

# Planning Committee

Date: **6 May 2020**

Time: **2.00pm**

Venue **\*Please Note:** In response to current Central Government Guidance it is envisaged that this meeting will be “virtual”, webcast live and accessible by skype. Public Speaking and engagement opportunities will be available.

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

Conservation Advisory Group Representative

Contact: **Penny Jennings**  
Democratic Services Officer  
01273 291065  
penny.jennings@brighton-hove.gov.uk

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# AGENDA

## 124 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.*

## 125 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 22 April 2020 (to be circulated separately)

## 126 CHAIR'S COMMUNICATIONS

## 127 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 30 April 2020.

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

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

## **129 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

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

### **MINOR APPLICATIONS**

- |   |   |                |
|---|---|----------------|
| A | BH2020/00470-Carden Avenue, Opposite 3 & 4 Dale Drive, Brighton BN1 8NT - Full Planning | <b>1 - 12</b>  |
|   | <b>RECOMMENDATION – GRANT</b><br><i>Ward Affected: Patcham</i>                          |                |
| B | BH2020/00325-Avon Court, 12 Dallington Road, Hove BN3 5HS - Full Planning               | <b>13 - 26</b> |
|   | <b>RECOMMENDATION – GRANT</b><br><i>Ward Affected: Wish</i>                             |                |
| C | BH2019/02055 -10 Gladstone Terrace, Brighton BN2 3LB- Full Planning                     | <b>27 - 36</b> |
|   | <b>RECOMMENDATION – GRANT</b><br><i>Ward Affected: Hanover and Elm Grove</i>            |                |
| D | BH2020/00215 -2C Lansdowne Place, Hove BN3 1HG - Full Planning                          | <b>37 - 48</b> |
|   | <b>RECOMMENDATION – GRANT</b><br><i>Ward Affected: Brunswick and Adelaide</i>           |                |
| E | BH2020/00215 - 23 Trafalgar Street, Brighton BN1 4EQ-Full Planning                      | <b>49 - 64</b> |
|   | <b>RECOMMENDATION – GRANT</b><br><i>Ward Affected: St Peter's and North Laine</i>       |                |

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

Please refer to the text set out in respect of Item 128 above.

### **INFORMATION ITEMS**

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

Currently no new hearings.

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

**65 - 66**

(copy attached).

**133 APPEAL DECISIONS**

**67 - 68**

(copy attached).

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

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

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

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

### **FURTHER INFORMATION**

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

### **WEBCASTING NOTICE**

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

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

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- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.



# **ITEM A**

**Carden Avenue,  
Opposite 3 And 4 Dale Drive  
BH2020/00470  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> May 2020**





# BH2020 00470 - Carden Avenue, Opposite 3 And 4 Dale Drive



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00470</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Carden Avenue, Opposite 3 And 4 Dale Drive Brighton</b>		
<b><u>Proposal:</u></b>	<b>Replacement of existing 11.7 metre high telecommunications monopole with relocated 20.0 metre high telecommunications monopole supporting 12no antenna apertures, with installation of ground-based equipment cabinets and associated works.</b>		
<b><u>Officer:</u></b>	Michael Tucker, 292359	tel:	<b><u>Valid Date:</u></b> 13.02.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	09.04.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	Blue Clarity 54 Main Street Newcastle BT33 0AE		
<b>Applicant:</b>	MBNL (EE Ltd & H3G Ltd) C/O Blue Clarity 54 Main Street Newcastle BT33 0AE		

## 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	800728_BAH030_71 906_BN0182_M001	A	21 April 2020
Proposed Drawing	800728_BAH030_71 906_BN0182_M001	A	13 February 2020
Proposed Drawing	800728_BAH030_71 906_BN0182_M001	A	13 February 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. Within one month of the removal of the existing telecommunications mast and cabinets, the land upon which this apparatus was placed shall have been restored to its condition before the development took place.

**Reason:** In the interests of the visual amenities of the site and wider area and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

Informatives:

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

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

- 2.1. The application relates to the grass verge on the southern side of Carden Avenue, opposite the junction with Dale Drive. The site is currently host to an existing telecoms mast with ancillary cabinets.
- 2.2. Planning permission is sought for the removal of the existing 11.7m high telecommunications monopole and associated 5no cabinets, and the installation of a new 20m high telecommunications monopole and 6no cabinets approx. 27m to the north-east.

## **3. RELEVANT HISTORY**

- 3.1. **BH2016/02690** - Replacement of existing 12.5 metre high phase 2 monopole with 11.7 metre high phase 4 monopole with installation of 1no. equipment cabinet and associated works. Approved.
- 3.2. **BH2016/01732** - Installation of 11.7m high telecommunication monopole to replace existing monopole and additional equipment cabinet. Prior Approval Required Refused.
- 3.3. **BH2016/00630** - Replacement of existing 10 metre high monopole with 11.7 metre high monopole and installation of 1no. additional telecommunications equipment cabinet. Prior Approval Required Refused.
- 3.4. **BH2004/03483/TA** - Installation of a 10m slimline monopole with 3 Antenna's and equipment cabinet at land adjacent. Refused.
- 3.5. **BH2002/03071/TA** - Erection of 12.5 metre high monopole with 3 panel antennas and micro wave dish. Provision of a radio equipment cabinet, with ancillary equipment at ground floor level. Prior Approval Not Required.
- 3.6. **BH2001/01665/TA** - Erection of 10 metre monopole with antenna on top (total height 11.7 metres) plus equipment housing. No Objection.

## **4. REPRESENTATIONS**

- 4.1. **One hundred and fifteen (115)** comments have been received, objecting to the proposal for the following reasons:
- Incorrect statements in application submission
  - Existing mast only approved due to administrative error
  - Visual impact of the proposed mast
  - Potential harm to human health and that of wildlife
  - Detrimental impact on property value
  - Overdevelopment
  - Restriction of view
  - Alternative location in a less residential area should be chosen
  - Limited public consultation
  - Noise
  - Overshadowing
  - Infringement of human rights
  - 5G is a weapons system that caused coronavirus
- 4.2. **Two (2)** comments have been received, supporting the proposal for the following reasons:
- Good design
  - No evidence to support health concerns
  - High speed connectivity
- 4.3. **Councillor Wares** and **Councillor McNair** have jointly objected to the proposal. A copy of their objection is attached to this report.

## 5. CONSULTATIONS

- 5.1. **Environmental Health:** No comment
- 5.2. **Property Services:** No comment received
- 5.3. **Sustainable Transport:** Verbal comments: No objection

## 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
CP12	Urban design
CP13	Public streets and spaces

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

TR7	Safe Development
QD23	Telecommunications apparatus (general)
QD27	Protection of amenity

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development, the impact of the proposal on neighbouring amenity and sustainable transport matters.

### **Planning Policy:**

- 8.2. Policy QD23 of the Brighton and Hove Local Plan states that:  
*"Proposals for telecommunication developments will only be permitted where the following criteria are met:*
- a. subject to technical and operation considerations, the development is sited, designed, landscaped (where relevant) and in the most appropriate materials and colours, so as to minimise its visual impact;*
  - b. it can be demonstrated that existing masts, nearby buildings or structures cannot reasonably be used for the purpose;*
  - c. there will be no serious adverse effect on the character or appearance of the area;*
  - d. where the proposal determines the location of development elsewhere, details are submitted of the co-ordinated and strategic assessment, including the location of any subsequent apparatus, which demonstrates that the proposal is part of a plan that minimises the overall impact; and*
  - e. there would be no unacceptable adverse impact on amenity, people, landscape and nature conservation in the locality.*

*If significant physical or electrical radio interference is likely to result, this will be taken into account. The planning authority will seek to ensure, wherever possible, cables and wires are located underground.*

*In the event that no controls exist under other legislation, the planning authority will impose on all masts or other telecommunications apparatus, conditions requiring their removal, if at any time in the future they become obsolete and are no longer required for the purpose for which they were erected.”*

**Design and Appearance:**

- 8.3. The site is an established location for telecommunications apparatus. The existing site has hosted a telecoms mast and cabinets since December 2002 (BH2002/03071/TA), whilst the proposed site approx. 27m to the northeast has also hosted a telecoms mast until as recently as 2017.
- 8.4. The site is a grass verge alongside Carden Avenue close to the junction with Dale Drive predominantly grassed with some trees, street lamps and other vertical street furniture in situ.
- 8.5. The proposed mast would have a height of 20m, compared to the existing mast of 11.7m. The proposed pole would have a diameter of approx. 0.5m, with the antennae at the top increasing to a diameter of approx. 0.74m. This compares to the existing mast with a pole diameter of approx. 0.23m and a (shrouded) antennae diameter of approx. 0.5m.
- 8.6. The proposed 6no cabinets would be greater in number and larger in size than the existing 5no cabinets, with a maximum height of approx. 1.9m compared to the approx. 1.5m maximum height of the existing cabinets.
- 8.7. The proposed mast and cabinets would be considerably taller and bulkier than the existing apparatus. Whilst the nearby street lamps and trees would to some extent obscure and conceal the proposal, due to the increased height of the mast this would be of limited effectiveness and the mast would be a prominent addition to the area that would be visible in both short and longer views of the area. The proposal would therefore result in an adverse impact on the appearance of the area.
- 8.8. Notwithstanding this, the applicant has submitted a justification for this location, based on technical and operational constraints, and has also stated that the existing mast is unable to accommodate the equipment necessary for 5G coverage due to its height and the available space for mounting the equipment. The new location has been chosen so that 2/3/4G services can still be provided to the area whilst the new mast is being erected, and the proposed mast and cabinets are to be painted grey to match the colour of the surrounding street furniture with the existing mast and cabinets to be removed. There are no designated heritage assets within the vicinity of the site that would be affected by the proposed mast, with the closest heritage asset being the locally listed Long Man of Wilmington Public House, approx. 180m to the south-west of the proposed site. The nearest conservation area

is the Patcham Conservation Area which at its closest point is approx. 740m to the north-west.

- 8.9. Paragraph 112 of the NPPF encourages the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide. Central Government is also supportive of the provision of 5G network infrastructure.
- 8.10. It is therefore considered that, whilst the proposal would result in some visual harm, this has been mitigated in accordance with Policy QD23 of the Brighton and Hove Local Plan, and would not amount to a serious adverse impact on the character or appearance of the area. On balance, this is considered to be outweighed by the substantial public benefit arising from the provision of 5G services and therefore does not warrant the refusal of the application.
- 8.11. A condition will be attached to require the making good of the existing site after the removal of the existing mast and cabinets.

**Impact on Amenity:**

- 8.12. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.13. The nearest residential property is located approx. 35m to the north of the proposed site. The proposal would therefore not overshadow or result in an increased sense of enclosure for nearby properties, nor would there be significant noise disturbance or other nuisance arising from the proposal.
- 8.14. The health concerns raised in many of the letters of objection are noted. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines as recommended in the Stewart Report. As per paragraph 116 of the NPPF, it is therefore not for the Local Planning Authority to consider further the health aspects and concerns relating to the proposal. If the LPA were to refuse the application on health grounds this would be a difficult position to sustain at appeal.

**Sustainable Transport:**

- 8.15. The proposal would not impact on the running of the highway. The submitted drawings indicate that the bus stop to the east of the proposed location for the new mast and cabinets would not be impacted.

**9. EQUALITIES**

None identified



**Cllrs. Lee Wares and Alistair McNair  
BH2020/00470 – Carden Avenue, Opposite 3 And 4 Dale Drive**

**2<sup>nd</sup> March 2020:**

Please accept this letter as our OBJECTION to the above application. We refer to the above application and in the first instance highlight the incorrect statement in the applicant's supplementary information that the pre-consultation of Patcham ward councillors solicited no response to their communication dated 7th November 2019.

Patcham ward councillors did respond on the 11th November 2019 to Mr Stephen Bullock of Blue Clarity Design Services Ltd by email attaching our letter of the same date, copied to the Local Planning Authority (LPA) (attached for convenience). We raised several concerns not least that the details provided did not reflect what was proposed. We received no response to our 11th November 2019 letter. To that end, the applicant is misrepresenting the facts.

In the same supplementary document, the applicant suggests that it considered alternative sites but provides no evidence of this. Moreover, this assertion by the applicant is contradicted by themselves in that they refer to the application being the replacement of an existing arrangement. We therefore contend that the applicant is disingenuous in the statements they make.

The supplementary document also attempts to assert that the location is acceptable to the Local Planning Authority by nature of the existing monopole and cabinets being sited in proximity to that proposed. We would advise that it was widely publicised in July 2005 that the LPA had in fact sought to refuse the siting of the monopole and cabinets in this location. It was only through an administrative error, with the notification being sent late, that the applicant at that time obtain consent by default.

Within the information provided by the applicant it is suggested that the proposed 20m mast will not detract from the existing street scene and character of the area by virtue that the 20m mast would "nestle" within existing structures such as street lampposts and trees. This is disingenuous given that the proposed location is an area of verge void of tall structures and would thus be an isolated structure of very prominent stature.

The existing 11.7m monopole is slender in design with little communication equipment at its top. It is little higher than adjacent trees and of a comparable height to street lampposts further down the road. The proposed 20m mast will be nearly twice the height of all other tall structures in the vicinity with the top heavily populated with communication equipment.

We contend therefore that the proposed 20m mast with its additional height over the existing mast, trees and lamp posts would lead it to become significantly visually prominent within the area, compounded by the girth of the mast and the equipment at the top. The proposal is of a significantly greater scale and would

be overly dominant and highly visible from every direction, causing harm to the setting of Carden Avenue, Dale Drive, Patcham and Hollingbury in general and the character of the local street scene.

The multiple cabinets proposed to sit alongside the mast would take up a space approximately 10m in length and cause further harm to the appearance of the street scene by detracting from the backdrop of the location. This mast and cabinets would spread out along the edge of the highway where their visual prominence is magnified.

The mast and cabinets would be highly visible to neighbouring homes in nearly all directions. It would be possible to see the mast from properties in neighbouring streets particularly to the north of the proposed location above the roof tops of those immediately opposite.

For the above reasons we consider that the proposal will therefore be contrary to policies QD23 and QD24 of the Brighton and Hove Local Plan and CP12 and CP15 of City Plan Part One.

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

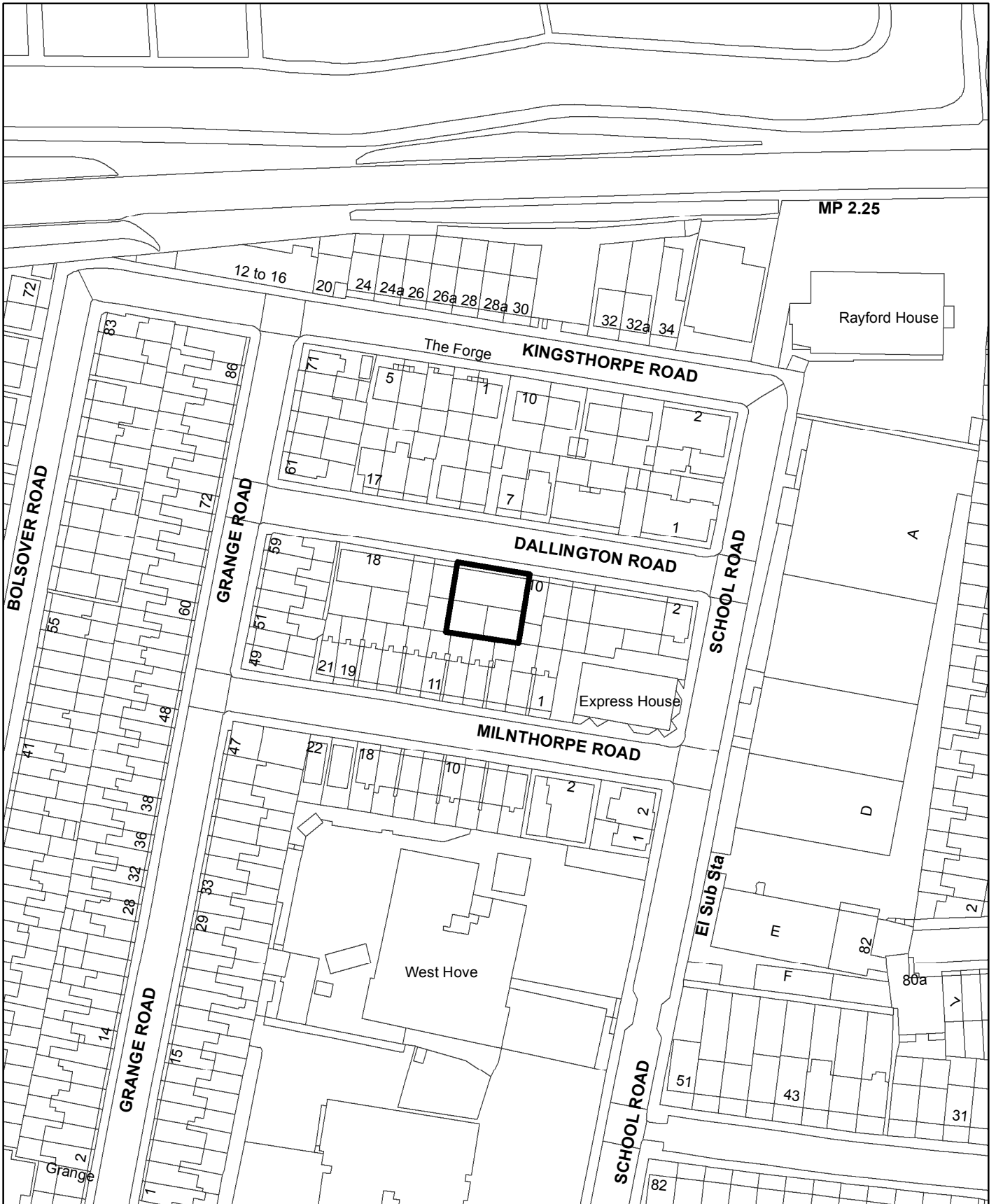
# **ITEM B**

**Avon Court, 12 Dallington Road  
BH2020/00325  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> May 2020**



# BH2020 00325 - Avon Court, 12 Dallington Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00325</b>	<b><u>Ward:</u></b>	<b>Wish Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Avon Court 12 Dallington Road Hove BN3 5HS</b>		
<b><u>Proposal:</u></b>	<b>Proposed roof alterations incorporating 2no front dormers and 3no rear extensions to form 1no two bedroom flat (C3).</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	03.02.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	30.03.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	ATP Design Ltd 24 Bridgemary Grove Gosport PO13 0UG		
<b>Applicant:</b>	Mr Lekan Saromi C/o ATP Design Ltd 24 Bridgemary Grove Gosport PO13 0UG		

## 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 and proposed plans	ATP_07_300120_PP	F	30 March 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.  
**Reason:** This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with Policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

4. The development hereby permitted shall not be occupied until the cycle parking space shown on the approved plans has been fully made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of 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.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 3 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 a two storey building (Avon Court) with a large pitched roof and two flat-roofed canted bays to the front elevation that break the eaves line. It is located within a terrace on the south side of Dallington Road, which runs between School Road to the east and Grange Road to the west. The building features a fire escape staircase to the rear, which is partially visible from School Road. The site is within a largely residential area, but there are industrial buildings on School Road and Kingsthorpe Road to the north where there are some new build dwellinghouses. The site is within Controlled Parking Zone (CPZ) R.
- 2.2. Planning permission is sought for roof alterations incorporating two front dormers and three rear roof extensions to form an additional two bedroom dwelling (Use Class C3). Changes were made during the course of the application to the size of the front dormers and the addition to the rear roofslope from a single mass to three individuals extensions.



### 3. RELEVANT HISTORY

- 3.1. **BH2019/03201**: Proposed roof alterations incorporating 2no front gable extensions over existing canted bays, 2no front dormers, 2no front rooflights and a full-width rear extension to form 2no additional one bedroom dwellings (C3). Refused on 23 December 2019 for the following reasons:
1. The proposed extensions, by reason of their scale, massing and form, would be out of keeping, over-dominant, unsympathetic and inappropriate resulting in significant harm to this property and the wider surrounds. Accordingly, the proposal is considered contrary to Policies CP12 of the Brighton & Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
  2. The proposed flats would by virtue of the accommodation proposed, the layout and insufficient floor to ceiling heights throughout, result cramped and gloomy units that would provide a poor standard of accommodation for future occupiers. Accordingly, the proposal is considered to be contrary to Policy QD27 of the Brighton & Hove Local Plan.

### 4. REPRESENTATIONS

- 4.1. **Five (5) objections** were received raising the following concerns:
- There are currently no properties with front dormers in the road or on neighbouring roads. They are not in keeping with the area. The development would radically and detrimentally change the appearance of the building and the character of the area.
  - The road is about to become busier with the large School Road and Rayford House developments (over 140 new homes) and the traffic and noise will be too much, and the area would be overcrowded. Additional traffic would hinder the access for those with disabilities and it would be harder for existing residents to find a parking space.
  - The description of development is misleading as this is a full-scale building project.
  - This would set a precedent for the same to happen on the other four small blocks on the road.
  - The noise and disturbance from the development would cause anxiety to rise and exacerbate existing health issues.
  - The development of brownfield sites in this tiny area of Hove is completely unsustainable.
  - The pressure put on the infrastructure by already consented development is huge and contributes to a major reduction in residents' standard of living.
  - The reference to parking within the Design & Access Statement is incorrect in terms of car ownership levels and the idea of people working and living in the city not owning a car. It does not mention the CPZ and makes incorrect maximum car parking space assumptions. Where exactly would the proposed cycle parking be located?
  - There is already significant development of new housing in the immediate area where additional parking will be required. If planning permission is given for these flats it sets a precedent for other blocks within the street / area.

- No-one has been inside to inspect or survey the premises as to its suitability for the outlandish proposal.
- The previous planning application was a very bad idea at the time and is a bad idea two months on, and nothing seems to have changed.
- The front dormers would afford views into the bedrooms of properties on the other side of the narrow street, therefore significantly affecting neighbours' privacy.
- There is no requirement for undersized flats (both in terms of total floor area and bedrooms) within this area.
- No parking assessment or Travel Plan have been submitted that include a cumulative assessment of the existing large scale developments on School Road being granted approval.
- There is no recognition of potential noise transfer through floors or how they intend to achieve Part E building regulations, which may require thicker floors than anticipated and therefore reduce floor to ceiling height.
- Hadley Court was never a 2-story block that had an additional story added at a later date and the rear dormer on a property on Grange Road does not directly overlook Dallington Road, as stated in the Design & Access Statement.

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

## 5. CONSULTATIONS

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

5.2. **Sustainable Transport (verbal):**

- Pedestrian access remains as existing, which is deemed acceptable.
- SPD14 outlines that the maximum car parking standard for 1-2 beds in a Key Public Transport Corridor is 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors. As such, car-free development is deemed acceptable. The car parking permit uptake rate in CPZ R is 87%, which is above the industry standard indication of parking stress at 85%. Therefore, a restriction on future residents of the proposed flat from applying for a parking permit should be controlled by condition.
- SPD14 standards require one cycle parking space to be provided. This would be internally, inside the hallway. Whilst the space is deemed to be secure, and dry, it is unclear whether it is adequately sized or fit for purpose, and the type of stand has not been specified. A condition can be imposed to ensure that these details are provided prior to occupation of the flat.
- Refuse and recycling bins for the flat have been shown to the front close to the street for easy access to the collection point on-street. Bins should not be left out on the public (adopted) highway.
- The proposals may result in a slight uplift in trips; however, it is not considered that this will have an adverse impact upon surrounding highway

and transportation networks. The Highway Authority does not wish to request developer contributions in this instance.

## **6. MATERIAL CONSIDERATIONS**

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

## **7. RELEVANT POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

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

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

TR14	Cycle access and parking
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Documents

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development, the design of the extensions, their impact on

neighbouring amenity, on highways and the proposed standard of accommodation.

**Principle of development:**

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. The site counts as a small 'windfall site', bringing the benefit of providing an additional housing unit to the city, and contribute to the City's ongoing five year supply requirements. A net increase of one dwelling (such as that in this proposal) would only be a very minor contribution to meeting the five year supply.

**Design and Appearance:**

- 8.5. Following the refusal of the previous application (ref. BH2019/03201), both the upwards extension of the two canted bays in the form of gables and the insertion of two rooflights to the front elevation have been removed from the proposal. The submitted scheme under this application has been amended as previously mentioned.
- 8.6. This application involves the construction of two dormers to the front roofslope and three rear extensions comprising two larger dormers with a smaller one for the internal staircase set slightly lower down the roofslope.
- 8.7. In terms of the proposed front dormers, it is recognised that they would impact on the streetscene given their prominent location. However, it is not considered that they would unbalance the building (since they counter-balance one another) nor would they disrupt the continuity of the terrace. Front dormers are a common feature within the local area, including the pair to 'The Nook' at 20 Kingsthorpe Road, which have subsequently found to be non-original and are of a similarly sympathetic scale, design and positioning to those proposed to Avon Court. Furthermore, the proposed front dormers do not give the appearance of an extra storey on top of the building, and are otherwise subordinate additions being well set in from the side of the building, set up from the eaves and set down from the roof ridge. In terms of the detailing, the dormer checks (areas of cladding either side of the window) have been minimised and the window itself lines with those below. The materials proposed would match the existing (clay tiles to the dormer faces and the roof like those on the roofslope and white uPVC casement windows).

- 8.8. The full-width extension to the rear roofslope as initially proposed has been amended during the course of the application and is now broken into three individual parts; one serves a lounge, another the bedrooms and the extension in-between facilitates the internal staircase. The extensions are set over 60cm up the eaves, over 2.8m away from the sides of the building in the case of the larger additions and over 1m down from the roof ridge. The three dormers positioned in close proximity of each other would potentially be viewed as one continual block at a distance and given their size and areas of cladding are not in strict accordance with guidance contained in the SPG. Notwithstanding this, the dormers would take up less than two-thirds (62%) of the width of the roofslope overall given the expanse of the roof and would not give the appearance of an extra storey on top of the building. Again, the materials proposed would match the existing (clay tiles to the external faces of the two outer dormer and white render to that of the dormer in-between and white uPVC casement windows).. This together, with the presence of other larger dormers in the area, it is considered that the scheme as amended, whilst does not address fully the concern, is not likely to result in a harmful appearance that would warrant refusal of the application.
- 8.9. Views of the rear roofslope of the building are possible from School Road in the gap between the buildings fronting the south side of Dallington Road and those fronting the north side of Milnthorpe Road, but not directly from the latter, only from the private parking bay pertaining to Express House. However, it is not considered that the roof extensions would cause significant harm given the setback from School Road.
- 8.10. Examples of full-width roof extension have been given within the submitted Design & Access Statement and are at 17 and 19 Milnthorpe Road and 61 Grange Road and there are others within the locality. Given the width of the roofslope of Avon Court at over 17.5m compared with approx. 6m for the terraced properties on which the other roof extensions sit, larger roof extensions are considered to be permissible on this building.
- 8.11. As such, the application would be compliant with City Plan Part One Policy CP12, Local Plan Policy QD14, SPD12 and paragraphs 127 and 130 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, and to improve the character and quality of an area, taking into account any local design standards or supplementary planning documents.
- Impact on Neighbouring Amenity:**
- 8.12. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.13. The windows within the proposed rear roof extensions would overlook the rear garden of all adjoining properties. As such, it is acknowledged that some loss of privacy would occur to the rear gardens, but it is considered that no

significant additional harm would be caused due to the existing situation where the gardens are already overlooked. Objections have been received raising the issue of overlooking from the proposed front dormers to the properties across the street. The separation front to front distance is at least 15.5m. The separation distance is considered sufficient to not result in additional overlooking.

- 8.14. The intensification of the residential use within this building is not considered to lead to a significant increase in noise and disturbance to neighbouring occupiers.

**Standard of Accommodation:**

- 8.15. 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.
- 8.16. 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.
- 8.17. A two bed, three person flat is proposed. The Gross Internal Area (GIA) of 66.1m<sup>2</sup>, bedroom sizes (14.3m<sup>2</sup> and 7.53m<sup>2</sup>) and internal floor to ceiling height (77.5% at 2.3m) are compliant. As such, this is considered acceptable and demonstrates that the proposal overcomes the previous reason for refusal. The flat has dual aspect (to the north and south) and therefore benefits from cross-ventilation. The lounge is now located on the south side and would receive sufficient sunlight along with the bedrooms. The kitchen and bathroom now have north aspect instead. It is considered that the six windows to the flat provides ample outlook.
- 8.18. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

**Highways:**

- 8.19. Car-free development is considered acceptable, especially since the permit uptake rate is 87%, which is above the industry standard indication of parking stress at 85%. The restriction on future residents of the proposed flat from applying for a parking permit is recommended to be controlled by condition.
- 8.20. One cycle parking space is required to be provided and this would be internally, inside the hallway. This storage is considered to be secure, dry and adequately sized. A condition can be imposed to ensure that this space is fit for use as cycle storage prior to the first occupation of the flat.

8.21. Refuse and recycling bins for the flat have been shown to the front, which is adjacent to the street for easy access to the collection point on-street.

8.22. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

**Issues raised by consultation:**

8.23. Issues regarding quality of the building survey, the rationale behind the application, Building Regulations, health, property values and quality of architects are not relevant planning considerations and therefore have not been taken into account in the determination of this application. The description of development is not considered misleading.

## **9. CONCLUSIONS**

9.1. The proposal makes a minor contribution to the Council's housing targets through the provision of well-considered, subordinate extensions to this building that offer an acceptable standard of residential accommodation without having a detrimental impact on the building itself, the streetscene or neighbouring amenity. As such, this application is recommended for approval.

## **10. EQUALITIES**

10.1. The flat would not be wheelchair accessible or adaptable in compliance with Building Regulations Part M4.





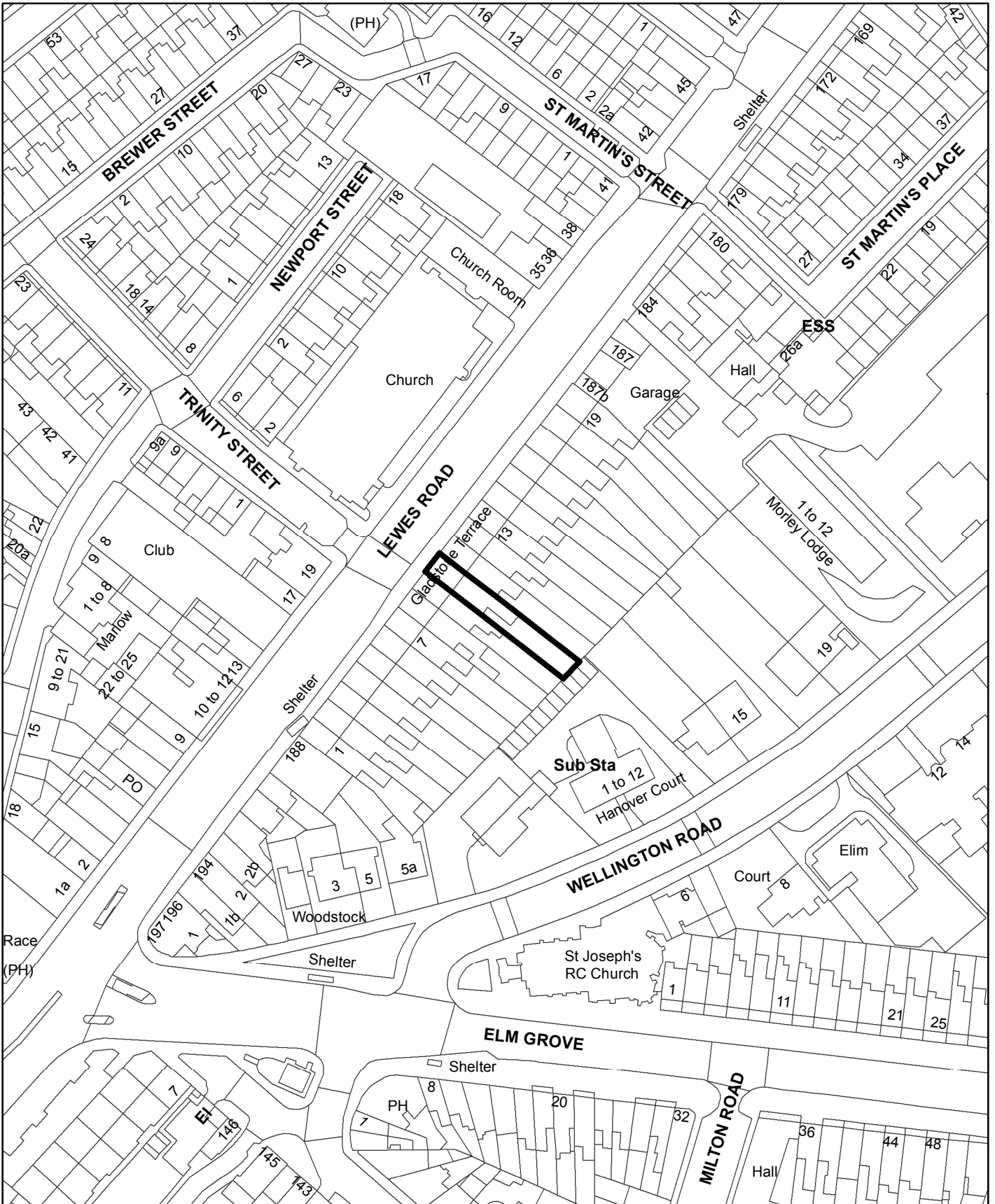
# **ITEM C**

**10 Gladstone Terrace  
BH2019/02055  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> May 2020**



# BH2019 02055 - 10 Gladstone Terrace



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/02055</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Maisonette 10 Gladstone Terrace Brighton BN2 3LB</b>		
<b><u>Proposal:</u></b>	<b>Change of use from existing 3no bedroom residential flat (C3) to a 6no bedroom small house in multiple occupation (C4) (retrospective).</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	10.07.2019
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	04.09.2019
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	The Planning Practice Ltd 18 Tillstone Street Brighton BN2 0BD		
<b><u>Applicant:</u></b>	H J Property Ltd C/o The Planning Practice Ltd 18 Tillstone Street Brighton BN2 0BD		

## 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	P.01		10 July 2019
Report/Statement		Planning Statement	10 July 2019

2. The development hereby approved shall be retained in accordance with the proposed layout details on the proposed floorplans, drawing no. P.01 received on 10 July 2019. The layout of the annotated communal areas shall be retained as communal space at all times and shall not be used as bedrooms.

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

3. Within 6 months of commencement of the development hereby permitted, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

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

4. Notwithstanding the submitted plans annotation the terrace area the flat roof of rear outrigger shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

Informatives:

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

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

- 2.1. The application site relates to a first and second floor flat in a three storey terraced property.
- 2.2. The property is not located in a conservation area, but there is an Article Four direction in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 use class).
- 2.3. This application seeks consent for the change of use from existing 3no bedroom residential flat (C3) to a 6no bedroom small house in multiple occupation (C4) (retrospective).

## **3. RELEVANT HISTORY**

None

## **4. REPRESENTATIONS**

- 4.1. **Nine (9)** letters of representation have been received objecting to the proposal for the following reasons:
  - Inaccurate information within the application
  - Not a small HMO
  - Not in use as a HMO
  - Should be a dwelling
  - Balcony area
  - Noise nuisance and anti-social behaviour

- Traffic and parking issues
- Overdevelopment
- Already too many HMO's in the area
- Extra strain on services and parking
- Area needs more family homes

## 5. CONSULTATIONS

5.1. **Transport:** No comment

## 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
CP9	Sustainable transport
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

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

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relates 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. This application seeks retrospective consent for the change of use of an existing single dwelling house (C3) to 6 bedroom small house in multiple occupation (C4).
- 8.3. Policy CP21 of the Brighton and Hove Draft 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:
- 8.4. In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.
- 8.5. A mapping exercise has taken place which indicates that there are 100 neighbouring properties within a 50m radius of the application property; 8 other properties have been identified as potentially being in use as a HMO. On this basis, with 8 other properties being identified as being in use as a HMO the percentage of HMOs within the designated area is thus 8%.
- 8.6. Based upon this percentage, which is less than 10%, the proposal to change to a HMO would be in accordance with policy CP21.

### **Design and Appearance:**

- 8.7. No external alterations are proposed.

### **Standard of Accommodation:**

- 8.8. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space



once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm.

- 8.9. The changes to the internal layout of the property, includes the conversion of the kitchen to bedroom and the addition of a shower room at first floor level, the addition of a bedroom and shower room at second floor level and addition of a bedroom within the roof space.
- 8.10. The bedrooms meet the government minimum national space standards and are adequate in terms of size, circulation space and layout to cater for the furniture needed and with acceptable levels of natural light and outlook. The bedroom within the roof space measure 8.5m above 1.5m height and has a large rooflight to provide light and outlook.
- 8.11. The living room, kitchen and dining at first floor level, measuring approximately 22sqm combined would be sufficient for a 6 person property. The space would be functional with good levels of circulation space, light and outlook and would provide an acceptable standard of accommodation. A condition has been attached restricting the use of the communal area for communal use only to ensure that alterations to the layout are not made at a later date that reduces the amount of communal space provide for future occupiers.
- 8.12. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

**Impact on Amenity:**

- 8.13. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.14. The proposed change of use from a C3 dwellinghouse to a six bedroom C4 HMO would result in a more intensive use of the property and a greater impact on the immediate and surrounding area. It is considered that the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission.
- 8.15. Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use of dwellings (Use Class C3) to a small HMO use (C4), provided that there is not an excessive proportion of neighbouring dwellings in HMO use (over 10% within a 50 metre radius). The application accords with policy CP21 in this regard and any increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity.

8.16. The terrace area as annotated on the plans does not appear to have any history of planning permission. The terrace area which has screening around it, is accessed from a rear door to the flat roof of the outrigger at second floor level. Satellite imagery shows that the area has been in use for a number of years but it is not clear whether this was a formal/informal use. Notwithstanding this, it is considered that the use of a terrace area at this level and in close proximity to neighbouring first floor windows could result in harmful noise and disturbance. Furthermore, despite the terrace being previously in use by the residents of the (C3) dwelling house and by the current occupiers (Council Tax records showing students in residence since 01.04.2019), 6 unconnected adults would likely generate considerably more noise disturbance than a typical family utilising this space. Therefore a condition has been attached restricting the use of the flat roof as a terrace area, to safeguard the amenities of neighbouring properties.

8.17. Given that the property is a flat, the property does not benefit from permitted development rights and therefore cannot be extended without the need for planning permission.

**Sustainable Transport:**

8.18. An uplift in the number of trips could be expected as a result of the proposals. However, it is not considered that this would be substantial or amount to a severe impact upon surrounding highway and transport networks.

8.19. The proposed scheme does not provide any on site car parking and therefore overspill may occur on the highway. There is concern with regards the localised impact from overspill parking on the highway network and the availability of car parking spaces in the surrounding Controlled Parking Zone. According to the City Council's data for this site's CPZ (V) from January to September 2018, there has been 99% uptake of parking permits. The Highway Authority may have concern if uptake of parking permits within a site's CPZ is above an average of 80%. Therefore the higher percentage of 99% suggests that there is a much greater possibility of parking difficulty occurring in the area. The applicant has not demonstrated the likely car ownership of the site's residents, the potential for overspill parking on surrounding streets or considered the impact of this vs. on-street capacity. Without this information, a condition is recommended to be attached to ensure that the development is car free.

8.20. Cycle parking is not proposed; however given that the unit is an upper floor flat the provision of this will not be sought in light of the constraints of the site.

**9. EQUALITIES**  
None identified

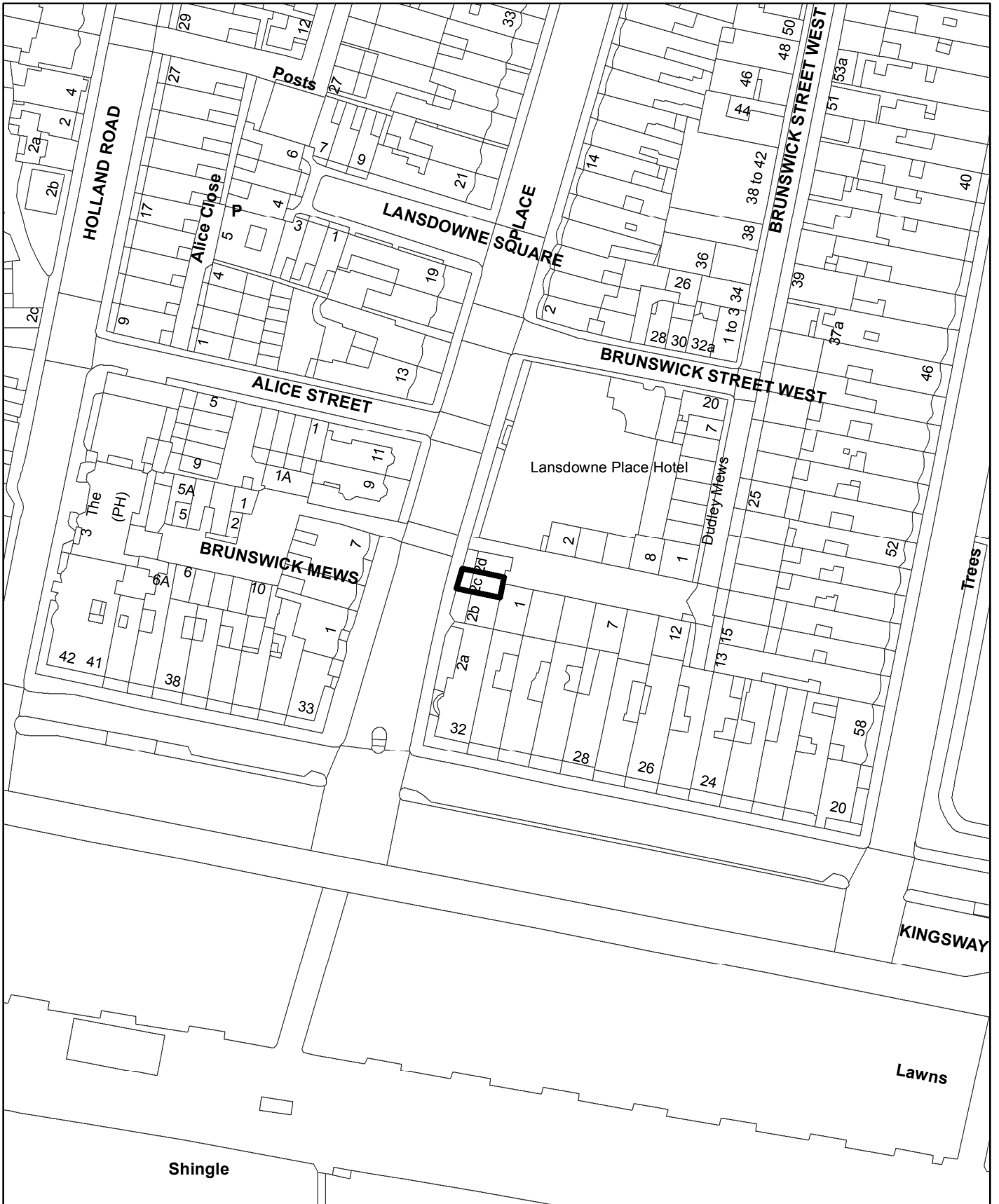
# **ITEM D**

**2C Lansdowne Place  
BH2020/00240  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> May 2020**



# BH2020 00240 - 2C Lansdowne Place



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00240</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>2C Lansdowne Place Hove BN3 1HG</b>		
<b><u>Proposal:</u></b>	<b>Change of use from single dwelling house (C3) to a seven bedroom house in multiple occupation (Sui Generis) (part retrospective)</b>		
<b><u>Officer:</u></b>	Sven Rufus, tel: 292454	<b><u>Valid Date:</u></b>	24.01.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	20.03.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Whaleback The Old Bank (Office 13) 257 New Church Road Hove BN3 4EE		
<b><u>Applicant:</u></b>	Lazova Investment Properties Ltd C/o Whaleback The Old Bank (Office 13) 257 New Church Road Hove BN3 4EE		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	01	A	14 April 2020

2. Prior to first occupation a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

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

3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan received on 14th April 2020 and shall be retained as such thereafter. The room annotated as communal shall be retained as communal space and shall not be used as

bedrooms at any time. The bedrooms shown shall be retained in the form shown on the plans and not subdivided.

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

4. The development hereby approved shall only be occupied by a maximum of seven persons.

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

Informatives:

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

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

- 2.1. The application site is one of a pair of new white rendered townhouses built over four storey with a basement level. A small area of open space is located in front of the basement communal space. Since completion the property has been used as a C3 for holiday lets.
- 2.2. The application seeks to change the use of the building from C3 to a sui generis 7 bedroom House in Multiple Occupation. Much of the construction work to facilitate the change of use has already been undertaken so the application description has been amended to reflect the part-retrospective nature of the application.

## **3. RELEVANT HISTORY**

2D Lansdowne Place

- 3.1. **BH2019/03736** - Change of use from existing 4no bedroom single dwelling house (C3) to an 7no bedroom House in Multiple Occupation (Sui Generis). (Part retrospective Under consideration)
- 3.2. **BH2004/03748/FP:** Two new townhouses and two maisonettes on Lansdowne Place conversion of existing kitchens/coldstores into 4 no. mews houses at rear, addition to main roof to contain 2 no additional suites of hotel accommodation and new restaurant entrance with canopy and replacement windows to the front elevations of the hotel. (Approved 1/8/05)

## **4. REPRESENTATIONS**

- 4.1. **Four (4)** letters have been received from neighbours, objecting to the proposed development for the following reasons:



- Antisocial behaviour
- Noise disturbance
- Loss of property value
- Increased litter

4.2. **Councillor Clare** objects to the proposal, a copy of the correspondence is attached to the report.

## 5. CONSULTATIONS

5.1. **Housing:** Comment

The applicant will have to apply for an HMO licence.

5.2. **Planning Policy:** No comment

5.3. **Sustainable Transport:** Comment

Unlikely to result in significant increase in trip generation. Site constrained and cycle storage not practical. Car free condition required, as CPZ M has had a 99% uptake over the last year.

## 6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

## 7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP6	Visitor accommodation
CP9	Sustainable transport
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

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, its impacts on neighbouring amenity, the standard of accommodation which the HMO use would provide and the transport impacts.
- 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".

### **Principle of Development:**

- 8.4. 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:
- 8.5. 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:
- 8.6. 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.'

- 8.7. A mapping exercise has been undertaken which indicates that there are one hundred and fifty one (151) neighbouring properties within a fifty metre radius of the application property. One of these is identified as being in HMO use. The percentage of neighbouring properties in HMO use within a 50m radius is therefore 0.66%.
- 8.8. Based upon the existing percentage of neighbouring properties in HMO use, which is not greater than 10%, the proposal to change of use to a seven bed sui generis house in multiple occupation would not be in conflict with the aims of policy CP21.
- 8.9. It is acknowledged that an application for change of use to a Sui Generis HMO at the adjacent property at 2D Lansdowne Place is currently under consideration. Should that application be approved prior to the decision on this application, the proportion of HMO's within 50 of the application site would be two out of 151 properties which gives a figure of 1.3%, and so would not alter the compliance of this application with CP21.

**Design and Appearance:**

- 8.10. No external alterations are proposed as a result of the change of use, therefore there are no design issues to address.

**Standard of Accommodation:**

- 8.11. The accommodation would provide seven ensuite rooms to be laid out over four storeys, with the kitchen/dining/lounge area as one open space in the basement. As well as the en suite rooms, there would be a communal bathroom on the ground floor.
- 8.12. All of the bedrooms offer over 7.5msq of floorspace - although some of them only just achieve this. The rooms would also have an acceptable layout in terms of room to circulate. All of the rooms would have natural light from the windows. Floorspace calculations do not include the ensuite bathrooms, which would provide additional space for occupants. In terms of the room sizes and layout it is considered that the standard of accommodation is acceptable for occupation for up to seven people.
- 8.13. The communal space on the ground floor would provide 23.3msq of space. Being in a basement, the amount of light entering the room is relatively constrained, and the outlook from the living area of the room would be towards a wall with steps providing access to the area in front of the building at basement level. While the light levels in the basement are reduced by being below ground level, the large windows to the front of the property do allow an adequate amount of light to enter the communal space. While the outlook from these windows is towards the wall and steps, there is a relatively large area in front of the basement windows, such that the windows are not crowded in by the wall. In addition, this arrangement is similar to many other properties in the city centre based on traditional building layouts and the outlook is not considered so harmful that would warrant refusal of the application.

- 8.14. The basement floorspace, at 23msq, is relatively constrained for the proposed seven occupants, but the indicative layout demonstrates that the openness of the space allows for room to manoeuvre and for adequate seating for future occupants to relax dine and prepare meals. A number of the rooms are significantly larger than the 7.5msq as set out in the NDSS and would offer more comfortable accommodation as a result. This is considered to counteract concerns about constraints in the size of the communal space.
- 8.15. In addition the property does have a small area of open space in front of the basement communal space. While this can't be reached directly from the basement, this does offer a certain amount of outdoor recreational space. There is also a small balcony area for the first floor front bedroom.
- 8.16. For the reasons set out above, it is considered that the proposed unit offers a suitable standard of accommodation.

**Impact on Amenity:**

- 8.17. This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMO's. While any additional HMO's have the potential for increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.
- 8.18. Refuse and recycling will be collected from the communal bins in close proximity to the site.

**Sustainable Transport:**

- 8.19. The site is constrained and does not offer opportunity for cycle storage, so this would not be required in this case. During the site visit, the potential use of the space in front of the building at basement level for cycle storage was discussed, but due to the steep steps, and narrow access, it is not considered practical to pursue that.
- 8.20. The property sits within CPZ M, with a high level of demand on parking spaces. No parking survey has been submitted to demonstrate that the area has capacity for additional parking demand, and therefore a condition will be attached to the permission requiring that the occupants of the property are restricted from being able to apply for a parking permit.

**9. EQUALITIES**

None identified

**Cllr. Hannah Clare**  
**BH2020/00240 – 2C Lansdowne Place**

**5<sup>th</sup> February 2020**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Overdevelopment

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

I am objecting to this proposal because:

- Noise - Residents have raised concerns around noise currently from the property due to it's use as an AirBNB or 'party house'. Doubling the number of bedrooms would no doubt increase noise.
- Overdevelopment - This is the second application in a matter of weeks for a HMO on Lansdowne Place, following an application for the next door property 2d (application bh2019/03736). While a City Wide Article 4 direction is not yet in place, it has been approved at TECC.

CP19 states there is a preference for variety in development. This would not provide a good housing mix.

The application states "As such, at present there is no area-wide concern regarding the number of HMOs in the area" however I have received concerns from the Lansdowne Area Residents' Association, which represents the area this application is within regarding the number of HMOs.



# **ITEM E**

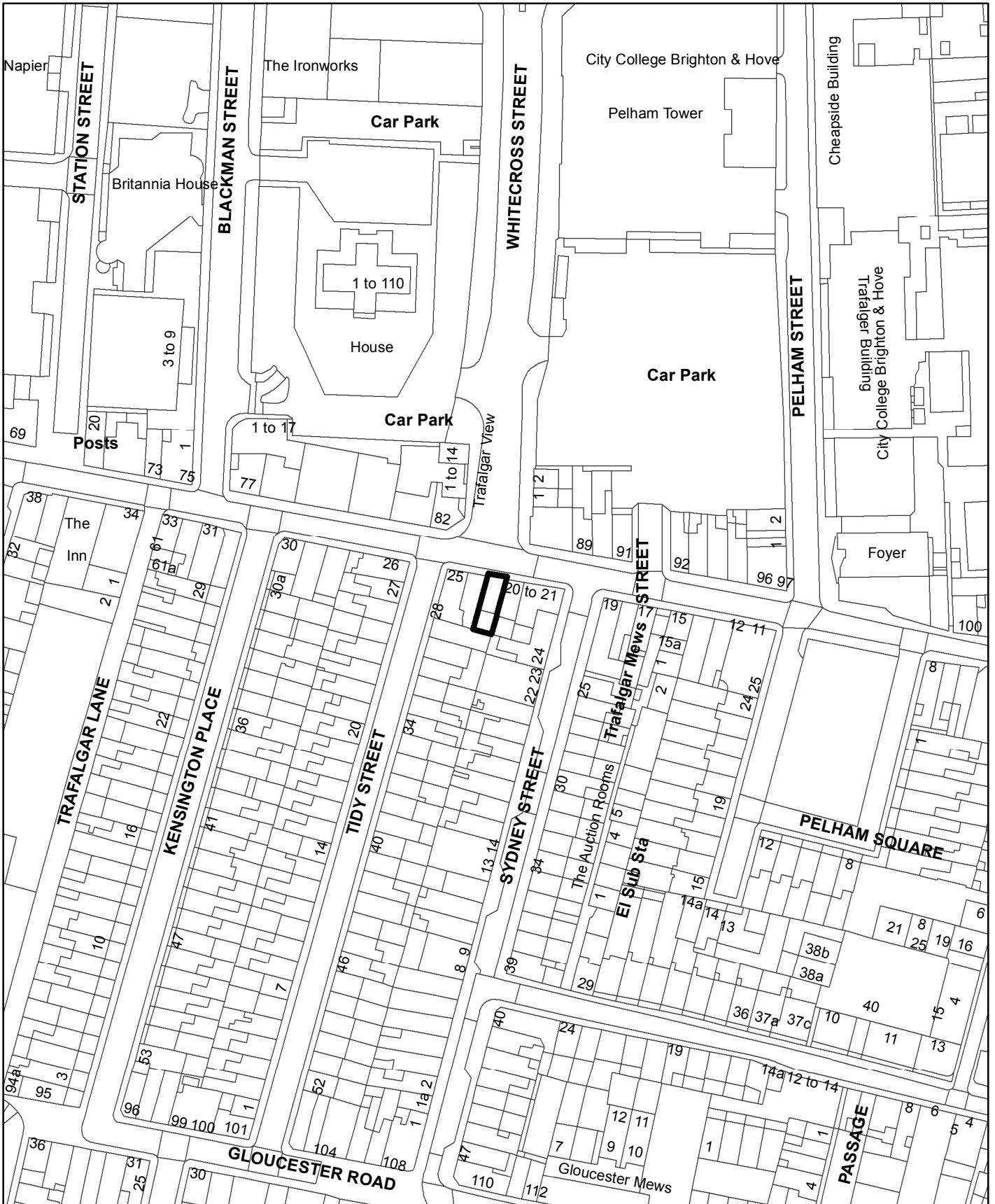
**23 Trafalgar Street  
BH2020/00215  
Full Planning**

**DATE OF COMMITTEE: 6<sup>th</sup> May 2020**





# BH2020 00215 - 23 Trafalgar Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00215</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>23 Trafalgar Street Brighton BN1 4EQ</b>		
<b><u>Proposal:</u></b>	<b>Change of use of basement and ground floors from retail (A1) to mixed use retail and drinking establishment (A1/A4), installation of new shopfront incorporating separate entrance to upper floor maisonette, installation of external stairs and seating to rear, revised fenestration and associated works.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	04.02.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	31.03.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Woolf Sung Limited C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **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	01-01		22 January 2020
Proposed Drawing	09-01	B	4 February 2020
Proposed Drawing	09-02	B	4 February 2020
Proposed Drawing	09-03	B	6 March 2020
Proposed Drawing	02-01	C	6 March 2020

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 works to the front lightwell hereby permitted shall not take place until full details, including 1:20 scale plans and sections, photos and materials, have been submitted to and approved in writing by the Local Planning Authority.

The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory treatment of the front lightwell and the protection of the conservation area in compliance with Policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The premises hereby permitted shall only be occupied by customers between the hours of 11:00-23:00 Monday to Saturday and 11:00-22:30 on Sundays, Public and Bank Holidays. No customers or staff shall be within the beer garden past 18:00 Monday to Sunday, including Public and Bank Holidays.

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

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

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

6. The premises hereby permitted shall not be first used until details of soundproofing, which shall include its specification and section drawings through it, have been submitted to and approved in writing by the Local Planning Authority. The submission shall be accompanied by a noise assessment that recommends the necessary mitigation to be provided by the soundproofing as well as the glazing specification within the rear windows and door hereby approved. The soundproofing shall be installed in accordance with the agreed details prior to first use of the premises hereby approved and shall be retained in perpetuity in accordance with the approved details thereafter.

The soundproofing shall provide sufficient mitigation against noise generated by users of the premises such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises shall not exceed 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 (or as subsequently amended).

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

Informatives:

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

## 2. SITE LOCATION & APPLICATION DESCRIPTION

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

### 3. RELEVANT HISTORY

None

### 4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received objecting to the proposal on the following grounds:
  - Works are already underway
  - There are too many drinking establishments in the area and the premises in in a CIZ (Community Impact Zone) where licences for no further drinking establishments are awarded.
  - The use is inappropriate for the site's location
  - The plans show only one unisex toilet for a pub serving 40 customers
  - The size of the unit is not suitable
  - The outdoor seating area would impact on neighbouring residents and once closed would be at the front of the premises, on the narrow pavement
  - The changes to the façade are not in keeping with the area.
- 4.2. An objection has been received from the **North Laine Community Association** raising the following points:
  - There are too many drinking establishments in the area (14 on Trafalgar Street, two of which are 24 hours) and the premises is in a CIZ

(Community Impact Zone) where licences for no further drinking establishments are awarded.

- The proposed use is inappropriate for the site's location and should not be approved as a drinking establishment, in effect, a pub without food.
- The proposed use would have a detrimental effect on the shopping environment by its very nature and by not attracting both retail and leisure users as well as on the character of the conservation area
- The proposed outdoor rear seating area causes concern as it would impact on neighbouring residents above, on both sides and to the rear;
- Overcrowding could lead to vertical drinking

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

## 5. CONSULTATIONS

### 5.1. Designing Out Crime Officer:

- As the premises falls within the cumulative area / centre of the night time economy, the applicant and their partners are strongly advised to take note of the Brighton & Hove City Council Statement of Licensing Policy and to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.
- The main concerns would be that of noise as there is a residential upper floor maisonette situated above and the surrounding community is made up of several residential properties and from the air conditioning units as well as about associated cigarette smoke from patrons using this area.
- It is unknown at present as to the number of covers that may be associated with this proposal and, as such, the exterior terrace has the potential to become overcrowded thus encouraging vertical drinking.
- Conditions need to be put into place to ensure that access and egress to the exterior terrace is limited to a reasonable hour.
- Any permission for this or a future application for the premises is conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters/waitresses. Substantial food shall be available at all times.
- Requisite sound proofing to windows and doors would help reduce any associated anti-social noise pollution to the ground floor area spilling out to residential areas.
- As the premises will be stocking bottles of high value alcohol the installation of an intruder alarm system is recommended.
- To enable staff on the ground floor to monitor the basement level and exterior terrace the installation of a CCTV system to monitor all levels is also recommended.
- There are no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

## 5.2. Environmental Health:

Approve with suggested conditions relating to opening hours; restriction of machinery and / or plant usage; hours of servicing, deliveries and collections; and soundproofing. They add that there is also a current licencing application to include sales on the premise and for live and recorded music. The proposed closing time is 23:00 (22:30 on Sundays) and 22:00 for the beer garden. They consider that it is unlikely to be possible to hold live music events in the commercial part of the premises without the risk of statutory noise nuisance to the occupiers of the flat above.

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

6.2. The development plan is:

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

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

## 7. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SA2	Central Brighton
SS1	Presumption in Favour of Sustainable Development
CP4	Retail provision
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

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

TR7	Safe Development
SU9	Pollution and nuisance control
SU10	Noise nuisance

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

Supplementary Planning Documents:

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

## 8. CONSIDERATIONS & ASSESSMENT

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

Principle of development:

- 8.2. The application site falls within Special Area SA2 of the Brighton and Hove City Plan Part One which aims to reinforce Central Brighton's role as the city's vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses by, in this case:
- Supporting proposals to improve and refurbish existing retail units and shop frontages and recognise the role of small independent/local traders in maintaining the Regional Centre's viability and attractiveness.
  - Promoting a balanced range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups, avoid a spread of large bars/pubs and night clubs and address public safety concerns.
- 8.3. City Plan Part One Policy CP4 identifies Brighton as being a Regional Centre and aims to maintain and enhance Brighton & Hove's hierarchy of shopping centres by encouraging a range of facilities and uses, consistent with the scale and function of the centre, to meet people's day-to-day needs, whilst preserving the predominance of A1 use classes.
- 8.4. Local Plan Policy SR4 outlines that the change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses within the defined prime frontages of the regional centre will be permitted provided that all of the following criteria are met:
- a. as a result of the proposal there would not be a significant break in the shopping frontage of more than 10m;
  - b. it would not result in either the number of non-retail units or the proportion of frontages exceeding 25% of the shopping street(s) to which it relates;



- c. it would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and
  - d. the development would not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the area.
- 8.5. In this case, the change of use proposal does not result in the loss of the entire A1 usage. The applicant has advised that the mixed use is approximately half A1, half A4. The ground floor would be mainly used as a bar, offering alcoholic drinks for take home sales and for consumption on the premises, which would occur on the ground floor, but mainly within the basement and outside in the rear patio area. As such, the proposal complies with Policies CP4 and SR4 whilst also supporting a small independent/local trader and providing a complementary evening/night-time economy use. Furthermore, it is considered to encourage combined trips and would attract pedestrian activity. It is noted that four of the other ground floor units within this terrace would be in A1 usage, albeit the clothes shop 'FOLD' occupies nos. 20-21 and the D1 use's presence on the ground floor is limited to an entrance only.
- 8.6. Local Plan Policy SR12 relating to large Use Class A4 (pubs and bars) is not relevant here since the total resultant public floorspace is 43m<sup>2</sup>, not the 150m<sup>2</sup> required to invoke the policy. It is worth noting that as the premises would not be an A3 unit, the condition requiring that alcohol is ancillary to substantial food (which is prepared on the premises, served at a table and is available at all times) cannot be added.
- 8.7. As such, no in-principle objection is raised to the change of use from A1 to a mixed A1/A4 use. As such, subject to a consideration of part (d) of Policy SR4 (which is assessed later in this report), the proposal is compliant with Policies SA2, CP4 and SR4.

**Design and Heritage:**

- 8.8. 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.
- 8.9. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.10. None of the shopfront appears to be original and even the Victorian style black and white tiles between the red brick public footway and the shopfront seem to be a later addition. The shopfront does, however, feature a stallriser and a sign that fits the size of the fascia board behind.
- 8.11. Given the above, no in-principle objection is raised to the removal of the existing shopfront. The proposed shopfront, although timber, would also be of a modern style. However, it does feature a recessed doorway (which may have been an original feature), a new painted timber fascia board and panelled

stallriser. Given that it would be unreasonable to insist on a shopfront being installed that is faithful to what was original, it is considered that the proposed shopfront is in keeping with examples on surrounding buildings, if not an improvement. It is a cohesive approach, through the detailing, colour scheme, materials and overall design strategy, which is in line with Local Plan Policy QD10. The large 'glass plate' shopfront is a distinctive modern element and causes less than substantial harm, considered to be outweighed by the provision of a ramp to provide access for those with a mobility-based disability. As a whole, the shopfront is considered to be an improvement on the existing and would therefore enhance the special appearance of the conservation area.

- 8.12. In terms of the shop shutters, Local Plan Policy QD8 outlines that solid shutters, including those with the "pin hole" design, that obscure the window display are not permitted. In this case a thin-framed roller grille over the shopfront window and a demountable security grille over the entrance door are proposed, which would be hung on wall hooks when not in use. These are therefore considered to be acceptable. Furthermore, concealing the housing for the roller grille behind the new fascia boxing is supported.
- 8.13. In terms of the other changes to the front, the provision of separate access to the existing maisonette and proposed A1/A4 unit is supported. There is also the possibility of a lightwell, or pavement lights, being reinstated. No objection is raised to these given their prevalence within the parade and elsewhere along the street subject to detailed treatment, which can be secured by condition in the event of an approval.
- 8.14. Numerous, although largely minor changes, are proposed to the rear of the building. This is not visible from the public realm and therefore the alterations are considered to have very little impact on the character and appearance of the conservation area. Whilst the loss of the bay window is regrettable, this would not warrant a refusal of the application. The treatment of the new and replacement rear fenestration - aluminium frames - is uniform and therefore supported. The increased amount of glazing would help to bring light into the rear of the seating and bar areas. The provision of a new handrail and balustrade to the existing steps is welcomed as is the slatted timber enclosure to hide the pipework. No objection is raised to painting the rear boundary wall white or moving the AC condenser unit higher and the exterior raised planter would help to soften the hard paved yard area.
- 8.15. As such the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15, Local Plan Policies QD8 and QD10 as well as SPD02.

**Impact on Neighbouring Amenity:**

- 8.16. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.17. The responsibility for mitigating the impact of noise is firmly on the new development. The onus is on new noise-generating uses proposed close to

existing noise-sensitive uses to ensure its building or activity is designed to protect existing users or residents from noise impacts. Measures such as soundproofing can be put in place to mitigate any noise impacts for neighbouring residents and businesses.

- 8.18. The main impact from the proposal would be on the maisonette on the upper floors of the host building and the three flats at 22 and one at 24 Trafalgar Street in terms of noise and general disturbance from the proposed A4 element. None of the windows would provide opportunities for overlooking into adjacent residential properties, and the door would be installed into an existing opening, and therefore would not result in any additional overlooking.
- 8.19. The existing opening hours of the retail unit are unknown. However, those proposed for the mixed A1/A4 use are 11:00-01:00 Monday to Saturday and 11:00-00:00 on Sundays and Public / Bank Holidays. In light of a current licencing application that proposes a closing time of 23:00 Monday to Saturday and 22:30 on Sundays (and 22:00 for the beer garden every day), the Environmental Health Officer has recommended that the closing times be restricted to those hours, and that the beer garden be closed between 22:00 and 10:00. Those for the premises itself are considered more appropriate because it is considered that allowing it to remain open beyond 23:00 would result in an adverse impact on the neighbouring dwellings. However, it is considered that given it is outside and the proximity of residential properties, the beer garden should close at 18:00. This has been discussed with the applicants who are aware that the hours would be secured via condition in the event of an approval.
- 8.20. Officers also agree that a condition is required to prevent the playing or generation of live music (as proposed in the licencing application) to prevent the risk of statutory noise nuisance to the occupiers of the maisonette above, which would sufficiently restrict the activities which could be carried out within the premises and beer garden.
- 8.21. Noise transfer to the nearby dwellings would still occur through patrons using the premises. In light of no acoustic details having been submitted, it is considered that details of the soundproofing that would need to be installed are secured by condition in the event of an approval. This must also be accompanied by a noise assessment that recommends the necessary mitigation to be provided by the soundproofing as well as the glazing specification within the new rear windows and door. It should be noted that in order for noise levels to be acceptable, they should not exceed the existing LA90 background noise level.
- 8.22. Besides noise, any disturbance from patrons is likely to occur outside and at the entrance to the premises on the ground floor. Sussex Police have not raised this as a significant issue. However, they do advise that CCTV should be provided, with care taken to ensure any lighting is commensurate with the CCTV equipment.

**Impact on Highways:**

- 8.23. It is not anticipated that the provision of a mixed A1/A4 use at this premises would lead to increased traffic generation or parking stress on surrounding street given that the site is within CPZ Y, which would therefore prevent overspill parking. No car parking spaces are proposed, but since this is commercial development, a condition cannot be added to prevent future occupiers from applying for a parking permit.
- 8.24. No cycle parking spaces are required. It is expected that refuse and recycling arrangement would remain as existing.
- 8.25. It is not considered that the proposed ramp at the front entrance, as it is wholly within the demise of private land, would cause an obstruction to those using the adjacent public footway.

## **9. CONCLUSIONS**

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

## **10. EQUALITIES**

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



PLANNING COMMITTEE LIST  
COUNCILLOR REPRESENTATION

**Cllr. Lizzie Deane**  
**BH2020/00215 - 23 Trafalgar Street**

**24<sup>th</sup> February 2020:**

I write in my capacity of ward councillor to support local residents and the North Laine Community Association in their objection to this application for change of use from retail outlet to a drinking establishment.

Since the relaxation of licensing laws came into effect in 2005 the North Laine has undergone a transformation to the point where it is now saturated with alcohol related outlets causing intolerable levels of noise, nuisance and antisocial behaviour, to unacceptable levels for any residential area and which are particularly inappropriate for a Conservation Area.

I would therefore ask that this be refused under delegated powers or that it comes before Planning Committee.



# PLANNING COMMITTEE

## Agenda Item 132

Brighton & Hove City Council

### NEW APPEALS RECEIVED (02/04/20 – 22/04/20)

#### WARD

#### **BRUNSWICK AND ADELAIDE**

APPEALAPPNUMBER

BH2019/00762

ADDRESS

Flat 1 8 Palmeira Square Hove BN3 2JB

DEVELOPMENT DESCRIPTION

Internal alterations to layout of flat.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

22/04/2020

APPLICATION DECISION LEVEL

Delegated

#### WARD

#### **NORTH PORTSLADE**

APPEALAPPNUMBER

BH2019/03200

ADDRESS

12 Southon Close Portslade BN41 2RX

DEVELOPMENT DESCRIPTION

Erection of first floor extension and dormer.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/04/2020

APPLICATION DECISION LEVEL

Delegated

#### WARD

#### **ROTTINGDEAN COASTAL**

APPEALAPPNUMBER

BH2019/02818

ADDRESS

25 Falmer Road Rottingdean Brighton BN2 7DA

DEVELOPMENT DESCRIPTION

Roof alterations incorporating: a rear hip to gable roof extension; 2no. juliet balconies to the rear; revisions to fenestration including the addition of 5no. rooflights; and associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/04/2020

APPLICATION DECISION LEVEL

Delegated

#### WARD

#### **ROTTINGDEAN COASTAL**

APPEALAPPNUMBER

BH2019/03147

ADDRESS

60 Saltdean Vale Saltdean Brighton BN2 8HA

DEVELOPMENT DESCRIPTION

Demolition of existing conservatory and erection of single storey rear extension. Removal of chimneys, revisions to fenestration, rendering of all walls. Installation of 3no rooflights, associated alterations (Part Retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/04/2020

APPLICATION DECISION LEVEL

Delegated

#### WARD

#### **WITHDEAN**

<u>APPEALAPPNUMBER</u>	BH2019/01033
<u>ADDRESS</u>	18 The Beeches Brighton BN1 5LS
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey detached garage to front elevation including the creation of a crossover.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/04/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

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**WARD**

**WITHDEAN**

<u>APPEALAPPNUMBER</u>	BH2019/01425
<u>ADDRESS</u>	148 Valley Drive Brighton BN1 5LG
<u>DEVELOPMENT DESCRIPTION</u>	Installation of driveway and pedestrian gates including sections of adjacent fencing (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/04/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

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#### **APPEAL DECISIONS FOR THE PERIOD BETWEEN 07/04/2020 AND 21/04/2020**

**WARD****CENTRAL HOVE****APPEAL APPLICATION NUMBER**

APL2019/00209

**ADDRESS**Flat 8 Royal Court 8 Kings Gardens Hove BN3  
2PF**DEVELOPMENT DESCRIPTION**Internal alterations - conversion of existing vaults  
to storage spaces.**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL ALLOWED

**PLANNING APPLICATION NUMBER**

BH2019/01447

**APPLICATION DECISION LEVEL**

Delegated

**WARD****HANOVER AND ELM GROVE****APPEAL APPLICATION NUMBER**

APL2020/00028

**ADDRESS**

2 Picton Street Brighton BN2 3AP

**DEVELOPMENT DESCRIPTION**Raising of roof ridge height, incorporating rear  
dormer, 2no rooflights to front slope and  
associated alterations.**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL DISMISSED

**PLANNING APPLICATION NUMBER**

BH2019/03421

**APPLICATION DECISION LEVEL**

Delegated

**WARD****REGENCY****APPEAL APPLICATION NUMBER**

APL2020/00002

**ADDRESS**

14 Regent Hill Brighton BN1 3ED

**DEVELOPMENT DESCRIPTION**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.**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL ALLOWED

**PLANNING APPLICATION NUMBER**

BH2019/00691

**APPLICATION DECISION LEVEL**

Delegated

