grassed bank leading up to the block of flats, could lose sunlight as a result of the new development; however this appears to be used mainly for access to the car park rather than an amenity space, so loss of sun here would not be considered significant.
- 8.69. In terms of the potential for overlooking/loss of privacy, the proposed south and east elevation upper floor windows would result in some overlooking towards Oakendene and Moulsecoomb Way. However given the distances involved and that it would be expected that there would be some mutual overlooking between flats in a residential area, the potential overlooking and resultant loss of privacy here is not considered to be so significant as to warrant refusal of the application on this basis.
- 8.70. As such, it is considered that the proposed development would provide satisfactory amenity levels for neighbouring residents, and would comply with saved policies SU10 and QD27 of the Local Plan.

- 8.71. It should be noted that the units will be modular construction meaning they will be developed more quickly and with less disruption to the local neighbourhood during construction.

**Sustainable Transport:**

- 8.72. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102).
- 8.73. City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.74. Due to space constraints, no parking is proposed on site. It is noted that the site is located in a Controlled Parking Zone (CPZ D), however permit restrictions only apply on match or event days. The site is in an outer area of the city, however future occupiers of the development would have reasonable access to bus and rail routes, as well as the opportunity to walk and cycle to local amenities. As such, occupiers would not be solely reliant on car travel to meet their day-to-day needs.
- 8.75. The applicant has stated that residents would not have ownership of vehicles, as car ownership would be made not permissible by the management of the site. However this cannot be guaranteed, and there would likely be some (potentially low) use of vehicles by staff. As the site is not located in a CPZ, it would be important that even if measures are used so that residents are discouraged from using a car, that the proposal would not generate a significant on-street parking demand in the vicinity.
- 8.76. The applicant has submitted a Transport Statement, with parking surveys indicating some spare capacity. The Highway Authority have stated that it is accepted that parking demand is likely to be low. Based on the nature of the proposed development and the submitted information (indicating availability of on-street parking in the local area), it is considered that the proposal would not result in a significantly detrimental parking impact.
- 8.77. The proposed development would provide sufficient cycle parking space for future occupants, however further details are required by condition in relation to access, design, as well as accessibility for visitors and disabled users.
- 8.78. Further information, including a Delivery & Service Management Plan, and level access/bin storage will be secured either by condition or planning obligation. Given the perceived uplift in trips generated by the development a contribution of £13,600 is sought to improve sustainable transport infrastructure in the vicinity of the site.

- 8.79. Subject to the proposed conditions and developer contributions/obligations, the scheme is considered to be in accordance with development plan policies in respect of the transport impacts.

**Land Contamination:**

- 8.80. The applicant has submitted a Phase 1 Contamination Assessment. The Environmental Health Team has no objection recommendations of the report. A full land contamination condition is required.

**Biodiversity:**

- 8.81. There is little or no vegetation at the site currently, however the proposed development represents an opportunity to increase biodiversity and provide ecological enhancement. The proposal includes green roofs, and the applicant has offered the opportunity to include bird/bat/insect boxes to the development, although no details are provided. A scheme to enhance the nature conservation interest of the site is required by condition.

**Sustainability:**

- 8.82. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day, and conditions are proposed to secure these standards.
- 8.83. Solar photovoltaics are proposed on the roof however there are limited details of design and amount, details of which are therefore conditioned. The scheme will also incorporate sustainability measures including air source heat pumps and green roofs. Further details of heat technology, future heat network, green roofs and overheating are required by condition.

**Other Considerations:**

- 8.84. Whilst it is acknowledged that the proposed development will increase pressure on local services the scale of the development is not such that the LPA could reasonably expect the provision of such services on site as part of the proposal.

**Conclusion:**

- 8.85. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide housing units, including affordable housing for a specific need, without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

## **9. EQUALITIES**

- 9.1. The scheme would provide at least 40% affordable housing, and includes 3 wheelchair accessible homes on the ground floor.

### **S106 Agreement**

In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part One.
5. The proposal fails to deliver a Construction Environmental Management Plan (CEMP) contrary to Policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide required s278 highway works to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One
8. The proposal fails to deliver a Delivery and Servicing Management Plan contrary to Policies CP7 and CP9 of the Brighton & Hove City Plan Part

One, Policy TR7 of the Brighton & Hove Local Plan, and the City Council's Developer Contributions Technical Guidance.



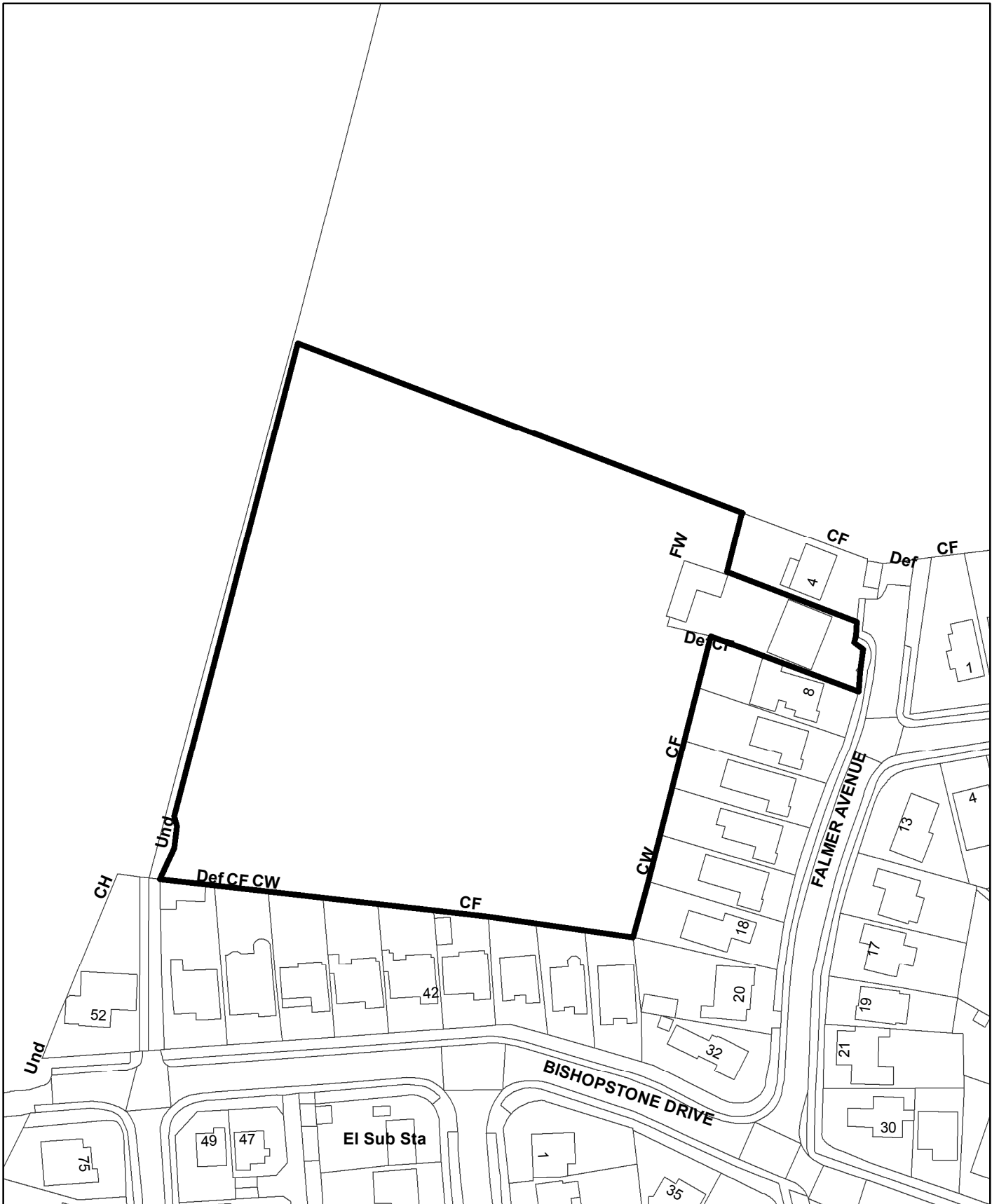
# **ITEM B**

**Land Adjacent 6 Falmer Avenue  
BH2018/02483  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2020**



# BH2018 02483 - Land Adjacent 6 Falmer Avenue



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2018/02483</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Land Adjacent 6 Falmer Avenue Saltdean Brighton BN2 8FH</b>		
<b><u>Proposal:</u></b>	<b>Variation of condition 2 of application BH2014/03394 allowed on appeal (Demolition of existing house and stables and construction of 32 no dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath) to permit material amendments including the re-positioning of dwellings with amended footprints and alterations to road and site layout.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	03.08.2018
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	02.11.2018
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Shaun Berry Westridge Construction Ruskin House Junction Road Bodiam TN32 5UP		
<b><u>Applicant:</u></b>	Hyde Housing Association 6th Floor Telecom House 125 - 135 Preston Road Brighton BN1 6AF		

## 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>
Report/Statement	(Road Safety Audit 1/2)	-	22 January 2020
Existing Drawing	Site Topology 04	-	20 October 2014
Existing Drawing	Site Sections 06	-	20 October 2014
Location Plan	2999/001	-	8 January 2020
Proposed Drawing	2999/010	A	8 January 2020
Proposed Drawing	2999/011	A	8 January 2020
Proposed Drawing	2999/012	-	8 January 2020
Proposed Drawing	2999-013	A	8 January 2020
Proposed Drawing	2999/014	A	8 January 2020
Proposed Drawing	2999-260	C	8 January 2020
Proposed Drawing	2999-261	B	8 January 2020
Proposed Drawing	2999-262	A	8 January 2020

Proposed Drawing	2999-263	B	8 January 2020
Proposed Drawing	2999-264	A	8 January 2020
Proposed Drawing	2999-800	B	8 January 2020
Proposed Drawing	2999-801	B	8 January 2020
Proposed Drawing	2999-802	A	8 January 2020
Proposed Drawing	2999-803	B	8 January 2020
Proposed Drawing	2999-804	A	8 January 2020
Proposed Drawing	2999-805	B	8 January 2020
Proposed Drawing	2999-806	B	8 January 2020
Proposed Drawing	2999-807	B	8 January 2020
Proposed Drawing	2999-808	A	8 January 2020
Proposed Drawing	2999-809	B	8 January 2020
Proposed Drawing	2999-810	B	8 January 2020
Proposed Drawing	2999- PL50	C	8 January 2020
Proposed Drawing	2999- PL51	B	8 January 2020
Proposed Drawing	2999- PL52	B	8 January 2020
Proposed Drawing	2999- PL53	B	8 January 2020
Proposed Drawing	2999- PL54	B	8 January 2020
Proposed Drawing	2999- PL55	B	8 January 2020
Proposed Drawing	2999- PL56	B	8 January 2020
Proposed Drawing	2999- PL60	X	8 January 2020
Proposed Drawing	2999- PL61	X	8 January 2020
Proposed Drawing	201	P1	9 November 2018
Proposed Drawing	202	P1	9 November 2018
Report/Statement	(Tree Protection Measures)	-	26 November 2018
Report/Statement	(Archaeology Report)	-	26 November 2018
Proposed Drawing	PL10	D	17 January 2020
Proposed Drawing	PL57	B	17 January 2020
Proposed Drawing	211	C2	17 January 2020
Proposed Drawing	212	C2	17 January 2020
Proposed Drawing	221	C2	17 January 2020
Report/Statement	(Pod Point Twin)	-	21 June 2019
Report/Statement	(Charging Point Guide)	-	26 November 2018

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

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

3. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
  
4. Prior to the first use of the development hereby approved the hard surface hereby approved shall be installed in a porous material 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 in accordance with a  
**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.
  
5. Throughout the development period the grassland shall be maintained as a regularly-mown sward. If protected species are encountered during the demolition or construction phase, works shall stop and written advice shall be sought from a qualified Ecologist on how to proceed. Any such written advice shall be submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in accordance with the approved written advice.  
**Reason:** To safeguard protected species from the impact of the development in accordance with policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
  
6. No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive, unless a qualified Ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.  
The ecologist's written confirmation shall be submitted to the Local Planning Authority and no hedgerow, tree or shrub shall be removed until the written approval of the local planning authority has been received.  
**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
  
7. A minimum of 2 of the affordable housing units and 2 of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

8. The wheelchair-accessible dwellings hereby permitted, as detailed on drawing no. 2999/014 A, shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings 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, Building Notice or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
9. If during construction, contamination not previously identified is found to be present at the site then no further development shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
10. Access to the flat roofs of the dwellings hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as roof gardens, terraces, patios or similar amenity areas.  
**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.
11. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including technical specification and details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.



12. No development above ground floor slab level shall take place until 1:20 scale section plans of the proposed window cills, parapet and balcony copings, showing a projection of at least 40mm, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
13. No development above ground floor slab level shall take place until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, and the finished floor levels of all proposed buildings, have been submitted to and approved in writing 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.
14. Notwithstanding the plans hereby approved, no development above ground floor slab level shall take place until both -
- a) a stage 2 road safety audit of the proposed works to the internal access road and junction with Falmer Avenue, in accordance with GG 119 of Highways England's Design Manual for Roads & Bridges, shall be submitted to and approved in writing by the Local Planning Authority; and
  - b) detailed drawings of the internal access road and junction with Falmer Avenue, to include details of materials, the junction treatment, dropped kerbs/raised crossing, tactile paving, signage/road lining, street lighting and any supporting retaining structures have been submitted to and approved in writing by the Local Planning Authority, such drawings to incorporate any actions or changes resulting from the above stage 2 road safety audit.
- Both the internal site works and works to the junction with Falmer Avenue shall be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.  
**Reason:** To ensure safe pedestrian, cyclist and vehicular access into, out of and passing the site and road safety for all road users and to comply with policy TR7 of the Brighton & Hove Local Plan and policy CP9, CP11, CP13, CP15 and CP18 of the Brighton & Hove City Plan Part One.
15. The recommendations as set out in the Archaeological Geophysical Survey dated July 2014 shall be implemented.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

16. No construction of the dwellings hereby approved 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 building commencing.  
**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU5 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.
17. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
18. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed water infrastructure plans have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
19. The tree protection measures as set out in the Tree Protection Measures Report dated 3rd July 2018 shall be implemented.  
**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.
20. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

21. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
22. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
23. Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall include;
- i) details showing the type, number, location and timescale for implementation of the bird boxes and/or bricks,
  - ii) details showing the type, number, location and timescale for implementation of the bat boxes,
  - iii) the use of species of known value to wildlife, which should be native and of local provenance, and
  - iv) the maintenance of wildlife connectivity throughout the site.
- The agreed measures shall be implemented in full prior to the first occupation of the development hereby approved.  
**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
24. Notwithstanding the information submitted, prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. details of all hard surfacing;
  - b. details of all boundary treatments;
  - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species.

**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.

25. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall be 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 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.
26. Prior to first occupation of the development hereby permitted, details of external lighting to the central public open space area shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.  
**Reason:** 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.
27. Prior to first occupation of the development hereby permitted, full details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be 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.
28. Notwithstanding the information submitted, prior to first occupation of the development hereby permitted, the following plans shall have been submitted to and approved in writing by the Local Planning Authority, including:
- a. a Lighting and Street Furniture Plan
  - b. a Permeable Surfaces /Pedestrian Footpath Plan.
  - c. a Retaining, Boundaries and Screening Plan.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
29. Prior to first occupation of the development hereby permitted details of the proposed boundary treatment (meaning fencing and/or soft landscaping) to

the northern boundary of the garden space of no. 8 Falmer Avenue shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

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

30. Notwithstanding the submitted plans, details of photovoltaic array panels to be installed on the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

31. A 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition 23 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E ? or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
8. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to a plot of land located on the western side of Falmer Avenue, to the north of the junction with Bishopstone Drive. The application site comprises approximately 1.36 hectares. The existing house on the site has been demolished; leaving a space to access the site for the proposed roadway.
- 2.2. Boundaries of the South Downs National Park are located to the north and west of the site with a bridleway running just outside and parallel to the western site boundary. The parts of Falmer Avenue and Bishopstone Drive that adjoin the site comprise both detached bungalows and two storey dwellings.
- 2.3. The site is located in the north-west corner of the built urban area of Saltdean and provides a green buffer between the urban fringe of Saltdean and the South Downs National Park.
- 2.4. The site falls from the boundary of the South Downs National Park towards the surrounding houses in a fairly constant gradient from north-west to

south-east from approximately 76.66m (AOD) to 62.2m (AOD) and varies in gradient from east to west from approximately 64.05 (AOD) to 71.67 (AOD).

- 2.5. The application site is not covered by any designations, statutory or nonstatutory, for nature conservation interest. However a Site of Nature Conservation Importance (SNCI) is located approximately 66m to the west of the site (Whiteway Lane). The site is also identified as an Archaeological sensitive site.
- 2.6. In terms of character the site is just outside of the area defined as forming part of Saltdean Oval, in the Council's Urban Characterisation Study. The Saltdean Oval is *"a very low density suburban residential area in a shallow valley between the Downs and sea, developed between the 1920s and 1950s. Mainly detached bungalows and two storey houses in wide streets with grass verges that follow the contours, radiating out from the central green space. Unified scale and street pattern but mixed architectural styles with some community and commercial uses"*.
- 2.7. Permission was granted for the demolition of existing house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings as part of a subsequent appeal following the refusal of the scheme under application BH2014/03394. The application proposed the creation of 32 residential units comprising 2 bedroom flats x 4 (all affordable, including 2 wheelchair accessible), 2 bedroom dwelling x 8 (all affordable), 3 bedroom dwelling x 10 (1 affordable) and 4 bedroom dwelling x 10 and with open space, landscaping and associated access road and parking and a new pedestrian link between Falmer Avenue and South Downs footpath.
- 2.8. The original permission (BH2014/03394) expires on 21.02.2020 and information has been submitted in an attempt to discharge all the pre-commencement conditions of the original consent.
- 2.9. The application seeks permission to vary condition 2 of application BH2014/03394 allowed on appeal to permit material amendments including the re-positioning of dwellings with amended footprints and alterations to road and site layout.
- 2.10. During the course of the application the scheme has been amended in response to consultee and neighbour comments. These changes comprise the following; amendment to road layout including the central green space, greater detailing and tree configuration in line with the approved scheme.
- 2.11. The Design and Access Statement sets out the reasons for the proposed amendments to the original consent. The design as consented does not fully comply with the requirements of M4(3)(2b) (wheelchair user dwellings) or in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). The levels of the site did not allow for the development to be built or for the safe use of the road layout.

### **3. RELEVANT HISTORY**

- 3.1. **BH2018/02533**- Application for Approval of Details reserved by conditions 14, 16 and 20 of application BH2014/03394. Under consideration.
- 3.2. **BH2018/02133**- Application for Approval of Details reserved by conditions 12, 13 and 21 of application BH2014/03394. Under consideration.
- 3.3. **BH2018/02133**- Application for Approval of Details reserved by conditions 12, 13 and 21 of application BH2014/03394. Under consideration.
- 3.4. **BH2014/03394**- Demolition of existing house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath. Refused on 29.01.2016.
- 3.5. This application was subject to a subsequent appeal APP/Q1445/W/16/3147426. This appeal was allowed on 21 February 2017. This application was subject to an appeal for costs APP/Q1445/W/16/3147426. This appeal was refused on 21 February 2017.
- 3.6. Pre-Application Consultation- A proposal for the construction of 46 dwellings was the subject of public exhibition undertaken by the applicant on the 15th July 2014.

### **4. REPRESENTATIONS**

- 4.1. Seventy One (71) letters of representations have been received objecting to the proposal for the following reasons:
  - Discrepancy in plans
  - Trees missing from plans
  - Variations exacerbate the problems
  - The development should never have been given planning
  - Overdevelopment
  - Loss of privacy and screening from trees
  - Loss of views and disabled access
  - Traffic and parking issues
  - Traffic problems from proposed cul-de-sac
  - Safety and noise and pollution issues from proposed cul-de-sac
  - Loss/reduced central community/amenity space
  - Loss of Shared space/ Home Zone principles
  - Limited garages and parking spaces
  - Refuse issues
  - Overlooking, overshadowing and privacy
  - Raised slab levels issues including flood risk mitigation and impact on the South Downs National Park
  - Increased height of plots 18 - 28



- Variation is materially and substantially different in concept and design
- Stepped access
- Unsafe roads and gradients
- Reduced distances not acceptable
- Misrepresentation in Design and Access statement regarding loss of view
- Too many houses for the area
- Build on National Park Land a sin
- Detract from the appearance of the National Park and users Drainage and Foul Water Discharge issues
- The approved scheme did not work and the new scheme will continue these issues
- The new proposals are major issues
- Health and safety issues
- An Air Quality Assessment should accompany the application
- Reinstatement of trees may limit daylight

4.2. **Councillor Mears** objects to the proposal, a copy of the letter is attached.

## 5. CONSULTATIONS

### External:

5.1. **Sussex Police:** No objection

The principles of Secured by Design should be adhered to.

5.2. **UK Power Network:** No objection

5.3. **County Archaeologist:** No objection

It is not considered that the proposals are likely to have a significant archaeological impact and have no further comments to make in this case.

5.4. **South Downs National Park Authority:** No comment

5.5. **Natural England:** No objection

The material amendments of the scheme do not appear to affect the impact of the scheme on the South Downs National Park.

5.6. **Southern Water:** No objection

5.7. **County Landscape Architect:** No objection

### Internal:

5.8. **Sustainability:** No comment

5.9. **Policy:** No comment

5.10. **Sustainable Drainage:** Comment

In light of the redesigned highway levels, in principle, the proposals to manage surface water within the proposed development are acceptable.

However, we require some further information to satisfy us that flood risk would not increase because of the proposed development.

- 5.11. **Brighton and Hove Archaeological Society:** No objection
- 5.12. **City Regeneration:** No objection  
All comments made under original application BH2014/03394 apply.
- 5.13. **Air Quality:** No objection  
Air quality is good. Informative recommended.
- 5.14. **Arboriculture:** No objection  
The sum total of landscaping will have minimal adverse impact on the previously approved plans.
- 5.15. **Transport:**  
No objection subject to recommended conditions- 22.01.2020
- 5.16. Previous formal consultation comments (second reply) dated 9 October 2019 highlighted continued design problems with the onsite layout which had not been addressed and concluded that approval could not be recommended. These aspects have all been addressed.
- 5.17. The Road Safety Audit with RSA Response dated 9 January 2020 is acceptable for the purposes of conditional granting of planning consent subject to approval of the technical design which can confirm the RSA Actions.
- 5.18. The technical design, which may need some minor alterations and therefore cannot be approved in detail by planning consent, has been conditioned.
- Comment - 09.10.2019
- 5.19. Previous formal consultation comments dated 28 March 2019 based upon Site Layout Plan 2999/PL50-RevA highlighted design problems with the onsite layout and concluded we were unable to recommend approval.
- 5.20. The key issues at that time were:
- Footway width and footway gradients;
  - Lack of evidence that the plan layout allowed for emergency and refuse vehicles;
  - Pedestrian access to share cycle and car parking spaces;
  - Substandard kerb upstand / lack of protection for pedestrians;
  - Lack of independent Road Safety Audit process.
- 5.21. The revised Site Layout Plan 2999/PL50-RevB was submitted at the end of June which removes a section of footway on the main pedestrian desire line adjacent to the entrance which further reduces pedestrian accessibility to the site.
- 5.22. Following this, the key fundamental issues to be addressed were:

- The proposed entrance works and internal street layout are not supported by a Stage 1 Road Safety Audit.
  - The footway widths around the loop appear to have been widened but the southern footway has been omitted from the access road between the entrance and pedestrian crossing.
  - Kerb upstands around the loop appear to be 0mm which does not provide a kerb upstand to protect pedestrians from vehicles or demark the footway for disabled street users.'
- 5.23. None of the three fundamental issues raised in our mid-July summary comments / advice on the revised design have been adequately addressed by the Applicant.
- 5.24. None of the three fundamental issues raised in our mid-July summary comments / advice on the revised design have been adequately addressed by the Applicant.

Objection- 28.03.2019

- 5.25. The submitted site layout drawing 2999/PL50 rev A shows several other changes to the consented site layout not mentioned in the Design and Access Statement. These include reductions in footway width on both sides of the carriageway, changes to the on-street parking bay dimensions, and design changes that have made cycle parking spaces less accessible. We do not consider these changes to be acceptable. The proposals should be amended to more closely reflect the consented scheme as a minimum.
- 5.26. TR7 and NPPF para 109 identify road safety as a basis of approval on transport grounds. We have significant safety concerns and note that no independent Road Safety Audit has been submitted to assuage these.

**6. MATERIAL CONSIDERATIONS**

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA4	Urban Fringe
SA5	The Setting of the South Downs National Park
CP1	Housing Delivery
CP2	Sustainable economic development
CP5	Culture and Tourism
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing Density
CP15	Heritage
CP16	Open Space
CP18	Healthy city
CP19	Housing Mix
CP20	Affordable Housing

#### Brighton & Hove Local Plan:

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
SU11	Polluted land and buildings
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological site

#### Supplementary Planning Documents:

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

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The considerations in the determination of this application relate to the proposals the subject of the variation of condition 2. These include the impact of the proposed amendments on the appearance and character of the development, the surrounding area and landscape, including the South Downs National Park, the standard of accommodation, the amenities of neighbouring occupiers, as well as matters relating to Transport and site gradients.
- 8.2. It is not possible to re-assess the principle of the development to provide 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings and associated access road and parking and a new pedestrian link between Falmer Avenue and South Downs footpath which was established under application BH2014/03394 which was subsequently allowed on appeal.
- 8.3. The applicant seeks the following amendments to the approved scheme:
- Gradients/ Road and Site Layout/ Highways:
- 8.4. The proposed alterations retain the same quantum of development therefore all off site and transport related aspects are unchanged.
- 8.5. Sustainable Transport raised a number of initial concerns with regards the proposal, including gradient levels and a number of changes which needed amending to more closely reflect the consented scheme. The key issues which were highlighted included; footway width and footway gradients, lack of evidence that the plan layout allowed for emergency and refuse vehicles, pedestrian access to share cycle and car parking spaces, substandard kerb upstand/lack of protection for pedestrians and lack of an independent Road Safety Audit process.
- 8.6. At the initial stage the Highway Authority considered that the application should be refused on Highway Safety grounds. The scheme as presented did not comply with local policy TR7 and would be contrary to NPPF Paragraphs 108-110 and would meet the test for refusal on transport grounds set in NPPF para 109.
- 8.7. In response to initial concerns the applicants have made amendments to the site layout. The key issues detailed above have all been addressed and the Road Safety Audit Brief has been accepted subject to the approval of technical design which has been conditioned (condition15).
- 8.8. The proposed alterations to the road and site layout are considered acceptable in terms of the access geometry and design and does not result in highway safety issues, as identified above.

Footprint and Repositioning of Dwellings:

- 8.9. The increased footprint/repositioning of the dwellings would be acceptable in terms of the plot size and the distances between the dwellings and neighbouring properties. Some of the dwellings have been repositioned within their plot, with the main increase in footprints limited to making the footprints deeper when compared to the consented scheme. There are minimal changes to the flats (plot 1-4) and the dwellings plots 5-13 and 17 in terms of position and footprint, with plots 14- 16 mainly increasing in depth by approximately 0.5-1m and plots 27- 32 mainly increasing in depth by approximately 1.8-2m.
- 8.10. The separation distances between the proposed houses and existing houses under application BH2014/03394 ranged from around 26m to 20m at the closest point. The separation distances between the proposed houses and existing houses under the current application measures approximately 19m at the closest point, which is considered typical of surroundings dwellings and typical of a built up area.
- 8.11. The proposed landscaping identified between the rear gardens of the proposed properties and the existing properties, including tree planting, would remain in situ and would mitigate privacy concerns and filter views between the properties.

Finished Floor Levels (FFL):

- 8.12. The height of the buildings adjacent the properties of Bishopstone Drive to the south and Falmer Avenue to the east of the development would not change in height in comparison to the approved scheme.
- 8.13. The height of the buildings of plots 7-12 and 14 have a lower finished floor level than the approved scheme. The decrease in land levels would vary between 0.6m and 0.2m (approximate). The proposed finished floor levels are accepted.
- 8.14. The proposed finished floor levels adjacent the southern boundary (rear gardens of properties of Bishopstone Drive) and the eastern boundary (rear gardens of properties of Falmer Avenue) would when compared to existing spot levels increase in level. The gradient increase would (at the higher level of the slope, including the garden level) be marginal. The ground levels through the entire site, which dips and falls, would not result in a material harm to the wider landscape. The ground level in comparison to the existing levels would not result in amenity harm.

Internal Layout and External Alterations:

- 8.15. External alterations to the appearance of the dwellings have been kept to a minimum, with some additional window openings and detailing. The overall design of the dwellings and schedule of materials is in line with the consented scheme, with the flat roofs, shaping and rendered facades retained.

Flats 1 and 2 ground floor (2 bed 3 person)

8.16. The consented<sup>2</sup> overall footprint has increased from 75sqm to 78.3sqm. It is noted that the consented scheme does detail a wheelchair charging room within both ground floor flats; there is sufficient space to provide this within the current layout. The standard of accommodation is considered acceptable.

Flats 3 and 4 first floor (2 bed 4 person)

8.17. The consented overall footprint has increased from 68sqm to 72.6sqm, while retaining the consented layout. The standard of accommodation is considered acceptable.

8.18. The window configuration remains the same as consented.

8.19. The rear stores to the building are accepted.

House Type 1 - plots 5 - 13 and plot 18 (4 bed 6 person dwelling)

8.20. The consented overall footprint has increased from 127sqm to 127.7sqm, while retaining the consented layout. The standard of accommodation is considered acceptable.

8.21. Given the distance and orientation of the buildings the proposed addition of window openings to the side elevations of House Type 1 (plots 5 - 13 and plot 18) would not result in harm to neighbouring amenity.

8.22. The revisions to the window openings on the side elevations of the properties of House Type 1 (plots 5 - 13 and plot 18) would provide an additional window opening to bedroom 3 and bedroom 4 at first floor level. These new openings would not provide views directly into windows of the adjoining dwellings either side.

House Type 2- plots 14 - 17 (3 bed 5 person dwelling)

8.23. The consented overall footprint has increased from 100sqm to 100.5sqm, while retaining the consented layout. The standard of accommodation is considered acceptable.

8.24. The window configuration remains the same as consented.

House Type 3- plots 19- 26 (2 bed 4 person semi-detached dwellings)

8.25. The consented overall footprint has increased from 73.6sqm to 80sqm, while retaining the consented layout. The standard of accommodation is considered acceptable.

8.26. The window configuration remains the same as consented.

House Type 4- plots 27- 32 (3 bed 5 person semi-detached dwellings)

8.27. The consented overall footprint has increased from 88.8sqm to 95.8sqm, while retaining the consented layout. The standard of accommodation is considered acceptable.

8.28. The window configuration remains the same as consented.

- 8.29. The semi-detached dwellings have a re-positioned footprint comparable to the consented scheme. This is accepted.

Detailing:

- 8.30. There are some alterations/detailing annotated on the plans (landscape detail, plot detail) which are minor in nature and considered acceptable.

Other Matters:

- 8.31. Following amendments received during the course of the application 3no trees have been removed from the entrance road to the site, adjacent the boundary of no. 8 Falmer Avenue to the south. The proposed trees on site were identified as important features to mitigate privacy concerns and therefore a condition is recommended requiring sufficient boundary treatment to safeguard the privacy of the property.

- 8.32. The consented scheme detailed pv panels on the roof of the dwellings. These have been omitted from the current scheme and given their sustainability benefits a condition is recommended requiring the details/addition of pv panels.

**S.106 Legal Agreement**

- 8.33. There are provisions in the S.106 Legal Agreement, so that the Agreement will relate to and bind any new permission resulting from a S.73 application.

**9. EQUALITIES**

- 9.1. All the dwellings comply with Building Regulations requirement M4 (2) and two units comply with M4 (3) (2b).



**Cllr. Mary Mears**  
**BH2018/02483 - Land Adjacent 6 Falmer Avenue**

**09/09/2019:**

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

I understand the builders Westridge Construction have now come to the conclusion that internal road and some of the houses , cannot actually be built as in the consent plan, because of this Hyde Housing are asking for the approved drawings in condition 2 to be replaced with new ones which raise concerns this will make major changes to the layout.

The proposed changes include some of the properties being higher.  
Changes to the oval shared space one way road, to a Cul de Sac which will cause 2 way traffic, this will make it unsafe for children to playing as in the original application. The children's central play area in the middle of the road will be reduced in size.

The “ Home Zone “ principle of shared space will no longer apply.

The original application showed over 120 trees to act as screening the new proposal is to reduce by more than halve.

If the development can't be built as it was presented to the planning inspector, with the need to completely change the unworkable layout and the requirements to increase the size of the homes, as this is a substantial change to the original application in 2014 , in my view the variation should be refused and a new planning application should come forward with the correct details of the scheme.

I wish this application for Variation of Condition 2 to go to the planning committee and reserve my right to speak.



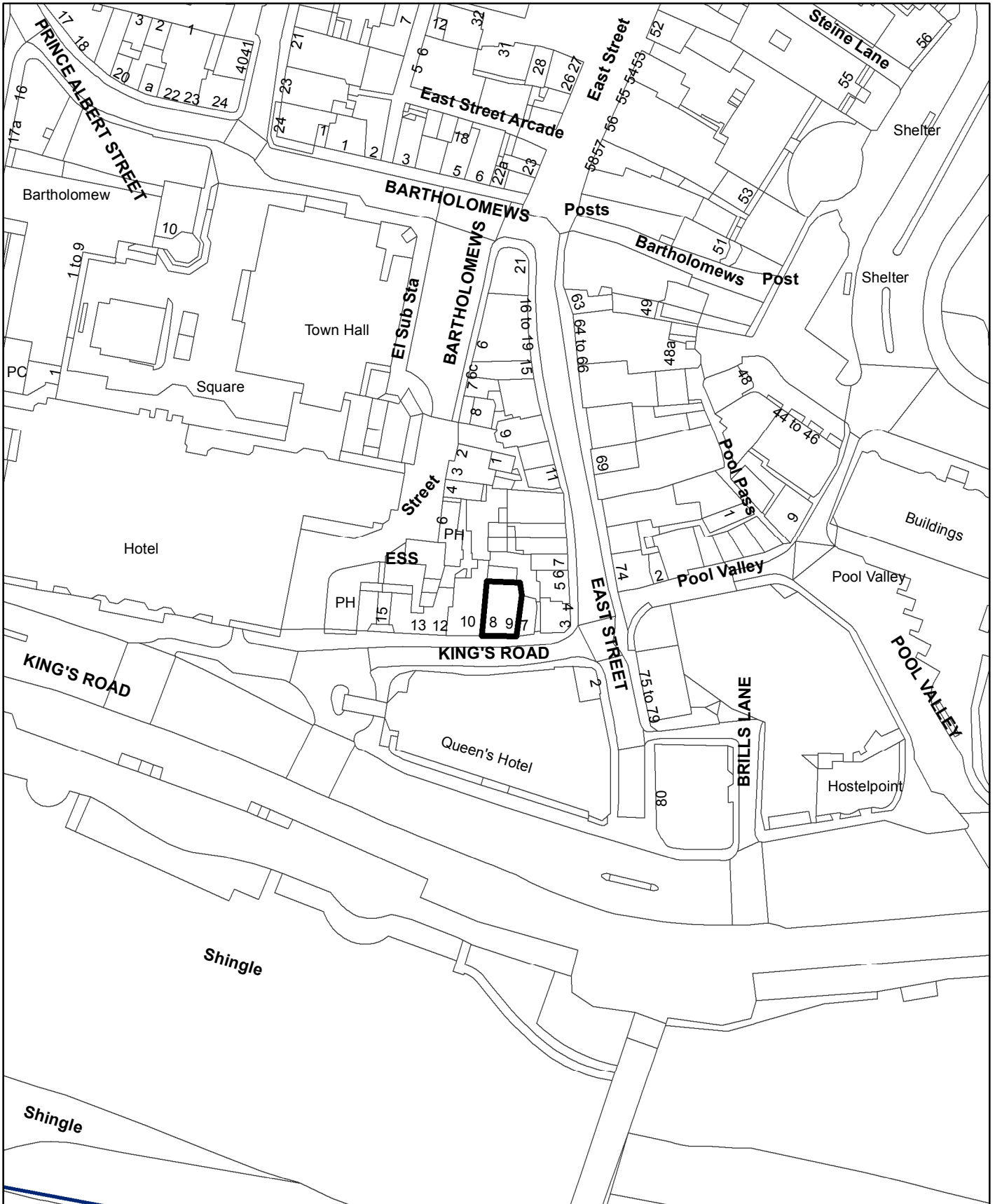
# **ITEM C**

**8-9 King's Road  
BH2019/02639  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2020**



# BH2019 02639 - 8-9 Kings Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/02639</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>8 - 9 Kings Road Brighton BN1 1NE</b>		
<b><u>Proposal:</u></b>	<b>Change of use from restaurant (A3) at ground floor and HMO on first and second floors to an assessment hub for homeless people at ground floor and associated sleeping accommodation at first and second floors (Sui Generis). Removal of extract ductwork at rear and alterations to front elevation, including reinstatement of original timber fascia, installation of timber panelled door. New roof coverings and cladding and other associated works.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	04.09.2019
<b><u>Con Area:</u></b>	Old Town	<b><u>Expiry Date:</u></b>	30.10.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Brighton And Hove City Council Property And Design 1st Floor Hove Town Hall Hove BN3 4AH		
<b><u>Applicant:</u></b>	Brighton And Hove City Council 2nd Floor Hove Town Hall Hove BN3 4AH		

## 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	001		4 September 2019
Proposed Drawing	003		4 September 2019
Proposed Drawing	004		4 September 2019
Proposed Drawing	005		4 September 2019

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

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

3. The property the subject of this approval shall only be occupied by a maximum of twelve (12) persons; six on 'crash beds' on the ground floor and one per room on the upper floors.

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

4. All rooms annotated as service provision, reception room, assessment room, kitchen, staff office or store as set out on drawing no. 003 received on 4th September 2019 shall be retained as such and shall not be used as a bedroom at any time.

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

5. Prior to first occupation a full management plan and signed Community Responsibility Protocol for the subject property shall be submitted to and approved in writing by the Local Planning Authority. This should include details relating to site management, behaviour and conduct of future occupiers and details of waste / refuse management. The occupation and use of the building shall be in strict accordance with the approved management plan and Community Responsibility Protocol.

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

6. The external works hereby permitted shall not take place until full details of the proposed replacement external door within the shopfront including 1:10 scale elevations and sections have been submitted to and approved in writing by the Local Planning Authority. The door shall be of traditional timber panel construction. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**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.

7. The side elevation door towards the rear of the ground floor shall not be opened or otherwise used other than for fire escape purposes.

**Reason:** To avoid residents of staff from using the rear courtyard as a smoking or amenity area causing an adverse impact on neighbouring amenity in compliance with Policy QD27 of the Brighton & Hove Local Plan.

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

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

Informatives:



1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.
3. With reference to Condition 5, the applicant is advised that the management plan should include out of hours numbers in the management plan and outline how local residents can escalate issues.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. Planning permission is sought to change the use of the existing restaurant (Use Class C2) on the ground floor and House of Multiple Occupation on the first and second to an assessment hub for homeless people at ground floor and associated sleeping accommodation at first and second floors (Sui Generis). This would involve alterations to the front elevation, including the reinstatement of an original timber fascia and the installation of timber panelled door, the removal of extract ductwork and cladding of the roof of the addition at the rear as well as a new roof covering.
- 2.2. The site is on the north side of Kings Road, a mixed use street running in-between East Street to the east and the A259 with Queens Hotel directly to the south. The property itself comprises two adjacent three-storey terraced buildings which have been combined into a single property. The ground floor is a former restaurant, while the two upper floors were most recently in use as an HMO with five bedrooms.
- 2.3. The site is located in the Old Town Conservation Area, but is not subject to any Article 4 directions, including for HMOS, and there several listed buildings, including directly opposite and at the rear of 8 and 9 East Street. It is also within Controlled Parking Zone (CPZ) Z and the Bartholomews Archaeological Notification Area. The site is, however, outside the Prime Retail Frontage,

### **3. RELEVANT HISTORY**

- 3.1. BH2004/00970/FP: Change of use from A1 (shops) to A3 (food and drink) at 8 Kings Road and alterations to shop front and entrance at 8 and 9 Kings Road. Refused 20 May 2004 and an appeal dismissed 14 March 2005.
- 3.2. BH2006/03023: Change of use from retail (class A1) to mixed use of retail and cafe (classes A1 & A3). Approved 2 November 2006
- 3.3. BH2015/04199: Change of use of ground floor from retail (A1) to restaurant (A3) and installation of extraction flue to rear (Part Retrospective). Approved 17 February 2016
- 3.4. PRE2018/00358: Change of use of ground floor from existing A3 to a 24 hour homeless centre providing food plus accommodation on the first & second floors. Advice issued 19 December 2018

#### **Of relevance:**

- 3.5. BH2019/02158: Change of use from nursing home (C2) at No.15 Caburn Road and Sui Generis HMO at No.203 Dyke Road to 20no bedroom short term accommodation & services for the homeless (Sui Generis). Alterations to form single building, replacement ground floor windows & door to west elevation and associated works. Approved at Planning Committee 6 November 2019 and decision issued 13 November 2019.

### **4. REPRESENTATIONS**

- 4.1. Eleven (11) representations have been received objecting to the proposed development for the following reasons:
  - Whilst the notion that homeless people need help and require sheltered facilities to deliver this should be supported, such a facility here would be completely at odds with this area, which should be the touristic heart of the city. It would only have a detrimental effect, dragging the area and the city further down, including those who work, live and visit in close proximity to East Street.
  - The proposed use is likely to cause anti-social behaviour, begging (which is becoming more aggressive), litter and drug dealing in the streets, would generally have a detrimental impact on businesses and would devalue the Lanes district.
  - This location in a high-end shopping area should be reserved for retail and restaurant business.
  - It would be highly irresponsible to place such a facility in this area and it would ruin lives. There are two 24-hour off licences, nightclubs, late night bars and a strip club close by.
  - If planning permission is approved, the number of closed retail units will only increase as the businesses in the immediate vicinity will not survive and 50 people will be made unemployed.
  - The development would exacerbate the homeless issue in the area.
  - Approving this application would be unfair, misjudged and morally reprehensible.

- It is not clear how many people will be accommodated. The plans show six single bedrooms which would probably be acceptable, but the documents mention shared rooms which are not shown.
- The room on the top floor should not be a dormitory as the wall between numbers 8-9 and 7 is extremely thin and noise transferred when it was a HMO.
- The plans show the back door in place, which leads out into the secure residential courtyard which would not be suitable as a place to smoke as there are families and elderly residents there. It should be guaranteed that the residents would not have access to this.
- It is very important that this facility is both discreet and tightly managed.
- This project should not be proposed on a direct route from the seafront to the Royal Pavilion and The Dome and also 50 yards from the Palace Pier where tourists could potentially be met by homeless people as they leave the seafront towards the Laines. Locating this facility in Kings Road would highlight the homelessness problem in the city.
- There must be other less prominent locations that can be considered instead.

4.2. **Councillors Phillips** (Regency Ward member) supports the proposal and requested that it be determined by the Planning Committee, a copy of the letter is attached.

4.3. **Councillors Brennan, Gibson, Heley and Williams** (not Regency Ward members) support the proposal.

## 5. CONSULTATIONS

5.1. Planning Policy: No objection since Local Plan Policy SR4 does not strictly apply, the application would comply with the criteria of HO10 relating to accommodation for homeless people and the loss of the HMO is acceptable as the proposal meets an identified housing need.

5.2. Highway Authority: No objection subject to recommended conditions relating to restriction of car parking permits for future occupiers and details of secure cycle storage.

## 6. MATERIAL CONSIDERATIONS

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

6.2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

6.3. The development plan is:

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

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

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

## 7. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP12	Urban design
CP15	Heritage

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

TR14	Cycle access and parking
SU10	Noise nuisance
QD5	Design - street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
HO8	Retaining housing
HO10	Accommodation for homeless people
HO14	Houses in multiple occupation (HMOs)
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

SPD02	Shop Front Design
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

#### Other Documents:

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

## 8. **CONSIDERATIONS & ASSESSMENT**

8.1. The main planning considerations material to this application are the principle of development, the design of the alterations, the impact on heritage assets, the amenity of neighbouring properties and on highways as well as the standard of accommodation to be provided.

Principle of development

- 8.2. Local Plan Policy SR4 states that "the proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area". In this case, since this is an A3 unit the above policy would not apply, but it is considered that were the proposed change of use to occur, a healthy mix of uses would remain since the Kings Road frontage would consist of A1, A3, A4, A5 and Sui Generis. Therefore, a change of use from A3 to Sui Generis at this location would not lead to a predominance of non-retail uses within this part of the Regional Centre.
- 8.3. Local Plan Policy HO8 states that planning permission will not be permitted for proposals involving a net loss of units of residential accommodation unless the residential accommodation is classified as unfit for human habitation and cannot be made fit for habitation; separate access to the dwellings is impracticable; the change of use is the only way of preserving a listed building or other building of architectural or historic interest; the proposal would result in a net gain in affordable housing; or the previous use of a building is a material consideration.
- 8.4. In this case it is considered that the second criteria applies in that there is not currently a separate access to the residential accommodation and providing one to the proposed sleeping accommodation at first and second floors would result in changes to the shopfront that would likely be unacceptable on heritage and design grounds.
- 8.5. Local Plan Policy HO10 outlines that planning permission will be granted for the provision of residential accommodation, including temporary accommodation, to meet the needs of homeless people, provided that the site is well served by local community services, public transport and walking and cycling routes. In this case, the site is a four minutes' walk to the Young Peoples Centre / Allsorts Youth Project who support 13-25 year olds and is two minutes from the Old Steine branch of the Brighton YMCA whilst the North Road premises is 12 minutes away. Furthermore, the subject property is 14 minutes from Brighton train station, it is adjacent to pedestrian footways and cycling routes are next to the A259. The proposal would therefore be compliant with this policy.
- 8.6. It is worth noting that Policy HO10 complements one of the Council's objectives to providing move-on accommodation for those who no longer need supported accommodation, thus freeing specialist stock, as proposed by this application.
- 8.7. Local Plan Policy HO14 deals with the loss of HMOs and / or non self-contained accommodation that comply with, or are realistically capable of reaching, the Housing Acts standards. However, there are extenuating circumstances where it can be demonstrated that the proposal meets an identified housing need, and in this case it is clear that temporarily housing, assessing and helping individuals that are homeless into permanent, safe accommodation meets one of the Council's main housing aims. This is considered sufficient to overcome the loss of a four bedroom HMO,

particularly since the proposal would provide accommodation for young people and people who are socially or economically disadvantaged who would otherwise be homeless.

- 8.8. The location of the proposed use is important, and this issue has been raised by local residents in their representations. The applicant has therefore submitted a list of other properties considered for the proposed homeless assessment hub and sleeping accommodation and reasons why each were dismissed. The main reasons were size, location, 24 hour availability, disabled access, the capital investment required and insufficient facilities. Officers accept the reasoning and rationale provided, and note that the subject site is the only property available that can meet the identified requirements, these including shower and toilet facilities; a kitchen / cooking facilities and shared rooms.
- 8.9. Finally, it is noted that the description of development was altered to remove to remove the word 'temporary' as there is no planning definition of this term and also '28 days' since it is clear that some of the inhabitants would stay longer than that on the second floor as this would be interim accommodation option whilst longer term accommodation is being pursued.
- 8.10. As such, it is clear that the loss of the existing uses and the provision of an assessment hub for homeless people and associated sleeping accommodation is acceptable. However, the acceptability or otherwise of the scheme is subject to the design of the alterations, the impact on heritage assets, neighbouring amenity and on highways. These matters are discussed below.

#### Design and Heritage

- 8.11. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.12. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.13. Various alterations are proposed to the subject property, both to help facilitate the proposed change of use and to replace poor condition or redundant elements.
- 8.14. The existing shopfront is considered to be traditional and preserves the appearance of the conservation area. The proposed change to its form by removing the recessed entrance door and installing a partially glazed door flush with the glazed façade would result in harm to the building itself and the heritage asset. However, it is considered that this is less than substantial and is outweighed by public benefits; one being providing assessment hub for homeless people and other allowing access for wheelchair users. Details of the proposed door are recommended to be conditioned. The other proposed

change to the shopfront is the removal of the visually intrusive restaurant sign and the reinstatement of a timber fascia, which is considered to better reveal and enhance the conservation area.

- 8.15. Also to the front of the building would be the replacement of the existing natural roof slates with dark grey Spanish slates, which are considered to provide an acceptable match for the existing. No objection is raised to the installation of replacement clay ridge tiles. The use of Code 6 lead cladding to the chimneys rather than Code 4, which is thicker, is welcomed and only the flashings, not the soakers would be visible.
- 8.16. To the rear, which is not visible from the public realm, Officers support the removal of the extract ductwork, which would not only be redundant, but is unsympathetic. The existing timber shiplap cladding to the rear elevation of the upper storey also falls into its category and the fibre cement is considered to be an improvement. The replacement of the asbestos roof on the existing single storey addition on the ground floor is encouraged and the grey standing seam steel clad roof is considered appropriate.

Impact on neighbouring amenity

- 8.17. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.18. The nearest residential properties are those to either side 7 and 10-11 Kings Road, 5-6 East Street to the east, the flats at 5 Kings Road and Dolphin Cottage at no. 6, which are both to the rear and share the rear courtyard.
- 8.19. The changes to the shopfront, replacement of the roof tiles, installation of lead cladding to the chimneys and changes to the rear are not considered to cause any material impact on neighbouring amenity.
- 8.20. The side elevation door towards the rear of the ground floor is recommended to be conditioned as for fire escape purposes only in order to avoid residents of staff from using the rear courtyard as a smoking or amenity area.
- 8.21. Whilst it is noted that the proposed use could have an impact upon immediate neighbours due to the activity levels and comings and goings associated with the number of occupiers proposed in conjunction with the short term nature of the site, it is considered that this impact is limited given that the upper floors of the application property have already been use as a HMO, albeit currently vacant but could be re-opened without the need for planning permission.
- 8.22. It is considered that the use of short term accommodation subject to a maximum of 12 occupiers (six on 'crash beds' i.e. a sleeping bag and mat on the ground floor and six on the upper) could be maintained in a fashion which would not cause significant harm to neighbouring amenity. To ensure

occupancy levels do not exceed this, a suitably worded condition is recommended to be attached in order to secure the number of future occupiers and to retain all communal facilities to ensure there would be no future increase in the number of bedrooms as well as ensuring the limited communal spaces and support areas are maintained.

- 8.23. A completed management plan and a signed Community Responsibility Protocol (once a service provider has been put in place) are recommended to be secured by planning condition. It is noted that there are aims in the protocol which relate to the management of the surrounding area:
1. The actions they will take in order to actively foster positive relations with neighbours and the local community.
  2. The steps they will take to prevent / minimise disruption to the local community.
  3. The work they will undertake with people who live there, in partnership with other agencies, to address any negative effects their behaviour may be having on neighbours and the local community.
- 8.24. The premises shall be soundproofed to prevent noise breakout beyond the external walls of the application site that would cause a significant disturbance to neighbouring occupiers, particularly for residential occupiers.
- 8.25. Whilst the venue would be operational for 24 hours, it is not considered that it is a particularly noisy or disruptive use given the measures outlined by the applicant, which are recommended to be secured within conditions as previously outlined.

Standard of accommodation

- 8.26. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.27. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm and a double bedroom as measuring 11.5sqm.
- 8.28. The accommodation proposed is to house homeless people and rough sleepers with a local connection to Brighton and Hove. The service will offer short term accommodation in the form of an assessment hub and associated sleeping accommodation. The proposed development would result in six single bedrooms, shared kitchen / dining facilities, bathroom facilities, 1:1



assessment rooms and staff and office space, together with 'crash beds' on the ground floor.

- 8.29. Given that the proposed accommodation is a short term service to equip service users with life skills and then promptly move them on to more suitable longer term accommodation, only a single living room has been provided on the ground floor. The applicant has justified this by stating that any further increase in communal living space, which would result in a loss of bedrooms, would detract from the aims of the service which is to encourage independence. The applicant is concerned that additional living facilities may make future occupiers feel as though they are in longer term accommodation rather than a short term place of personal development.
- 8.30. Given that the size of the bedrooms proposed have a GIA of at least 7.5m<sup>2</sup> with windows, it is considered that residents would have sufficient floor space within individual bedrooms and the communal space provided to receive an adequate standard of accommodation. Furthermore, the internal floor to ceiling heights are approximately 3.1m on the ground floor, 2.88m on the first and 2.39m on the second, which are all considered acceptable.
- 8.31. Each of the habitable rooms proposed are considered to benefit from acceptable levels of outlook, light and ventilation and are therefore deemed acceptable on these grounds in compliance with QD27 of the Brighton and Hove Local Plan.

#### Highways

- 8.32. Given that the site is less than a mile from Brighton train station, it is easily accessed on foot or by bicycle. It is also two minutes from Brighton Coach Station with various bus stops. As such, it is considered to be in a reasonable sustainable location.
- 8.33. Car-free development is proposed and is considered acceptable, since the outreach team will personally escort people to the application property and since rough sleepers don't own cars. Given the central location it is also considered that staff would walk to work. However, given that the future occupiers of the property could alter, the applicant has committed to including a restriction on future occupiers from applying for a parking permit in future leases and ownership documents and Highways have confirmed that the address has been added to the next Traffic Regulation Order due to be advertised. No condition is therefore required in this instance.
- 8.34. No cycle parking spaces have been proposed and in the interests of encouraging sustainable means of travel it is therefore recommended that details be requested by condition.
- 8.35. There is not forecast to be a significant increase in vehicle trip generation as a result of this proposal and therefore any impact on carriageways would be minimal and therefore deemed acceptable.

#### Sustainability

- 8.36. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. However, these are not applicable in the case of a conversion.

Summary

- 8.37. The proposed development would provide temporary accommodation for rough sleepers / the homeless as well as an assessment centre in order for them to be provided with a permanent residence in the future. The standard of accommodation and impact on neighbouring amenity are considered acceptable subject to the imposition of suitable conditions, and the proposal would not cause a significantly harmful impact on the conservation area or highways. The application is therefore recommended for approval.

**9. EQUALITIES**

- 9.1. Policy HO13 seeks access standards above normal Building Regulations. In this case, this is not strictly a residential development and the proposed change to the shopfront in the form of a wider entrance would allow access for wheelchair users.

**Cllr. Alexandra Phillips**  
**BH2019/02639 - 8-9 Kings Road**

**26/09/2019:**

I would like to request, as ward councillor, that the application at 8 - 9 Kings Road is referred to Committee for determination.

**30/09/2019:**

Thanks for this.

We support the application as accommodation for our homeless community is urgently needed.

I think Tom will submit a formal response.



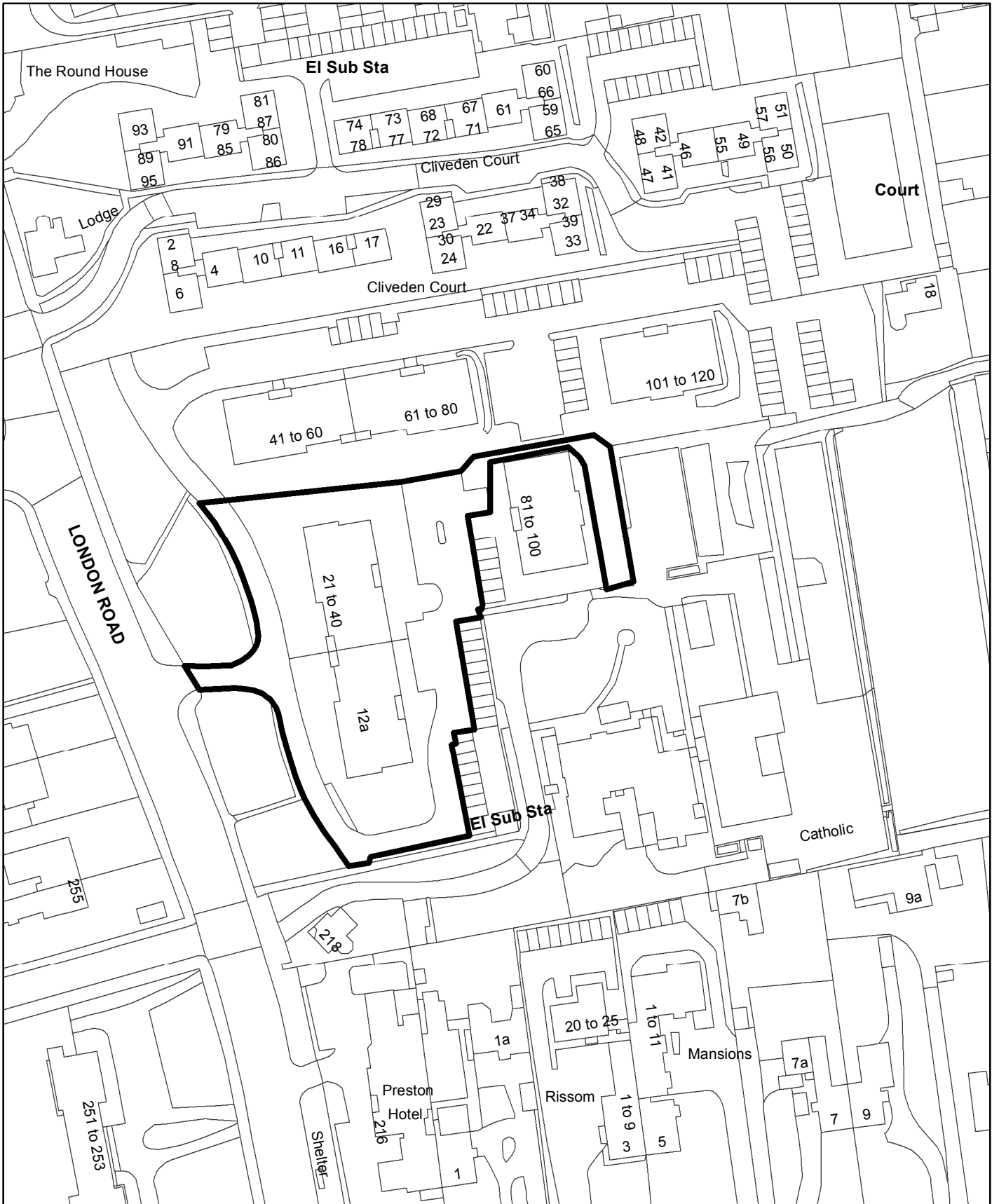
# **ITEM D**

**Kingsmere (Blocks E & F), London Road  
BH2019/01602  
Removal or Variation of Condition**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2020**



# BH2019 01602 - Kingsmere (Blocks E & F), London Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2019/01602</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Kingsmere (Blocks E &amp; F) London Road Preston Brighton BN1 6UW</b>		
<b><u>Proposal:</u></b>	<b>Variation of conditions 2, 3, 6 and 7 of application BH2015/02713 (Roof extension to Blocks E &amp; F to provide 8no flats each with own private roof garden.) to allow amendments to approved drawings, confirm external materials and design of secure cycle storage.</b>		
<b><u>Officer:</u></b>	Jack Summers, 296744	tel: <b><u>Valid Date:</u></b>	30.05.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	25.07.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	DowsettMayhew Planning 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	Spurpoint Ltd C/o DowsettMayhew Planning 63A Ship Street Brighton BN1 1AE		

## 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	A1211/07	M	25 October 2019
Proposed Drawing	A1211/06	E	25 October 2019
Proposed Drawing	A1211/08	M	25 October 2019
Proposed Drawing	A1211/09	K	25 October 2019
Proposed Drawing	A1211/10	F	25 October 2019
Proposed Drawing	A1211/12	F	25 October 2019
Proposed Drawing	A1211/13	F	25 October 2019
Location Plan	-	-	14 August 2015

2. The materials to be used in the construction of the external surfaces of the development shall be as follows, matching the materials previously approved under application BH2019/00183:
- The penthouse walls shall be finished in K Rend Silicone Thin Coat Limestone White
  - The balustrade shall feature glazed panels with unpainted steel frames
  - The fenestration shall have white powder-coated aluminium frames
  - The fascia and soffit boards shall be Pigmento brown VM Zinc

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

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

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

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

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

5. The dwellings hereby permitted shall be constructed in compliance with the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) details as set out on approved floorplans A1211/13 Rev F only prior to first occupation and shall be retained as such thereafter.

**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.

6. The cycle parking facilities approved under application BH2016/02486 shall 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 CP9 of the Brighton & Hove City Plan Part One.

7. 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.

Informatives:

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

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

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site is a four storey block of flats (joint blocks E and F) within Kingsmere, a collection of blocks on the east side of London Road, on the edge of (but not within) the Preston Park conservation area.
- 2.2. Planning permission has been granted for an additional storey on the existing block, and now permission is sought to amend the approved plans to allow for an increase in floor space.
- 2.3. This application follows the original permission (Ref: BH2015/02713) and two separate Section 73 Minor Material Amendment applications (Refs: BH2017/03779 and BH2018/00659). The blocks E & F to which this application relate to is part of the wider Kingsmere estate, each block of which has been granted planning permissions for new storeys featuring penthouse flats, most of which have subsequently been amended with Section 73 Minor Material Amendment applications. This compartmentalized approach to the wider development of the estate has resulted in a convoluted site history which the developers have previously been advised is not conducive with good planning.
- 2.4. Several of the original planning permissions for these additional storeys (Refs: BH2012/03673 for Blocks A & B, BH2016/02841 for Block C, BH2015/01454 for Block D and BH2015/02713 for Blocks E & F) came in before the implementation of the City Plan Part One and the policy of securing affordable housing within schemes that would create five or more residential units, meaning that although twenty new residential units have been granted permission across the estate, the developer has not been required to include any affordable housing.
- 2.5. The principle of an additional storey has been previously agreed and it is the right of the developer to amend the existing permission rather than apply for Full Planning permission again. Having taken legal advice, it is considered that development approved under the original permission, BH2015/02713, has been commenced with the construction of the bicycle parking block and thus the original permission remains extant despite the length of time since that permission was originally granted and the fact that no development of the additional storey itself appears to have taken place to date.
- 2.6. The current proposal takes into account all previous site history and includes all necessary planning conditions from previous permissions.

## **3. RELEVANT HISTORY**

- 3.1. **BH2019/00183** Application for Approval of Details Reserved by Condition 3 of application BH2018/00659. Approved

- 3.2. **BH2018/00659** Variation of condition 2, 3 and 6 of application BH2016/00254 (Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained.) to allow amendments to approved drawings. Approved
- 3.3. **BH2017/03779** Application for the variation of Conditions 2, 3 and 6 of application BH2016/00254 (Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained.) to confirm materials and allow amendments to the approved drawings including the installation of aluminium bi-folding doors leading onto private roof gardens. Approved
- 3.4. **BH2016/00254** Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained. Approved
- 3.5. **BH2015/02713** Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Approved

#### **4. CONSULTATIONS**

##### **4.1. Transport**

No Objection

##### **4.2. Private Sector Housing**

No Comment

#### **5. REPRESENTATIONS**

5.1. **Nine 9no.** letters have been received, objecting to the proposal on the following grounds:

- The proposal is an entire new storey, not the penthouses and roof terraces previously approved
- The proposal should be dealt with as a new application for planning permission and not as a variation on an existing permission, due to the scale of the additional works proposed
- Overshadowing the local residential properties
- The additional storey will cause harm to the character of the Kingsmere estate
- Safeguarding concerns regarding the pupils at the nearby school, due to additional residents and the building works themselves.
- Disruption to the day-to-day operation of the nearby school by the building works

## **6. MATERIAL CONSIDERATIONS**

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

## **7. RELEVANT 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
CP15	Heritage

#### Brighton & 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
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The principle of the development cannot be assessed. The considerations in the determination of this application relate to the proposed amendment of conditions 2, 3, 6 and 7. These include the impact of the proposal on the character and appearance of the local built environment including the nearby Preston Park conservation area. Also of consideration is the potential impact on the amenities of local residents. The potential impact caused by the building works themselves is not a material planning consideration to be given any weight in the assessment of the propriety of this proposal.
- 8.2. When considering whether to grant planning permission for development that could affect the historical significance of 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 the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.4. The proposal represents a further increase in the internal floor-space over what was most recently approved in 2019 (Ref: BH2018/00659). Paragraph 130 of the National Planning Policy Framework states: *"Local planning authorities should...seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme..."*.
- 8.5. The application as submitted proposed what was considered to be a full additional storey with minimal set back and a fenestration pattern that related poorly to the existing building. Amendments have been secured reducing the scale of the proposal and amending the fenestration pattern. The original application description, to which a minor material amendment is sought, is *"Roof extension to Blocks E & F to provide 8no flats each with own private roof garden."* To remove the private roof gardens from the proposal would not be considered a minor material amendment to the existing permission and would require a new application for full planning permission.
- 8.6. This notwithstanding, the applicant has been advised that no further enlargements to the internal floor-space are likely to be granted as it would lead to the proposal appearing as another complete storey and not as a suitably subservient addition to the original building.

**Principle of Development:**

- 8.7. The principle of the creation of eight new residential units has been agreed and only the amended aspects of the scheme need be considered in this instance. These include the:
- Variation of Condition 2 to allow for amended drawings which show an enlarged floor area for the eight new penthouse flats.
  - Variation of Condition 3 to confirm the materials to be used in the construction of the top storey. These have previously been agreed under the Approval of Details Reserved by Condition application Ref: BH2019/00183.

- Variation of Condition 6 to confirm that the new flats will be built in compliance with the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) details. This variation to the wording of the standard condition has previously been found acceptable under permission BH2016/00254 when it was discovered that conversion of the existing building was not practicable, and now only the new flats will be required to be built to the Requirement M4(2).
- Variation of Condition 7 to require the as built secure cycle parking to be retained on site, rather than for new details be submitted for approval by the Local Planning Authority.

**Design and Appearance:**

- 8.8. The appearance of the proposal is considered to be acceptable. Having noted the design approved under permission BH2018/00659 it is considered that the increase in floor-space will not have any additional visual impact upon the appearance of the host building or wider streetscene given its retention of some set-back and its height and distance from the adopted highway.
- 8.9. Acceptable external materials have previously been approved under application BH2019/00183 and the agent has confirmed that these can be secured by condition in order to ensure a satisfactory appearance.

**Impact on Amenity:**

- 8.10. The principle of the additional storey and rooftop terraces has been approved under application BH2015/02713. The enlargement of the roof extension and subsequent reduction in the size of the roof terraces is not considered to lead to an unacceptable rise in the impact on the amenities of nearby neighbouring properties. A reduced terrace area may reduce the potential for noise/disturbance to other residents when the terraces are in use.
- 8.11. The additional bulk of the proposal is not so significant that it is likely to cause any unacceptable overshadowing to other residential units in the vicinity.

**Standard of Accommodation:**

- 8.12. The proposal would lead to an increase in the internal spaces of each residential flat, which is acceptable. This would be an improvement over the previous Section 73 Minor Material Amendment Ref: BH2017/03779.

**Other Considerations:**

- 8.13. Since November 2019 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. Given the rendered finish of the proposal it is not considered necessary to secure the inclusion of one or more bee bricks within the development in this instance.
- 8.14. Secure cycle parking that can accommodate the residents of this development has been constructed on site and its retention will be secured

by condition in order to ensure local residents have access to more sustainable modes of transport than private motor vehicles.

**9. EQUALITIES**

- 9.1. The proposed floor plans demonstrate that the proposal is in accordance with Lifetime Homes Compliance, and construction in accordance with the approved floor plans shall be secured by condition.



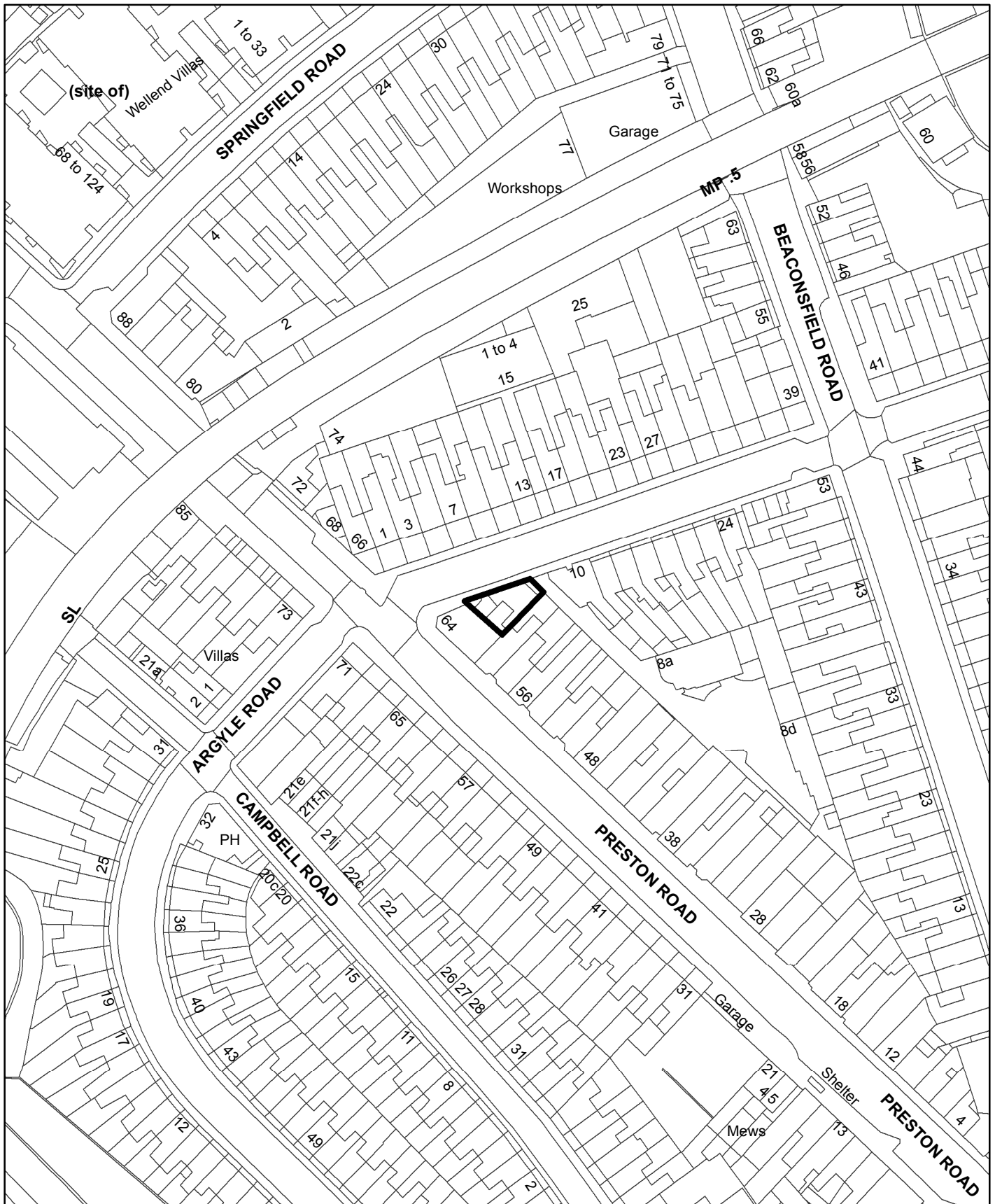
# **ITEM E**

**Land to Rear Of 62-64 Preston Road  
BH2019/03339  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2020**



# BH2019 03339 - Land To Rear Of 62-64 Preston Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/03339</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To Rear Of 62-64 Preston Road Brighton BN1 4QF</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing basement &amp; erection of three storey extension to rear comprising 3no one bedroom flats and 1no studio flat (C3) with associated alterations.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, tel: 293311	<b><u>Valid Date:</u></b>	02.12.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	27.01.2020
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Bold Architecture Design Ltd 14 Gladys Road Hove BN3 7GL		
<b><u>Applicant:</u></b>	Mr R Little Mulberry House 1A Surrenden Crescent Brighton BN1 6WE		

## 1. RECOMMENDATION

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

1. The proposed development represents a material diminution of the quality of development previously approved and by virtue of the resulting scheme only offering one-bedroom units/studio units and the basement flat having limited outlook with future occupiers likely to experience a strong sense of enclosure, the development represents a poor standard of accommodation which would adversely affect the amenity of future occupiers. Accordingly, the proposal is considered to be contrary to Policies QD27 and TR14 of the Brighton and Hove Local Plan and Policy CP19 of the Brighton and Hove City Plan Part One.

### Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	GA01		7 November 2019
Proposed Drawing	GA05		7 November 2019
Proposed Drawing	GA06		7 November 2019
Proposed Drawing	GA08		7 November 2019
Proposed Drawing	GA09		7 November 2019
Proposed Drawing	GA10		7 November 2019

Proposed Drawing	GA11		7 November 2019
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## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is located on the rear yard to the rear of 62 - 64 Preston Road which is on the corner with Ditchling Rise. 62 - 64 Preston Road is a three storey building with a basement.
- 2.2. The building has a shop within the basement and ground floor with residential accommodation on the upper floors which is similar to the adjoining building at 60 Preston Road. The site is not within a Conservation Area.
- 2.3. The application seeks to erect a three storey building with an extended basement forming three one bedroom flats and one studio unit following the demolition of the current projection to the rear of 62 Preston Road.
- 2.4. This application follows the approval of a similarly sized and designed scheme for 3 units in June 2018 which was approved at Planning Committee.

## 3. RELEVANT HISTORY

- 3.1. BH2019/01610: Excavation and erection of three storey building comprising 4no residential units (C3) with associated alterations. Refused 07.10.2019. Appeal in progress.
- 3.2. BH2018/00854: Excavation and erection of three storey building comprising 3no. residential units (C3) with associated alterations. Approved 11.06.2018
- 3.3. BH2017/04186: Erection of a 5no storey extension to rear of existing building incorporating excavations for basement enlargement and alterations to provide 4no flats (C3) and bin store. Refused 13.03.2018. Appeal dismissed 15.02.2019.
- 3.4. BH2017/02137: Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations. Refused 08.11.2017
- 3.5. BH2016/06407: Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations. Refused 21.04.2017

## 4. REPRESENTATIONS

- 4.1. **Seven (7)** letters of representation have been received supporting the proposed development for the following reasons:
  - The scheme will benefit the area and community
  - The proposal will remove the existing old yard
  - Good design
  - The run down yard will be put to good use
  - The proposal will provide an additional home
  - Good layout

- More homes are needed
  - Good use of the property
- 4.2. **Three (3)** letters of representation have been received objecting to the proposed development for the following reasons:
- Overshadowing
  - Loss of privacy and overlooking
  - Loss of sunlight
  - Over-development
  - Impact on the character of the area
  - The external appearance of the building is overbearing and the scale of the development is out of keeping with neighbouring properties
  - Additional parking issues
  - Lack of provisions for waste
  - The projecting porch roof would obstruct the narrow pavement
- 4.3. **Councillor Amy Heley** supports the proposal. A copy of the comments is attached.

## 5. CONSULTATIONS

- 5.1. **Sustainable Transport:** No objection subject to condition

## 6. MATERIAL CONSIDERATIONS

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

## 7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
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
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

Supplementary Planning Documents:

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

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the effect on the street scene as well as the impact on the host building, the residential amenity of the neighbouring residents, the residents within the proposed development and the well-being of the residents in the host building's upper levels.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).



### **History of the site**

- 8.4. Four similar schemes have recently been considered by the Planning Committee, in June 2018, March 2018, November 2017 and April 2017. Whilst the principle of development was not rejected at the site when these applications were determined, the first three applications raised concerns regarding the appearance of the development and the impact on amenity of existing and future residents.
- 8.5. An application was approved on the site by Planning Committee in June 2018. This application reduced the height of the previously refused extensions to three storeys and had a reduction in the overall total number of flats being created. The resultant approved scheme provided a three storey extension incorporating a basement extension to allow for the creation of 2no 1 bedroom units and 1no two bedroom maisonette.
- 8.6. An application was refused in October 2019 which sought predominantly internal changes to subdivide the approved two bedroom maisonette, under application BH2018/00854, at ground floor and basement level into 2no one bedroom units.
- 8.7. This application was refused on the following grounds:  
*'The proposed development represents a material diminution of the quality of development previously approved and by virtue of the resulting scheme only offering one-bedroom units, the limited cycle parking and the basement flat having limited outlook with future occupiers likely to experience a strong sense of enclosure, the development represents a poor standard of accommodation which would adversely affect the amenity of future occupiers. Accordingly, the proposal is considered to be contrary to Policies QD27 and TR14 of the Brighton and Hove Local Plan and Policy CP19 of the Brighton and Hove City Plan.'*
- 8.8. The main difference between the previously refused scheme (BH2019/01610) and the application currently under consideration is that the previous application sought to provide a one bedroom unit with a basement extension whilst under the current scheme the existing basement is proposed to be converted into a studio unit.

### **Design and appearance**

- 8.9. The building remains largely identical to the application that was previously permitted with alterations to this scheme mainly concerning boundary treatment, access and internal layouts, and basement window arrangements.
- 8.10. A new boundary wall treatment is proposed to the property at no.60. This will consist of a 1.2m solid masonry wall with 0.7m of timber slatted fencing above. The materials proposed are considered acceptable given the variety of materials existing to the rear of properties on Preston Road.
- 8.11. Given the additional unit, a new access is proposed to basement level from the rear of the property. The application now proposes a sliding timber gate

to the proposed access of the basement unit. The proposed gate will have a similar appearance to the previously approved cycle store and as such this alteration is not considered to materially impact upon the character and appearance of the scheme.

- 8.12. The proposed fenestration to the building largely remains as previously approved however some minor changes are proposed to the basement. The previously approved scheme (BH2018/00854) featured three sets of sliding doors to the basement bedrooms. The current scheme features a combination of sliding doors and full height fixed panes which result in a slightly higher area of glazing. The additional glazing is marginal and would be readily visible from within the street scene as such there is no objection to this design element.
- 8.13. No external changes are proposed to the north (front) elevation of the property from the previously approved scheme.
- 8.14. Given the minor scale in changes to the approved scheme, the proposals are considered acceptable and in accordance with Policy CP12

**Impact on Amenity:**

- 8.15. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.16. Given the revisions to the scheme from previous proposals and the advice provided by members during previous meetings, the previous officer report of application BH2018/00854 stated that any potential amenity impact to neighbouring occupiers was not so significant to warrant the refusal of the application. Given that the current application is of the same scale, form and massing of the previously approved scheme, no alternative view is taken.
- 8.17. Whilst this proposal is for 4 units, the number of future occupiers of the scheme is likely to remain the same given that the previous ground and basement floor unit would have accommodated 4 persons and that the 1 bedroom unit and studio unit would again allow for occupation of 4 persons in total. The previously refused application BH2017/04186 proposed 4 units albeit of a different layout to that currently proposed, however this application did not raise any specific objection to the number of units to be provided.

**Standard of accommodation**

- 8.18. The current proposals seek to increase the number of units proposed within the development from 3no units to 4. This change is facilitated by dividing the approved two bedroom ground floor and basement unit into 2no units comprising of 1no one bedroom unit and 1no studio unit. The units on the first and second floor remain unchanged to the previously approved scheme.

- 8.19. The proposal for a studio unit at basement level has been considered on the basis that the bedroom area proposed, adjacent to the kitchen, has not been fully partitioned off and is not entered via a door, the access to this room is instead open.
- 8.20. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.21. The LPA must consider both the quantitative and the qualitative issues raised by the proposal and this includes the overall amenity and outlook for future residents and whether the accommodation is of a sufficiently high standard overall. Indeed, the updated NPPF requires that all developments provide a high standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'.
- 8.22. The ground floor unit now comprises a 1no bedroom unit with an open plan kitchen/living area, double bedroom, bathroom and utility room. The proposed units measures 56sqm and provides a double bedroom with a floor space of 13.5m which exceeds the measurements as set out within the NDSS. In addition both habitable living spaces feature sufficient useable floor area and could accommodate furniture items likely to be required by future occupiers.
- 8.23. The primary living area is dual aspect whilst the bedroom proposed has views to the south of the property. It is noted that the bedroom window will have outlook towards the shared boundary, however the height of this boundary has been reduced from the previous scheme and as a result views over the timber slatted boundary treatment will now be had. As such the light and outlook from this room is deemed acceptable.
- 8.24. As such it is considered that the one bedroom ground floor unit would provide an acceptable standard of accommodation for future occupiers.
- 8.25. At basement level the scheme would provide a studio unit with a bedroom area, kitchen/living room and bathroom. The studio unit has an internal floor area of 43sqm. However, unit sizes are not in themselves determinative of the standard of accommodation being acceptable.
- 8.26. It is considered that the proposed basement unit would suffer from a lack of outlook in addition to a sense of enclosure. The basement flat would retain a separation distance of 1.7m to the shared boundary wall with No.60. The height of this shared boundary wall measures approximately 4.4m and as a result would be overbearing on the future occupiers of this unit and results in a sense of enclosure to this property and its external amenity space.

- 8.27. Furthermore the proposed external access stairs to this unit, positioned approximately 0.8m from bedroom windows would obstruct views from the bedroom area which exemplifies the constrained nature of the development. As such it is considered that the resultant unit would provide oppressive living conditions for future occupiers.
- 8.28. Whilst the approved scheme (BH2018/00854) featured living accommodation at basement level, this was to serve a maisonette. The previous scheme proposed 2 bedrooms to the basement level and the main living area of the property at ground floor. As such the ground floor level of the property would have benefitted from dual aspect and acceptable levels of light and outlook. Whereas the current application, proposes a self-contained basement unit with single outlook onto a high boundary wall and as such the two schemes are not considered comparable.
- 8.29. The proposed basement unit under the current application would result in accommodation that would represent a poor standard of accommodation for future occupiers due to that lack of outlook and sense of enclosure likely to be experienced by future occupiers. As such the qualitative assessment demonstrates that the proposed accommodation doesn't meet the local and national policy requirements and accordingly is considered to be contrary to QD27 of the Brighton and Hove Local Plan.

### **Housing Mix**

- 8.30. Policy CP19 of the Brighton and Hove City Plan Part One confirms that an important part of the Plan's role is to help achieve a good housing mix and a choice of housing (in terms of types and sizes of accommodation) in order to meet the diverse accommodation needs of the local community over the plan period. In terms of market housing, the greatest demand is likely to be for 2 and 3 bedroom properties and that demographic analysis of the demand/need for all housing indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties. Accordingly, the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.31. The most recent Annual Monitoring Report for Residential Development 2017-2018 (Page 6, Chart 4) (see Appendix 2) demonstrates that the proportion of one bed units being delivered year-on-year continues to increase whereas the number of two bedroom units, which could potentially be suitable for family accommodation, is reducing.
- 8.32. As a result this points to a lack of choice across the housing market in terms of property sizes available to current and future households, particularly so in terms of the availability of family sized type dwellings.
- 8.33. The previously approved scheme helped towards the wider objective of policy CP19 whereas the current proposal seeks to provide only one or studio bedroom units. In terms of helping to deliver a mix of housing to meet

the needs of the city, the proposal therefore represents something of a backward step and would be contrary to the aims of Policy CP19.

**Sustainable Transport:**

Vehicle parking

- 8.34. No additional car parking is proposed for the four units. This would be expected to increase the demand for on-street parking. Based on the 2011 Census, car ownership levels of approximately 0.86 per household could be expected for the Preston Park ward and therefore the proposal has the potential to generate a demand of approximately 4 vehicles.
- 8.35. Where there is potential for overspill parking, a parking survey is normally utilised to determine whether there is capacity on-street for the additional demand within close proximity to the development.
- 8.36. In lieu of a parking survey, the Local Planning Authority utilise permit uptake data to assess parking occupancy levels within CPZs. Given the potential variance in uptake across a CPZ, where permit uptake is over 85% over the previous 12 months, no additional overspill parking is permitted without a supporting parking survey.
- 8.37. Recent permit uptake within Zone J indicates high demand for parking over 90%. Therefore, if the scheme were otherwise acceptable, a condition would be attached to any permission stating that all of the residential development is made car free and that future occupiers have no entitlement to residents parking permits.

Cycle Parking

- 8.38. In terms of cycle parking provision, SPD14 requires 1 long stay space to be provided per dwelling. Therefore, it is required for 4 cycle spaces to be provided to serve the development. 6 spaces are proposed which is in accordance with SPD14 guidance.

Trip generation

- 8.39. The proposed development would result in four additional dwellings. It is not considered the additional dwellings would result in a significant uplift in person and vehicle trips.
- 8.40. Therefore, it is not considered that the development to have a severe impact on the highway and surrounding Transport network.

**Sustainability:**

- 8.41. If the scheme were otherwise acceptable conditions would be sought to secure energy efficiency and water standards.

**9. EQUALITIES**

None identified.



**Cllr. Amy Heley**  
**BH2019 03339 - Land To Rear Of 62-64 Preston Road**

**17/12/2019:**

Please accept this as a letter of support for the planning application BH2019/03339. I see no problem with the proposed changes to the property. As these flats are currently leased to the YMCA, I recognise that this proposed plan provides much needed accommodation for some of the most vulnerable people in our city.

Should this application be recommended for refusal under the powers delegated to council officers, I ask that it be referred to the planning committee for decision and that this letter is included in the application.





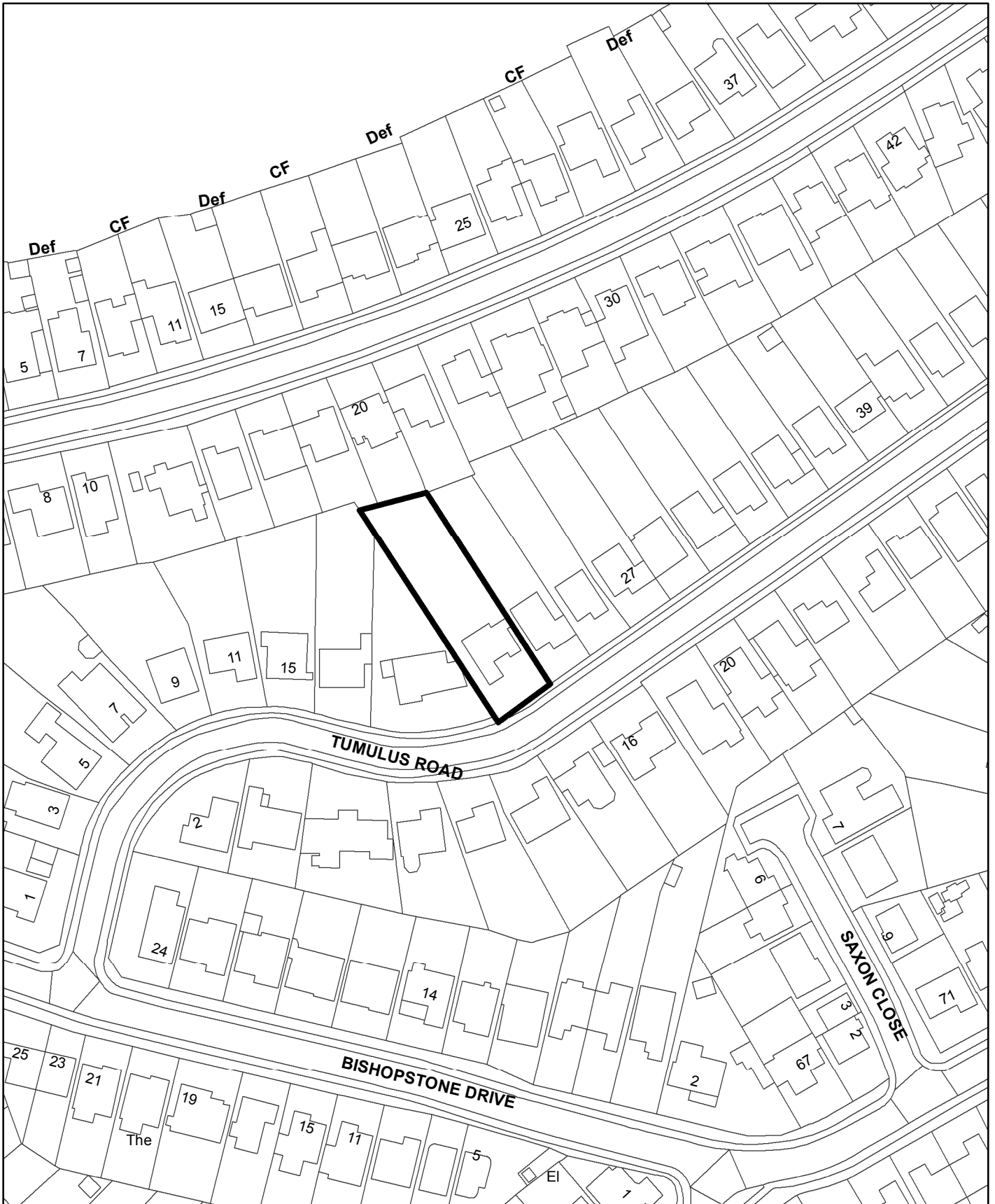
# **ITEM F**

**21 Tumulus Road  
BH2019/02871  
Householder Planning Consent**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2020**



# BH2019 02871 - 21 Tumulus Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/02871</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>21 Tumulus Road Saltdean Brighton BN2 8FR</b>		
<b><u>Proposal:</u></b>	<b>Erection of summer house in rear garden. (Part retrospective)</b>		
<b><u>Officer:</u></b>	Nick Salt, tel:	<b><u>Valid Date:</u></b>	25.09.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	20.11.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	PB Plans Ltd 26 Windermere Road Coulsdon CR5 2JA		
<b><u>Applicant:</u></b>	Tom Hall 21 Tumulus Road Saltdean Brighton BN2 8FR		

## 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	PBP1217/02		25 September 2019
Block Plan	PBP1217/03		25 September 2019
Proposed Drawing	PBP1217/01	A2	26 November 2019

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The windows in the western elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.  
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The outbuilding hereby approved shall only be used as accommodation incidental to and in connection with the use of the main property as a single dwelling house and shall at no time be occupied as a separate or self-contained unit of accommodation.  
Reason: To ensure the use of the development hereby permitted is appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with policies QD27 of the Brighton & Hove Local Plan.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of this condition

## **2. RELEVANT HISTORY**

- 2.1. **BH2019/02655** - Roof alterations incorporating hip to gable extensions with 2no side facing windows, rear dormer and 2no front rooflights. Erection of single storey extension to side and rear elevations, with new garage at lower level, new balcony to front elevation, new stairs and other associated works. Approved - 24.10.2019.

## **3. CONSULTATIONS**

None received.

## **4. REPRESENTATIONS**

- 4.1. Eleven (11) letters have been received in objection to the development, for the following reasons:
  - Too close to the boundary;
  - Too tall;
  - Galvanised roof would reflect sunlight;
  - Potential uses;
  - Boundary distances incorrect;
  - Out of scale for a summerhouse;
  - Loss of light;
  - Out of character with neighbourhood;
  - Drainage;
  - Fire risk;
  - Noise nuisance;
  - Detrimental effect on property value;
  - Inappropriate height of development;
  - Overlooking;
  - Discharge of waste.
- 4.2. Cllr Mears objects to the proposal, a copy of the letter is attached to the report.

## **5. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

## **6. CONSIDERATIONS & ASSESSMENT**

- 6.1. The application site relates to a single storey detached property located to the north side of Tumulus Road. As existing the property has a hipped roof with an adjoining single storey flat roof garage to the east side of the main building. To the rear is a partially completed timber summerhouse building close to the rear boundary. During the site visit the structure was seen in shell form (the exterior materials had not yet been installed) this application therefore seeks part-retrospective planning approval for the summerhouse.
- 6.2. The proposal building is 9m long and 4m wide, with a height of 4m to the pitched roof ridge and 2.2m to the eaves. The building would sit approximately 2m off the northern boundary and between 1.7m and 3m from the western boundary. The finish is timber on the elevations with 3 upvc windows on the front elevation facing south, and a patio door, in addition to a patio door on the east elevation and two windows on the west elevation - one a W.C. window. With exception of the W.C. (toilet and sink only) the floorspace would be open plan. The roof would overhang at the east gable. Following comments received, the applicant has amended the proposed roof from galvanised metal sheet roofing to be painted anthracite grey metal sheeting with plastic coating - attempting to reduce the likelihood of reflection of sunlight.

### Design and Appearance:

- 6.3. SPD12 (Design Guidance) states that "detached outbuildings can have a cluttering and visually harmful effect on a neighbourhood if they are excessively scaled or not sited sympathetically. Such buildings should be located in the rear garden or down the side of the main building where they have less visual impact." The building in question is set well back from the dwelling on the site and would not be readily visible from the surrounding streets.
- 6.4. The building proposed is large, and in many cases would be unacceptable due to the effect of its scale on the surrounding buildings. In this case however, the properties are detached and have, for the most part, substantial rear gardens which provide good outlook to the rear. The building would not be so large as to be an unacceptably obtrusive feature in the rear garden of the site due to its design and positioning, utilising timber and a dark coloured roof to retain a subservient appearance to the surrounding dwellings.

- 6.5. In respect of design and appearance, the proposal is considered to be acceptable and would accord with the design guidance and would respect the site context.

Neighbour amenity:

- 6.6. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 6.7. It is not considered that the building would be close enough to neighbouring dwellings or boundaries to result in unacceptable overshadowing or loss of light into or onto those properties. Similarly, the height and scale of the building relative to its surrounding context, and at the rear part of the garden of the application site, would not result in it being significantly overbearing when viewed from the main areas of neighbouring properties - particularly the dwellings themselves which would retain acceptable levels of outlook.
- 6.8. In relation to overlooking, this is most likely to be a cause for concern given the windows and doors proposed on three of the elevations. The side windows to the west should be obscure glazed (secured via condition) to reduce any risk of overlooking onto the rear garden of No.17. The building would be a sufficient distance from the boundary with the garden of No.23 so as to not cause concern of significant overlooking onto its garden from the patio door on the east elevation.
- 6.9. The main fenestration would be on the front elevation as noted. Due to the alignment of the respective surrounding properties, the property considered most at risk of overlooking from the summerhouse is No.19 to the immediate west of the site. The rear of this neighbouring dwelling sits lower than the summerhouse in terms of ground level which could exacerbate any overlooking. The distance however, between the rear elevation of No.19 and the front elevation and windows on the summerhouse would be over 30 metres. Despite the slight ground level differences, this distance, combined with some planting as existing along the boundary, would limit overlooking inasmuch as to result in a proposal which is considered acceptable in terms of amenity impact and in accordance with QD27 of the Local Plan.

Other Matters:

- 6.10. Concern has been raised about potential precedent of such a structure, however as each planning application is considered on its own merits, this is not considered to be a reason for refusal. Similarly, impact on property value is not a material planning consideration. It is not considered that fire risk would necessarily be greater than that for any similar outbuilding and therefore this is not a reason for refusal. The design of the roof and the surrounding garden should ensure that there is adequate surface drainage so as to prevent significant runoff into neighbouring gardens.



- 6.11. The applicant has confirmed that the summerhouse would be used for purposes incidental to the enjoyment and use of the residential dwelling on the site and not as living accommodation. Whilst concerns have been raised to the contrary, it is not considered that from the height or size of the building and the provision of a WC it can be reasonably asserted that the applicant seeks to use it as living accommodation. This application has been assessed based on a site visit and the information included with the submitted drawings and information. Nevertheless, a condition should be added to any approval ensuring that the use remains incidental to the existing dwelling on the site.

## **7. CONCLUSION**

- 7.1. Whilst the objections to this development and the concerns raised are noted, for the reasons discussed above, it is considered that the proposed summerhouse would not have an unacceptable amenity or visual impact which would be contrary to planning policy or material considerations.

## **8. EQUALITIES**

None identified.



**Cllr. Mary Mears**  
**BH2019/02871 - 21 Tumulus Road**

**29/10/2019:**

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

In my opinion this application for a summer house, looks more like a bungalow with its height and width, and it out of keeping with the surrounding area.

Concerns have been raised with regards to the closeness and deep excavations at the boundary , and possible use as living accommodation

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



# **ITEM G**

**Flat 6, Princes Court, 11 First Avenue  
BH2019/01983  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2020**



# BH2019 01983 - Flat 6, Princes Court, 11 First Avenue



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2019/01983</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>Flat 6 Princes Court 11 First Avenue Hove BN3 2FG</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey side extension onto the third floor roof terrace, and associated works.</b>		
<b><u>Officer:</u></b>	Nick Salt, tel:	<b><u>Valid Date:</u></b>	03.07.2019
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	28.08.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<b><u>Applicant:</u></b>	Ms Amanda Menahem Flat 6 Princes Court 11 First Avenue Hove BN3 2FG		

## 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	TA1197/11		3 July 2019
Proposed Drawing	TA1197/12		3 July 2019
Proposed Drawing	TA1197/13		3 July 2019
Proposed Drawing	TA1197/14		3 July 2019
Proposed Drawing	TA1197/15		3 July 2019
Location and block plan	TA1197/01		3 July 2019

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

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

3. The slatted screen shown on the approved plans shall be installed as shown, prior to the occupation or use of the development hereby approved and shall be retained as such thereafter.

**Reason:** To limit the risk of overlooking from the terrace area onto neighbouring properties in the interest of the residential amenity of neighbours in accordance with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. The development hereby permitted shall not be commenced until full details of the proposed east facing rooflight 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 shall be retained as such thereafter.

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

5. No development of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) samples of all tiling/slates
- b) samples of the proposed window, door and rooflight treatments
- c) samples of the privacy slatted screening to be used

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

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

Informatives:

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

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The site relates to a terraced property which is split into 6 flats. The property is located to the west side of First Avenue and is located in The Avenues conservation area. The flat in question is located on the fourth floor. It is built of yellow brick with the decorative detailing which provides a strong characteristic of this area.

- 2.2. The proposal looks to extend the existing crown flat roof over the later addition situated at the northern end of the property to form new day room within the extents of the former upper terrace, the lower terrace being retained as a private external area.

## **3. RELEVANT HISTORY**

- 3.1. BH2019/00853 - Certificate of lawfulness for retention of existing domestic shed on roof terrace. APPROVED (28.06.2019).

## **4. REPRESENTATIONS**

4.1. Eleven (11) letters have been received objecting to the proposed development, for the following reasons:

- Overlooking and loss of privacy;
- Overshadowing and loss of light;
- Restriction any view;
- Impact on property value;
- Inappropriate height;
- Not in keeping with streetscene;
- Not in keeping with Conservation Area;
- Noise;
- Safety and fire escape routes;
- Use of the terrace.

## 5. CONSULTATIONS

5.1. **Heritage** Approve with conditions

- The character and appearance of the area which it is important to preserve or enhance, is of 3 and 4 storey terraced or semi-detached properties, mostly yellow brick with slate roofs (eg First and Second Avenue), but with groups of properties of red brick and tile;
- Fancy brickwork, bays, balconies and canopies feature strongly, and boundaries are marked by low walls, mostly with railings and also by stone balustrading. Entrance paths are often of tiles. Most properties have solid panelled doors, timber sliding sash windows and large chimney stacks;
- The proposed extension whilst resulting in an increase in height affords a better proportioned roof when viewed from the approached along the street (East Elevation) and would result in the removal of the existing fencing which appears incongruous within the streetscene, whilst still expressing subservience to the historic core of the terraced property;
- As such the principle for an extension of this form is considered to preserve the special character of the conservation area;
- The proposed rooflight treatment to the East Elevation will be highly visible within the special character area and as such Heritage recommends that the following conditions are imposed:
  - Samples of materials and finishes
  - Joinery Details of proposed rooflights

5.2. **Conservation Advisory Group** Support

The Group recommends approval.

## 6. MATERIAL CONSIDERATIONS

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

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

## 7. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

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

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

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

#### Supplementary Planning Document:

SPD12	Design Guide for Extensions and Alterations
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## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider streetscene and on the amenities of adjacent occupiers.
- Design and Appearance:**
- 8.2. 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 the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.4. Guidance contained within SPD12 states that raising the ridge height of a building will not be appropriate where the existing roof form is an important

element of the building's character, contributes positively to the local street scene or where the extension would harm the amenities of adjacent properties.

- 8.5. The Heritage team point out that, architecturally, the Avenues include a variety of styles due to the changes of taste that took place during the slow pace of development. In general the character and appearance of the area which it is important to preserve or enhance, is of 3 and 4 storey terraced or semi-detached properties, mostly yellow brick with slate roofs (eg First and Second Avenue), but with groups of properties of red brick and tile. In terms of the site itself, the property forms the end of the terrace and a large gap in the building line provides a view of the northern side elevation affording greater prominence in the winter months when the trees aligned to the boundary are not in leaf.
- 8.6. The existing terrace on this 1980's part of the building features a low monopitch roof feature to the east elevation giving the appearance of a low slate roof when viewed head on from the east. This is an open terrace area with a small shed. The addition of a dayroom onto the existing terrace area on the property would be incorporated within a new monopitch feature which would appear from the First Avenue elevation as a raised roof ridge. This roof slope would be increased in height and would incorporate slate roofing to match the existing and a large rooflight feature would be installed which is proposed as approximately 3.5 metres wide and 2.3 metres long, sitting flush with the north side elevation of the adjacent taller part of the building to the south. The terracing itself would be altered and raised, with the existing shed removed, and screening slats installed to the west and north sides.
- 8.7. The alterations which would have a noticeable impact on the character and appearance of the property and the surrounding area are the day room with raised monopitch roof, and the rooflight proposed. It is not considered that the screening slats or the glazing to the west elevation (rear) of the dayroom would have a notable or unacceptable impact on the streetscene or that they would result in harm to the character or appearance of the Conservation Area.
- 8.8. The Heritage team have reviewed this application and note that the proposed extension affords a better proportioned roof when viewed from the First Avenue side and would result in the removal of the existing fencing which appears incongruous within the streetscene, whilst still expressing subservience to the historic core of the terraced property (the main taller part of the building to the south). The raised roof appearance and the principle of the additional of the dayroom is considered to be acceptable within the site and Conservation Area context when viewed from the north, east and west.
- 8.9. In terms of the rooflight, this would provide a large modern feature in the roofscape, and whilst this part of the building is modern it is essential that any such installation does not detract from the historical character and appearance of the conservation area and the adjoining older part of the terrace. The rooflight is considered to be acceptable in that it would be a

secondary feature which would not occupy the majority of the roof slope and would only be readily visible from the First Avenue side at a relatively tall height. Conditions should be added to secure samples of the proposed materials and joinery details to ensure that the rooflight does not result in a harmful impact on appearance.

- 8.10. Overall, the works proposed would not unacceptably impact the appearance of the site or the character and appearance of The Avenues Conservation Area and would accord with policies HE6 and QD14 of the Brighton & Hove Local Plan, CP12 and CP15 of the City Plan and SPD12.

**Impact on Amenity:**

- 8.11. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.12. A number of objections have been received raising concerns on the potential for noise disturbance, loss of privacy, and loss of light resulting from the proposed extension and altered terrace area.
- 8.13. It is not considered, due to the positing of the extension relative to the neighbouring dwellings, that there will be unacceptable loss of light or outlook experienced from the perspective of the neighbours. The extension would remain well below the ridge of the adjacent part of the terrace to the south and would sit partly in its shadow as it does currently.
- 8.14. The most likely risk to neighbouring residential amenity posed by terrace alterations is generally loss of privacy and overlooking. The impact on privacy has been fully considered, accounting for the use of the dayroom, as well as a slight raising of the level of the terrace. The impact will not be notably different than the existing situation, as there is a terrace currently useable with potential views on three sides. The slatted screening if installed correctly would limit actual and perceived overlooking on the neighbouring windows and conservatories surrounding.
- 8.15. In conclusion the proposed terrace may result in increased noise disturbance although not considered to be significant, or above what could be considered reasonable given the wider setting. The potential impacts on residential amenity such as overlooking, overshadowing and loss of outlook have been assessed and it is not considered that any significant harm will arise. Accordingly the application is recommended for approval. Overall, the proposal would not have an unacceptable impact on the amenity of neighbours in accordance with policies QD14 and QD27 of the Local Plan and SPD12 design guidance.

**Other Matters:**

- 8.16. Letters received in objection to the proposed development also noted land ownership and legal rights to build on and/or access the terrace. This is a civil matter and not a material planning consideration.

**9. CONCLUSION**

- 9.1. In summary, the main issues raised in objections to this development were the impact on appearance and the impact of the residential amenity of neighbours. Given the location of the site within The Avenues Conservation Area and the site's visual prominence, the impact on both has been carefully considered. Overall, due to the reasons set out above, the proposed development would not result in unacceptable levels of harm in either matter.

**10. EQUALITIES**

None identified.





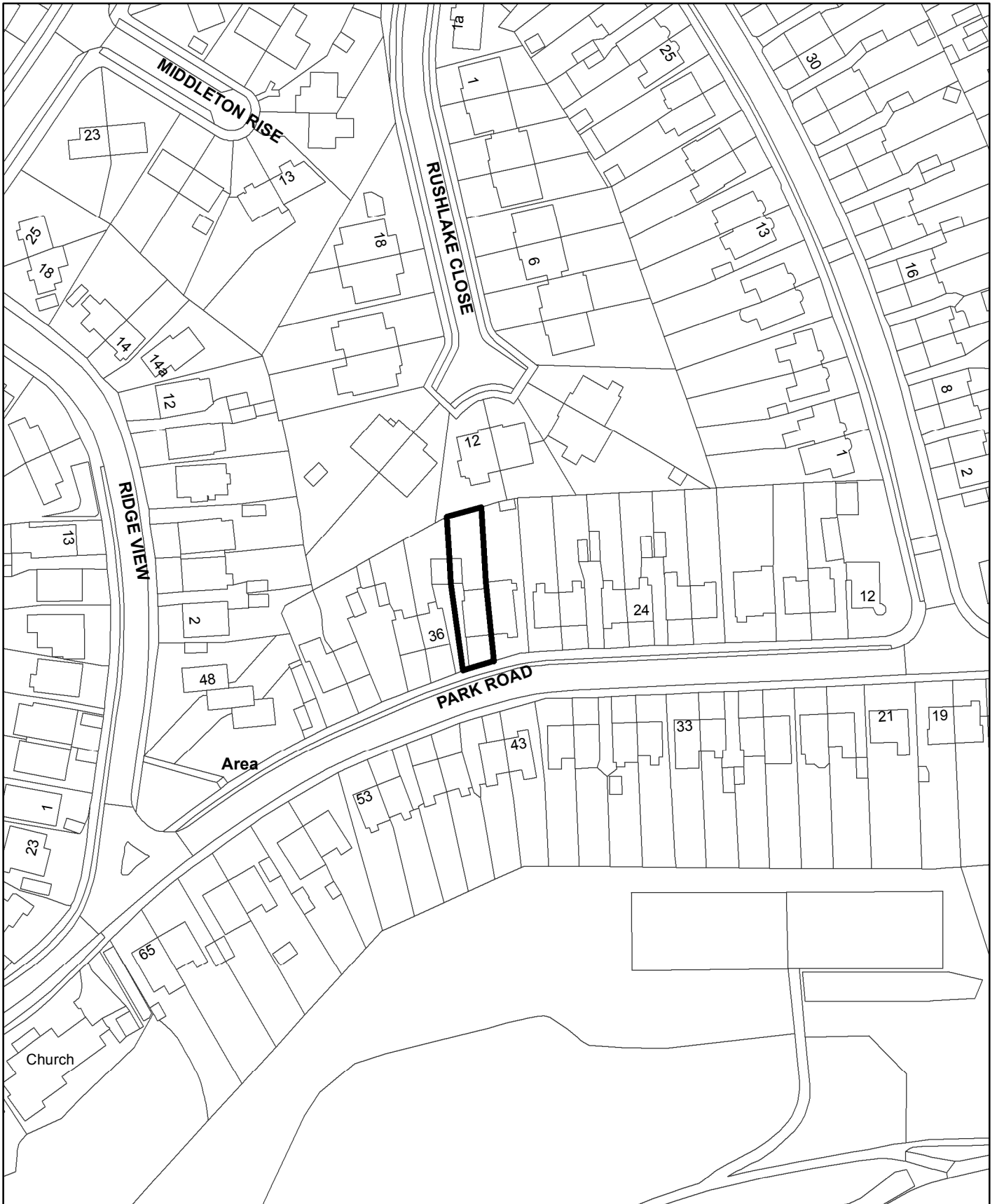
# **ITEM H**

**34 Park Road  
BH2019/03232  
Full Planning**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2020**



# BH2019 03232 - 34 Park Road



N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2019/03232</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>34 Park Road Brighton BN1 9AB</b>		
<b><u>Proposal:</u></b>	<b>Change of use from 3 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4). The proposal also incorporates fenestration alterations, and associated works.</b>		
<b><u>Officer:</u></b>	Mark Thomas, tel: 292336	<b><u>Valid Date:</u></b>	29.10.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	24.12.2019
<b><u>Listed Building Grade:</u></b>	N/A	<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 Oliver Dorman C/O 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>
Detail	Acoustic fence NBS/0212/V3		29 October 2019
Proposed Drawing	Acoustic fence		29 October 2019
Proposed Drawing	Soundproof wall insulation	V1 and V2	29 October 2019
Proposed Drawing	Soundproof wall insulation	V5	29 October 2019
Proposed Drawing	0216.01		29 October 2019

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

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

3. 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.

4. The use hereby permitted shall not come into use until the soundproofing measures (internal and external) shown on the approved drawings have been implemented. The soundproofing shall be retained thereafter.

**Reason:** To safeguard the amenities of occupiers of no. 65 Park Road and to comply with policy QD27 of the Brighton and Hove Local Plan.

5. The kitchen/dining/lounge areas as detailed on drawing no. 01 received on 29 October 2019 shall be retained as communal space at all times and shall not be used as a bedroom.

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

Informatives:

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

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to a two storey semi-detached house on Park Road. The house has been extended with a single storey rear extension.
- 2.2. The application seeks permission for a change of use from a three bedroom house (C3) to a six bedroom house in multiple occupation (C4 use class).
- 2.3. The property is situated within Hollingdean and Stanmer Ward, which is covered by an Article 4 Direction, which restricts the proposed change of use which would otherwise be Permitted Development.

**3. RELEVANT HISTORY**

- 3.1. **BH2019/01615 (No. 55 Park Road)** Change of use from single dwellinghouse (C3) to four bedroom small house in multiple occupation (C4) (Retrospective). Refused 12/08/2019 Appeal Allowed 17/01/2020

**4. REPRESENTATIONS**

- 4.1. Fifteen (15) representations have been received Objecting to the proposed development for the following reasons:
  - Noise and disturbance
  - Anti-social behaviour
  - Increased traffic/ parking congestion
  - The proposal is an overdevelopment of the property

- Increased rubbish/litter on pavements
- Impact on house values
- Already too many HMOs in Coldean
- Impact on local communities due to too many students/ HMOs
- The developer has other properties which are not well managed

## 5. CONSULTATIONS

### 5.1. Sustainable Transport: No objection

- The likely impact of the loss of the garage for parking of motor vehicles is unlikely to be significant enough to warrant a reason for refusal.
- The provision of cycle parking is in line with SPD14 and is acceptable. The provision and retention should be secured by condition.
- Trips associated with the new use are unlikely to be significantly different from the existing residential use.

### 5.2. Private Sector Housing: Comment

- The applicant will need to apply for a HMO licence should the application be approved, and should refer to the HMO standards.

## 6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

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

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

TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and Alterations
QD27	Protection of amenity

Supplementary Planning Documents:

SPD14	Parking Standards
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**8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport issues.

**Principle of Development:**

- 8.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

- 8.3. 'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- 8.4. More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'

- 8.5. A mapping exercise has taken place which indicates that there are 32 neighbouring properties within a 50m radius of the application property. Two neighbouring properties have been identified as being in HMO use within the 50m radius. A further HMO has been identified by a resident who has commented on the application, no. 55 Park Road. This property has recently been granted permission for use as a four bedroom HMO at appeal. The percentage of neighbouring properties in HMO use within the radius area is thus 9.3%, including no. 55. There are no extant planning permissions for the change of use of any property other than no. 55 within the 50m radius to an HMO.

- 8.6. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a small HMO would be in accordance with policy CP21.

**Standard of accommodation:**

- 8.7. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers.



Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and adequate outlook in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in a communal lounge.

- 8.8. The 'Nationally Described Space Standards' 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 and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. 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>.
- 8.9. The ground floor accommodation would comprise 2 bedrooms (7.7m<sup>2</sup> and 7.7m<sup>2</sup>), an open-plan kitchen/living/dining room, (26m<sup>2</sup>) and a shower room. The first floor accommodation would comprise 4 bedrooms (7.5m<sup>2</sup>, 7.6m<sup>2</sup>, 7.7m<sup>2</sup> and 8.2m<sup>2</sup>) and a second shower room.
- 8.10. The proposed floor plans show indicative furniture layouts, which for the bedrooms show how a bed, storage furniture and desk could be accommodated. The proposed layout would allow for all rooms to have adequate natural light and circulation space. The communal space is laid out in such a way that it could adequately function for 6 occupants.
- 8.11. The two ground floor bedrooms would share internal walls with the communal space. The rear bedroom, where it adjoins the kitchen area, shares what was originally the outside wall and therefore this is significantly more robust than a new internal wall. In recognition of the relationship between the rooms, the new internal walls would be insulated to 42 Db. This is the amount of sound lost across the partition wall. Thus a typical level of speech of 65 Db in the communal area would be 23 Db in the bedrooms which is barely audible.
- 8.12. Overall, the proposed change of use would not result in substandard living conditions for future occupiers.

**Impact on Amenity:**

- 8.13. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.14. The increased occupation of the building is not considered likely to result in significantly increased activity which would cause noise/disturbance to

neighbouring properties beyond the existing residential use. It is further noted that sound insulation is proposed to the party wall with the adjoining property at no. 32 Park Road to a level of 60 Db. An acoustic fence along the boundary with this neighbour is also proposed. These details will be secured by condition. Significant harm to neighbour amenity is therefore not foreseen.

**Sustainable Transport:**

- 8.15. The change of use is not considered to result in a significant increase in on street parking pressure. The proposed scheme is not considered to result in a significant increase in trip generation. The application proposes cycle storage within the garage. This provision shall be secured by condition

**External Alterations:**

- 8.16. Only minor external alterations are proposed, involving the blocking up of 2 side elevation windows, the alteration of a rear ground floor window by reducing its size/ raising the sill level, and the installation of a skylight to the flat roof of the single storey rear extension. These alterations would not have any significant impact on the character and appearance of the recipient property or on the amenity of occupiers of neighbouring properties.

**9. EQUALITIES**

No issues identified.

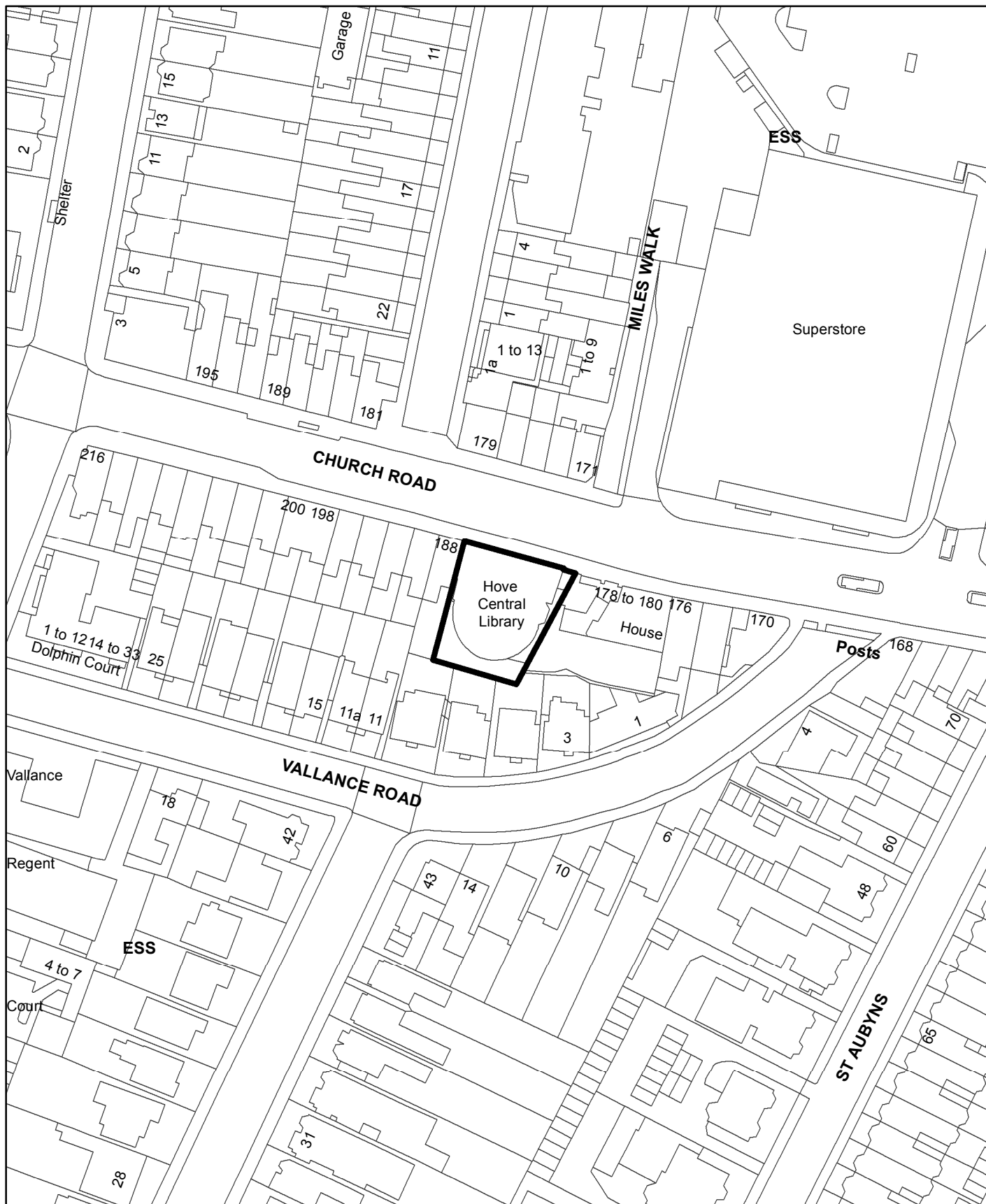
# **ITEM I**

**Hove Central Library, 182-186 Church Road  
BH2019/02771  
Listed Building Consent**

**DATE OF COMMITTEE: 5<sup>th</sup> February 2020**



# BH2019 02771 - Hove Central Library, 182-186 Church Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/02771</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>Hove Central Library 182 - 186 Church Road Hove BN3 2EG</b>		
<b><u>Proposal:</u></b>	<b>Installation of lock to existing gates and associated works.</b>		
<b><u>Officer:</u></b>	Nicola Van Wunnik, tel: 294251	<b><u>Valid Date:</u></b>	25.09.2019
<b><u>Con Area:</u></b>	Old Hove	<b><u>Expiry Date:</u></b>	20.11.2019
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Broe And Co LLP 66 Haven Way Newhaven BN9 9TD		
<b><u>Applicant:</u></b>	Hove Village Day Nursery Ltd 126-128 New Church Road Hove BN3 4JD		

## 1. RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** Listed Building Consent subject to the following Conditions and Informatives.

- 1.1 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.

### 1. Informatives:

- 1.1 This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	PL 01		14 January 2020
Location and block plan	EX01	A	24 September 2019

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is a grade II listed building with the Old Hove Conservation Area. The building principally continues to be used for its original purpose as a public library however the lower level is now in separate use as a day nursery.

- 2.2 Listed building consent is sought for the installation of an entry system to the side access.

## 3. RELEVANT HISTORY

**BH2018/03896** - Alterations to entrance lobby to install access control system including exit button and associated works. Approved 09/04/2019

**BH2018/01123** - Alterations to rear garden area incorporating new steps, handrail and landing and addition of insulation and plasterboard to existing screen of w.c window for use by children's day nursery. Approved 11/06/2018

**BH2018/00469** - Internal alterations to lower ground floor & external alterations to rear ground floor including construction of new wall with balustrade, landscaping & associated works to facilitate the conversion to children's day nursery (D1). Approved 12/06/2018

**BH2017/03940** - Installation of ventilation grille to rear elevation. Internal alterations to layout to facilitate the creation of new staff work rooms at ground floor & first floor levels, new toilet facilities to lower ground floor and associated alterations including new surface mounted waste pipe to basement - Approved 20/03/2018

#### 4. REPRESENTATIONS

None received.

#### 5. CONSULTATIONS

##### Heritage:

##### **Additional comments received after amended plans were submitted**

The applicant has provided further information to justify the need for the new entry system, and following discussions revised details have been provided aimed at reducing the impact of the new fittings on the side entrance and gate.

It is noted that the image of the exterior of the entrance shows the video entry panel is mounted on a plate which is colour coated to match the stonework, as agreed, however the annotation still states that it will be black to match existing metalwork, therefore the annotation should be corrected accordingly.

Subject to correction of the annotation the Heritage Team is now able to support this application.

##### **Original comments received**

This application is for an entry system to include a card-reader and a video screen. The application does not explain why the existing code entry is inadequate or provide justification for the unit proposed, however the heritage statement states 'These proposals will enhance the use of the library, making the current facilities compliant with the recommendations within the Fire Risk Assessment, to enable out of hours working for staff and occupiers of the building. This forms part of the wider project to ensure that the library service is financially sustainable by making best use of the asset and future-proofing the fire alarm/locking system. This does not seem relevant to the current application.

There is concern that the size, appearance and positioning of this equipment will be harmful to the character of this entrance, which is currently relatively unaffected by the current use of the building. (Existing signage is however noted and dealt with below).

Plan PL01 has an image of the control panel against the stonework, however the application states that it is to be bolted to the brickwork inside the gate so that it



is not fixed to the stone reveal - further information is required to explain this fully and also explain the impact of the fixings on the brickwork.

Robust justification that this is the minimum required for the operation of the nursery use, and evidence that the impact of the equipment on the appearance of the building has been minimised and that the proposed arrangement is the least damaging system is therefore required.

It is queried whether positioning the control panel in front of the fixed gate would make it less prominent than as proposed, as the black backing plate contrasts strongly with the pale stone of the façade.

NB. The signage associated with the nursery shown on drawing EX02 requires listed building consent and should be removed prior to approval of an acceptable sign.

## **6. MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

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

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

## **7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

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

HE1 Listed Building Consent  
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

Supplementary Planning Documents:  
SPD09 Architectural Features

**8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relates to whether the proposed alterations would have a detrimental impact on the character, architectural setting and significance of the grade II listed building and the wider Old Hove Conservation Area.
- 8.2 Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight". 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.
- 8.3 The application site relates to Hove Central Library which features a nursery at lower ground floor level. As existing the site features a paved side pedestrian access which is assessed from the side gate that is subject to the application. The gates are recessed back from the front façade with stone reveals either side and feature a punch-key code lock and metal blanking plate on their external face.
- 8.4 The proposal involves the removal of the existing punch key lock and the installation of an entry system to include a card reader and video screen. The new electronic entry panel will be fixed to a metal backing plate which will be colour coated to match the existing stonework, as annotated on the plans submitted. The backing plate will be bolted to the mortar of the brickwork behind the existing gate and not to the stone reveal, which would mean there would be no visible fixings on the front of the library and the stonework would remain untouched.
- 8.5 The existing punch-key lock on the gate will be replaced with a metal blanking panel to match the existing plate.
- 8.6 Overall it is considered that the proposed works would not harm the historic character or appearance on the grade II listed building or wider conservation area in accordance with policies HE1 & HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
- 8.7 Other Matters  
The heritage officer has commented regarding the signage associated with the nursery (as shown on drawing EX02). This was in situ when the site visit was carried out and requires listed building consent, however this will be dealt with under a separate application. The signage has now been removed prior to approval of an acceptable sign.

- 9. EQUALITIES**  
9.1 None identified.



# PLANNING COMMITTEE

## Agenda Item 87

Brighton & Hove City Council

### NEW APPEALS RECEIVED

#### WARD

#### **HOVE PARK**

APPEALAPPNUMBER

BH2019/01978

ADDRESS

5 Windsor Close Hove BN3 6WQ

DEVELOPMENT DESCRIPTION

Roof enlargement including 2no side hip-to-gable extensions, rear dormer with Juliet balcony and rear gable, front and side facing rooflights, alteration of roof tiles. Recladding of property and revised fenestration. Erection of raised terrace with privacy screening and timber boundary fence (Part-Retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

07/01/2020

APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **MOULSECOOMB AND BEVENDEAN**

APPEALAPPNUMBER

BH2019/01687

ADDRESS

25 Auckland Drive Brighton BN2 4JD

DEVELOPMENT DESCRIPTION

Change of use from 4 bedroom dwellinghouse (C3) to 6 bedroom small house in multiple occupation (C4) with associated works including blocking of windows to side elevation and installation of cycle storage to front.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

13/12/2019

APPLICATION DECISION LEVEL

Planning (Applications) Committee

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#### WARD

#### **MOULSECOOMB AND BEVENDEAN**

APPEALAPPNUMBER

BH2019/02436

ADDRESS

19 Jevington Drive Brighton BN2 4DG

DEVELOPMENT DESCRIPTION

Change of use from 3no bedroom single dwelling (C3) to a 6no bedroom residential dwelling or small house in multiple occupation (C3/C4) with the insertion of front & rear rooflights. (Retrospective)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

11/12/2019

APPLICATION DECISION LEVEL

Planning (Applications) Committee

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#### WARD

#### **PATCHAM**

APPEALAPPNUMBER

BH2018/02579

ADDRESS Patcham Service Station Patcham By Pass  
London Road Brighton BN1 8YB  
Variation of condition 7 of application BN83/386  
(Demolition of existing service station and the  
construction of a new self-service petrol filling  
station with canopy and 32,000 gallons of fuel  
storage) to extend trading hours in addition to the  
erection of a 3m high fence to the southern  
boundary of the site. Current approved hours are  
07.00 to 23.00, hours now proposed 06.00 to  
midnight.

DEVELOPMENT DESCRIPTION

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 11/12/2019  
APPLICATION DECISION LEVEL Planning (Applications) Committee

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**WARD** **REGENCY**  
APPEALAPPNUMBER BH2019/00691  
ADDRESS 14 Regent Hill Brighton BN1 3ED  
Change of use of existing building to form office  
(B1) at ground and lower ground floors, 2no one  
bedroom flats (C3) to first floor & 1no three  
bedroom flat (C3) to second floor.

DEVELOPMENT DESCRIPTION

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 06/01/2020  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ROTTINGDEAN COASTAL**  
APPEALAPPNUMBER BH2019/02254  
ADDRESS 62 Dean Court Road Rottingdean Brighton BN2  
7DJ  
Erection of glass balustrade to existing flat roof to  
create a balcony. (Retrospective)

DEVELOPMENT DESCRIPTION

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 07/01/2020  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ROTTINGDEAN COASTAL**  
APPEALAPPNUMBER BH2019/02283  
ADDRESS 5 Dean Court Road Rottingdean Brighton BN2  
7DE  
Roof alterations incorporating raising of ridge  
height to east and west elevations, insertion of  
rooflights to rear with associated alterations.

DEVELOPMENT DESCRIPTION

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 13/12/2019  
APPLICATION DECISION LEVEL Delegated

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<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2019/00097
<b><u>ADDRESS</u></b>	5 West Hill Place Brighton BN1 3RU
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Replacement of timber front windows with UPVC double glazed sliding sash windows (retrospective)
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	18/12/2019
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2019/02087
<b><u>ADDRESS</u></b>	57A Coleridge Street Hove BN3 5AB
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Installation of rear dormer with Juliet balcony and insertion of 2no. front rooflights.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	02/01/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>WISH</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2019/01606
<b><u>ADDRESS</u></b>	31 Welbeck Avenue Hove BN3 4JP
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Certificate of lawfulness for the proposed erection of a single storey rear/side extension, single storey side extension, hip to gable roof extension, rear dormer with Juliet balcony and 2 front rooflights, alterations to the porch and revised fenestration.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	20/12/2019
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>WITHDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2019/00719
<b><u>ADDRESS</u></b>	5 & 7 Cornwall Gardens Brighton BN1 6RH
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Roof alterations incorporating enlargement of existing rear dormers and rooflights to side and front slopes to 5 & 7 Cornwall Gardens
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	13/12/2019
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>WITHDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2019/01442
<b><u>ADDRESS</u></b>	8 Clermont Road Brighton BN1 6SG

DEVELOPMENT DESCRIPTION Conversion and extension of existing 4 storey 6 bedroom house to form 1no 2 bedroom lower ground floor flat and 1no three storey maisonette above.

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 19/12/2019

APPLICATION DECISION LEVEL Delegated

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**WARD** **WITHDEAN**

APPEALAPPNUMBER BH2019/02162

ADDRESS 3 Downside Brighton BN1 5EQ

DEVELOPMENT DESCRIPTION Erection of decking area to rear. (Part retrospective).

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 07/01/2020

APPLICATION DECISION LEVEL Delegated

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**WARD** **WOODINGDEAN**

APPEALAPPNUMBER BH2019/01399

ADDRESS 46 - 48 Warren Road Woodingdean Brighton BN2 6BA

DEVELOPMENT DESCRIPTION Installation of roller shutter to front elevation over window and entrance way.

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 16/12/2019

APPLICATION DECISION LEVEL Delegated

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# PLANNING COMMITTEE

## Agenda Item 89

Brighton & Hove City Council

### APPEAL DECISIONS FOR THE PERIOD BETWEEN 13/12/2019 AND 21/01/2020

#### WARD

#### **BRUNSWICK AND ADELAIDE**

#### APPEAL APPLICATION NUMBER

APL2019/00233

#### ADDRESS

Lansdowne Place Hotel Lansdowne Place Hove  
BN3 1HG

#### DEVELOPMENT DESCRIPTION

Installation of smoke extract roof ductwork and ancillary equipment and powder-coated perforated metal screening around the roof ductwork. (Part retrospective).

#### APPEAL TYPE

Against Refusal

#### APPEAL DECISION

APPEAL DISMISSED

#### PLANNING APPLICATION NUMBER

BH2019/01902

#### APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **BRUNSWICK AND ADELAIDE**

#### APPEAL APPLICATION NUMBER

APL2019/00235

#### ADDRESS

Flat 1 36 Brunswick Square Hove BN3 1ED

#### DEVELOPMENT DESCRIPTION

Internal alterations to layout of flat, including the removal of the non-load bearing partition stud wall between the living room and kitchen. (Retrospective)

#### APPEAL TYPE

Against Refusal

#### APPEAL DECISION

APPEAL DISMISSED

#### PLANNING APPLICATION NUMBER

BH2019/00149

#### APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **BRUNSWICK AND ADELAIDE**

#### APPEAL APPLICATION NUMBER

APL2019/00249

#### ADDRESS

16 - 18 Selborne Road Hove BN3 3AG

#### DEVELOPMENT DESCRIPTION

Roof extension to facilitate creation of 1no one bedroom flat with installation of rooflights and side panelling.

#### APPEAL TYPE

Against Refusal

#### APPEAL DECISION

APPEAL DISMISSED

#### PLANNING APPLICATION NUMBER

BH2017/02294

#### APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **BRUNSWICK AND ADELAIDE**

#### APPEAL APPLICATION NUMBER

APL2019/00252

#### ADDRESS

Basement Flat 1 9 Selborne Road Hove BN3  
3AJ

<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey ground floor rear extension replacing existing conservatory.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01515
<u>APPLICATION DECISION LEVEL</u>	Delegated
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<b><u>WARD</u></b>	<b>CENTRAL HOVE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00240
<u>ADDRESS</u>	5 Kings Gardens Hove BN3 2PE
<u>DEVELOPMENT DESCRIPTION</u>	Resurface front entrance path with ceramic tiles, installation of new gas pipes and removal of existing rainwater pipes (Retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/02036
<u>APPLICATION DECISION LEVEL</u>	Delegated
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<b><u>WARD</u></b>	<b>HANOVER AND ELM GROVE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00230
<u>ADDRESS</u>	Flat 1 90 Hartington Road Brighton BN2 3PB
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from four bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4), (Retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2018/02132
<u>APPLICATION DECISION LEVEL</u>	Delegated
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<b><u>WARD</u></b>	<b>HOLLINGDEAN AND STANMER</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00228
<u>ADDRESS</u>	26 Brentwood Crescent Brighton BN1 7EU
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from (C3) dwellinghouse to (C4) small house in multiple occupation.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01050
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
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<b><u>WARD</u></b>	<b>HOLLINGDEAN AND STANMER</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00243
<u>ADDRESS</u>	55 Park Road Brighton BN1 9AA
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from single dwellinghouse (C3) to four bedroom small house in multiple occupation (C4) (Retrospective).

<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01615
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<hr/>	
<b><u>WARD</u></b>	<b>HOVE PARK</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00232
<u>ADDRESS</u>	Gemini Business Centre 136-140 Old Shoreham Road Hove BN3 7BD
<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for change of use from offices (B1 (a)) to residential (C3) to create 48no residential units, comprising 8no studio flats, 32no one bedroom flats and 8no two bedroom flats.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00701
<u>APPLICATION DECISION LEVEL</u>	Delegated
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<b><u>WARD</u></b>	<b>HOVE PARK</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00254
<u>ADDRESS</u>	Land To The Rear Of 5 Chalfont Drive Hove BN3 6QR
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no. single storey (plus basement level) three bedroom dwelling (C3) to the rear of 5 Chalfont Drive. Proposal also incorporates: vehicle crossover; parking; and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01611
<u>APPLICATION DECISION LEVEL</u>	Delegated
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<b><u>WARD</u></b>	<b>HOVE PARK</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2019/00256
<u>ADDRESS</u>	2 Dyke Close Hove BN3 6DB
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey rear extension, formation of lower ground floor, roof alterations incorporating front rooflights and rear terrace area with balcony, revision to garage location, rear terrace with access to garden and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00150
<u>APPLICATION DECISION LEVEL</u>	Delegated

**WARD****APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****APPLICATION DECISION LEVEL****PATCHAM**

APL2019/00222

Land At 3 Brangwyn Avenue Brighton BN1 8XH

Erection of detached 5no bedroom residential dwelling (C3) with vehicle hardstanding and crossover.

Against Refusal

APPEAL DISMISSED

BH2019/01215

Delegated

**WARD****APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****APPLICATION DECISION LEVEL****PRESTON PARK**

APL2019/00231

1B Upper Hamilton Road Brighton BN1 5DF

Application for removal of condition 2 of application BH2018/03521 (Prior approval for change of use from shop (A1) to residential self-contained one bedroom flat (C3)) which states that the residents of the development have no entitlement to resident's parking permits other than disabled blue badge holders.

Full Planning-against conditions

APPEAL ALLOWED

BH2019/00554

Delegated

**WARD****APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****APPLICATION DECISION LEVEL****QUEEN'S PARK**

APL2019/00225

12 Royal Crescent Brighton BN2 1AL

Replacement of existing balustrade with lightweight stainless steel balustrade to roof.

Against Refusal

APPEAL DISMISSED

BH2018/03785

Delegated

**WARD****APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL TYPE****APPEAL DECISION****PLANNING APPLICATION NUMBER****QUEEN'S PARK**

APL2019/00229

5 Steine Street Brighton BN2 1TE

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

Against Refusal

APPEAL ALLOWED

BH2018/02916

APPLICATION DECISION LEVEL Delegated

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**WARD**

**QUEEN'S PARK**

APPEAL APPLICATION NUMBER

APL2019/00262

ADDRESS

6 Wyndham Street Brighton BN2 1AF

DEVELOPMENT DESCRIPTION

Installation of a hinged access hatch and obscure glazed balustrade and screening to roof terrace.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/02269

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2019/00223

ADDRESS

Marlborough House 54 Old Steine Brighton BN1 1NH

DEVELOPMENT DESCRIPTION

Installation of bird spikes to parapets and top of walls at front elevation.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/00238

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ROTTINGDEAN COASTAL**

APPEAL APPLICATION NUMBER

APL2019/00251

ADDRESS

70 Greenways Brighton BN2 7BL

DEVELOPMENT DESCRIPTION

Demolition of existing bungalow and erection of 2no five bedroom dwelling houses.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/00282

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ROTTINGDEAN COASTAL**

APPEAL APPLICATION NUMBER

APL2019/00261

ADDRESS

46 Coombe Vale Saltdean Brighton BN2 8HL

DEVELOPMENT DESCRIPTION

Erection of single storey side extension to replace existing garage and two storey rear extension with juliet balcony, insertion of 1 no rooflight to South, East and West elevations and revised fenestration with associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/02431

APPLICATION DECISION LEVEL Delegated

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**WARD**

**ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER

APL2019/00177

ADDRESS

10 Mayo Road Brighton BN2 3RJ

DEVELOPMENT DESCRIPTION

Change of use from small house in multiple occupation (C4) to one 1no bedroom flat (C3) at lower ground floor level and small house in multiple occupation (C4) above. (Retrospective)

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2017/04222

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**WITHDEAN**

APPEAL APPLICATION NUMBER

APL2019/00269

ADDRESS

34 Fernwood Rise Brighton BN1 5EP

DEVELOPMENT DESCRIPTION

Hip to gable roof extensions incorporating a rear dormer, juliette balcony, rooflights to the front and side elevations with associated alterations.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/01965

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**WOODINGDEAN**

APPEAL APPLICATION NUMBER

APL2019/00193

ADDRESS

106, 108 & 110 Downs Valley Road Brighton BN2 6RF

DEVELOPMENT DESCRIPTION

Construction of four detached family houses (C3) together with associated parking, cycle parking and landscaping.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2018/02558

APPLICATION DECISION LEVEL

Planning (Applications) Committee