

ITEM A

**Rayford House, School Road,
Hove BN3 5HX
BH2015/04606
Full Planning**

09 March 2016

<u>No:</u>	BH2015/04606	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rayford House School Road Hove		
<u>Proposal:</u>	Erection of side extension and creation of additional floor to create 9no. residential units with associated parking and re-cladding.		
<u>Officer:</u>	Maria Seale Tel 292175	<u>Valid Date:</u>	21/12/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 February 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton BN1 6FA		
<u>Applicant:</u>	Sound Investments Limited, School Road Hove BN3 5HX		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 Rayford House is set back from the main road frontage and is located on the corner of School Road and Kingsthorpe Road. The site is located in a predominantly residential area of 2 storey terraced and semi-detached housing. There are some 1-2 storey industrial/commercial sites on the east side of School Road and north side of Kingsthorpe Road. The site backs onto the railway to the north, with a cemetery beyond on rising ground. The building can be glimpsed in views from longer distances from the Old Shoreham Road to the north. The ground levels of the site slope down from north to south by about 1m and from east to west by about 2m.
- 2.2 Rayford House is a 4 storey rectangular office block (B1 use) with brick and part white clad elevations with a flat roof. It has a simple utilitarian design. The main entrance is within a lobby extension set up some steps in the south west corner of the building. There is car parking on all sides around the building, which is set centrally. There is currently no access through to Payne Avenue to the east.

3 RELEVANT HISTORY

BH2015/02541 Erection of side extension and creation of additional floor to create 9no. residential units with associated parking and re-cladding. **Withdrawn 16/12/15.**

BH2002/02549/FP Construction of additional floor to office building. **Approved 20/3/15.**

3/89/0458 Vertical extension of existing lift and stair tower. **Refused 21/7/89** on grounds of substantial increase to height of building which is already a dominant

feature in the locality and would be out of character and detrimental to visual amenity.

3/89/0226 Re-cladding of existing facades, construction of new entrance lobby and change of use of ground floor from showroom to offices. **Granted 28/4/89.**

3/89/0032 Re-cladding of existing façade, construction of new entrance lobby and the construction of an additional floor. **Refused 24/2/89** on grounds of being out of character with locality and insufficient car parking. **Appeal dismissed 2/2/90** on grounds of harmful visual impact of addition to an already dominant building, out of character with its surroundings.

M11991/66 New Offices and servicing garage. **Granted 18/2/66.**

M/11790/65 O.A. 1097 New Office & garage with car parking. **Granted 2/11/65.**

Relevant history of adjacent/nearby sites:

Halsted Scaffolding Ltd, 18 24 28 & 30 Kingsthorpe Road (west of site):

BH2014/03525 Demolition of existing building and erection of 9no three storey houses (C3) and 1no three storey office unit (B1(a)) with associated parking area. **Granted 15/4/15.**

BH2013/01646 Outline application for mixed use development incl 440sqm of commercial and 26 residential units in part 3, part 4 storey building. **Refused 9/6/14** on grounds of excessive scale/overbearing visual impact and unneighbourly development. **Appeal dismissed 28/10/14** on grounds of adverse effect on the character and appearance of the area and unneighbourly development.

Gala Bingo site 193 Portland Road/corner of School Road:

BH2009/03154 Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground floor level and part first floor level, new D1/D2 unit at ground floor level and 35 residential units above in part 2, 3, 4 and 5 storey building to include 14 affordable units. Provision of surface parking for 18 cars, cycle parking and landscaping. **Refused 7/4/10** on grounds of loss of privacy, overdevelopment, unmet travel demand. **Appeal allowed 18/10/10.**

4 THE APPLICATION

- 4.1 Planning permission is sought for extensions to the existing office building. An additional storey at roof level to provide a fifth storey is proposed together with a 5 storey side extension, to provide 9 new residential units. The rest of the building would remain as B1 offices.
- 4.2 Five 2-bed flats and four 3-bed flats are proposed. All would have private outdoor amenity space via balconies or terraces. Existing office car parking spaces would be reconfigured and some are proposed to be reallocated to the residential units (9 general spaces plus 1 disabled space). The applicant is proposing 67 car parking spaces in total for the whole building, including 2

disabled, which is a reduction of 4 from the existing 71. Refuse and cycle parking is proposed.

- 4.3 The proposal is to incorporate a 'butterfly' roof design with two mono-pitches. The external appearance of the existing building is to be altered as part of the proposals and elevations will comprise of facing brick, render, natural zinc/powder coated aluminium cladding plus some timber screens. A living green wall is proposed on the east elevation. The existing windows are proposed to change and additional windows are proposed.
- 4.4 Supporting information has been received with the application including a Desk Study Report of geotechnical and geo-environmental factors which assesses the risk of land contamination, a Sunlight and Daylight Assessment, a Tall Building Statement, a Parking Impact Assessment and an Acoustic Report.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** One letter of representation has been received from **25 Lovegrove Court, Ingram Crescent East** objecting to the application for the following reasons:

- Height is too imposing
- Increasing numbers of semi-rise buildings changing character of this low rise area to its detriment
- Would set a precedent for high rise buildings

- 5.2 **Councillor Nemeth:** Supports the application (see email at end of report) and has requested it be heard at Planning Committee.

Internal:

- 5.3 **Environmental Health:** Support subject to appropriate conditions. An acoustic report has been submitted to address potentially concerning noise levels from the adjacent train line. Also there is a potential for noise issues with regard to residential bedrooms located next to stairways. The report shows only a slight increase over acceptable noise standards and this is unlikely to be perceptible. Double glazing should be sufficient provided ventilation is provided. Windows will need to be closed to comply. External noise at the roof terraces would be only slightly above acceptable standards and there is an element of 'buyer beware' when a railway is overlooked. A condition could ensure sufficient sound insulation to the stairwell. The land contamination report assesses the site to be very low risk which is not disputed however condition is recommended to address any unforeseen discoveries.
- 5.4 **Private Sector Housing:** Do not wish to make comments.
- 5.5 **Planning Policy:** Comment The acceptability in principle of this application is finely balanced.
- 5.6 The proposal for residential use is not in accordance with policy EM1 of the adopted Brighton & Hove Local Plan. Although it cannot be considered 'employment-led' mixed use redevelopment as required by the emerging City

Plan Policy CP3.4, which is a material consideration, there is no net loss of employment floorspace associated with this particular application. There is a demonstrable need for new employment floorspace in the city and more efficient use of the safeguarded employment sites to deliver new employment floorspace would help address the shortfall. It is therefore regrettable that the extant permission for an additional floor of office floorspace is not being pursued.

- 5.7 The application should more fully address the level of interest that has been expressed since the marketing of the potential office floorspace began in order to conclude that there is no longer demand for additional office floorspace in this location and thus no adverse economic impacts.
- 5.8 Regard should also be given to paras 14 and 47-51 of the NPPF and an element of residential use would accord with the City Plan. The benefits of providing 9 residential units are recognised. However, the benefits need to be balanced against any significant and demonstrable adverse impacts to the character and appearance of the existing building and the wider locality and the impact to the amenity of nearby occupiers.
- 5.9 **Sustainable Transport:** Support subject to a necessary S106 financial contribution of £6750 and appropriate conditions.
- 5.10 Creation of an additional private entrance through the eastern site perimeter wall should be considered to provide a more direct route to the station, to accord with policy TR8. The existing (and proposed) access to the highway from the site is acceptable. Whilst the applicant has proposed 26 cycle spaces (and SPG04 requires a minimum of 12) they are not adequately spaced. The preference is for Sheffield stands to be used, which would give 17/18 spaces. The applicant is proposing 67 car parking spaces in total incl 2 disabled which is a reduction of 4 from the existing 71. Whilst this is acceptable, sustainable transport measures also need to be encouraged. The applicant has provided information that the current car park is under capacity however the offices are not fully occupied. The disabled spaces should be relocated nearer the entrance and this can be conditioned.
- 5.11 Conditions regarding disabled car parking, submission of a Travel Plan, and submission of a Scheme of Car Parking Management are recommended. The proposal will generate additional trips to the site and based on the Council's agreed formula to promote sustainable modes, this will necessitate a financial contribution via S106 of £6750 towards pedestrian improvements in the form of dropped kerbs and tactile paving on route between the site and Aldrington Railway Station, Stoneham Park and Portland Rd.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations

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QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Planning for sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP14	Housing Density
CP19	Housing mix
CP20	Affordable housing

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to:
- The principle of introducing a residential use on an identified employment site
 - The impact of the extensions on the character and appearance of the existing building and the wider locality
 - The impact on highway safety and traffic generation
 - The impact on amenity of nearby occupiers and future occupiers
 - Sustainability

Planning policy & the principle of the residential use:

- 8.2 As can be seen from the Planning Policy comments set out in section 5 above, the acceptability in principle of introducing a residential use on this site is finely balanced.
- 8.3 The proposal does not strictly comply with the current adopted plan as it is identified as an employment site however the emerging City Plan policy CP3 is more flexible and encourages employment-led mixed use developments on such sites. The NPPF reinforces this approach. Whilst the development cannot be described as 'employment-led' there is no net loss of employment space and the benefits of providing 9 residential units is recognised. The building is currently under occupied and investment in the building and its appearance (in principle) could help attract more office tenants, which would be welcomed.
- 8.4 On balance therefore it is considered that a refusal of permission on grounds of introducing a residential use in principle cannot be justified.
- 8.5 A mix of size of units (2 and 3 bedrooms) are proposed, together with private amenity space, car parking, cycle parking and refuse storage areas, all of which comply with policy.
- 8.6 Provision of 9 units is under the threshold of 10 units or more where affordable housing is required in the current adopted Local Plan. Whilst emerging City Plan policy CP20(c) states that 20% affordable housing as an equivalent financial contribution will be sought on sites of between 5 and 9 dwellings, until this plan is formally adopted, this part of the policy is not considered to outweigh the current adopted Local Plan policy in this instance.

Design:

- 8.7 Planning policy seeks to ensure that development is of high quality design and sympathetic to existing development and the character and appearance of the wider locality. The NPPF states that good design is a key aspect of sustainable development.
- 8.8 As can be seen in the History section 3 above, this site has had a number of planning applications, including an additional floor which was granted last year. That recent permission was a finely balanced decision, particularly given the planning history of previous refusals and appeal dismissal for an additional storey. Previous refusals were on grounds of increased prominence of an already dominant building and adverse impact to the character and appearance of the locality, which is predominantly low rise. It was felt that subsequent changes to the design including a set back of the upper storey and cladding to improve the overall building, together with the fact that additional employment floorspace was to be created, outweighed previous concerns.
- 8.9 Whilst the current application also proposes a set back of the upper floor and clad elevations and is partly lower, there are concerns regarding the proposals. The existing building is already somewhat out of character with its surroundings, which is predominantly 2/3 storey low rise and therefore any extensions need to be approached sensitively. The site is on a visual axis at the end of School Road and is quite prominent. There is one example of a taller building in the

wider locality - the redeveloped Gala Bingo site (5 storeys) on the corner of School Road/Portland Road however this not immediately adjacent to the site and has a different context being a prominent corner site on a main road. Rayford House currently benefits from being positioned in the corner of the street scene without a road frontage as such, and is set back into the site and in space. It is considered that the building requires this relatively spacious setting to limit its impact. The proposed substantial side extension of significant height to the west would encroach into this setting and is considered to emphasise the dominance of the building to an unacceptable degree. The building would appear unduly overbearing in its surroundings.

- 8.10 It should be noted that the height of the proposed building would bring it just over 18m high above ground level (17-18.3m from north & 20.4m approx from south at its highest point at south-west corner on this uneven site) and as it is taller than the majority of its surroundings it would therefore fall within the classification of a 'tall building' in terms of SPD15. The site is not located within an area defined as suitable for tall buildings in SPG15, further highlighting the sensitivity of the proposal. This in its own right does not however mean the proposal is automatically unacceptable, as each proposal is judged on its own merits against design policies. The applicant has submitted a supporting Tall Buildings Statement, however, it is not considered that this sufficiently makes the case that the proposal would be acceptable, for the reasons cited.
- 8.11 There are also concerns regarding the detailed design of the proposals. There is considered to be no strong overall coherence to the scheme, with the main building being horizontal in emphasis and of a different style and the new side extension being vertical in emphasis with a different appearance and window styles. The additional storey introduces yet another style. Whilst the current building does not have great architectural merit and is rather stark, it is of simple design and it is considered that the proposals, including use of cladding, timber, render and brick, together with different styles and types of windows and roof profiles, make it overly complicated to the detriment of the appearance of the building and the locality. There is no objection in principle to recladding or a contemporary approach, and indeed this could improve the appearance of the building, however, it is not considered that the current design is of sufficient quality, particularly for such a prominent and substantial building. The introduction of a living green wall to the east is welcomed as it would soften the appearance of this part of the building.

Sustainable Transport:

- 8.12 Adopted and emerging planning policy, and the NPPF, seek to ensure developments do not compromise highway safety and that sustainable modes of transport are promoted.
- 8.13 Given the comments made by the Sustainable Transport team in section 5 above, it is considered that the transport impacts of the development are acceptable. The access is safe and sufficient car parking, cycle parking and disabled parking (subject to condition) can be provided to serve the new development. Whilst it is regrettable that some office parking spaces would be

lost, these are limited and on balance this is considered acceptable. The proposal is not considered to cause undue pressure on off-site parking.

- 8.14 Use of sustainable modes of transport could be promoted and secured via a financial contribution and whilst the applicant has stated they would be agreeable to this in principle, as this does not form part of the current application it is also included as a reason for refusal.
- 8.15 It is considered that the introduction of a new access door in the east elevation boundary wall with Payne Avenue could be a significant benefit of the scheme, to shorten the route to the station in the interests of sustainability. It does not, however, currently form part of the application and it is considered inappropriate to impose a condition to ensure it is provided as residents have not had the chance to make comments on such a proposal and may raise concerns about noise or disturbance given its location at the end of a relatively quiet residential cul-de-sac, even if it were restricted to private use only. Concerns may also be raised about relocated bin storage.

Impact on Amenity:

- 8.16 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.
- 8.17 The applicant has submitted a daylight/sunlight assessment which is rather limited, but in any event it is considered that an additional storey would not exacerbate the existing effects of the building in terms of overmassing and levels of sunlight to occupiers of nearby residential properties. The proposed extension westwards could impact the single storey art supplies building which has a window facing the site but given that there is a substantial wall on the boundary and there are other windows that serve that building, on balance the impact is considered acceptable. It is not considered that the addition of one storey and a side extension to the building will have a significantly different impact in terms of microclimate to nearby occupiers, including wind.
- 8.18 Given the comments made by the Environmental Health Team in section 5, it is considered that the proposal is acceptable in terms of noise and land contamination. A residential use is considered compatible with a B1 office use in principle.
- 8.19 There are some concerns about the potential for loss of privacy to occupiers of the ground floor flat directly adjacent to the main entrance. Staff, residents and visitors coming and going to the main entrance would be afforded views directly into the main living area and outdoor amenity space. Screening and/or elements of obscure glazing could improve the relationship (and could be conditioned) and thus this is not included as a reason for refusal. There is also some concern regarding the ground floor rear windows serving bedrooms where staff parking their cars could be intrusive, however, these windows are set back and do not

serve the main living area and there is scope to introduce a landscape buffer (by condition), and on balance this relationship is considered acceptable.

Sustainability:

- 8.20 Adopted and emerging planning policy seeks to ensure development is sustainable, including the enhancement of biodiversity. The core aim of the NPPF is achieving sustainable development.
- 8.21 The applicant has stated they will meet Code for Sustainable Homes Level 4 and this intention is welcomed, although this standard is no longer relevant. Conditions could however be imposed to ensure a similar sustainability level is reached. Adequate space can be provided within the site for both refuse and recycling. Currently there is no soft landscaping or greenery on site, and the proposed living green wall is welcomed for sustainable reasons and it promotes biodiversity, in accordance with policy. It would be possible to condition the incorporation of bat and bird boxes to further enhance biodiversity in accordance with policy.

9 CONCLUSION

- 9.1 The principle of introducing a residential use on an identified employment site is finely balanced. Flexibility and mixed uses are however encouraged by emerging City Plan policy and the NPPF and there would be no net loss of employment floorspace. The residential and office uses would be compatible. The transport demands created by the development are considered acceptable, however, a financial contribution via S106 agreement towards enhancement of sustainable modes is required.
- 9.2 Whilst there are positive aspects of the scheme as discussed in this report, and the provision of much needed residential units and investment in employment sites is welcome, the scale and design of the scheme is however not considered acceptable. This is a sensitive site with limited potential for successful expansion of this scale. The proposal would increase the dominance of a substantial building which is already somewhat out of character with its low rise surroundings and the significant side extension in particular erodes the spacious setting and further emphasises the building's impact. The proposal would be a 'tall building' but it is not located in an area identified as suitable for such buildings in SPG15. The overall detailed design is rather disjointed and doesn't give a coherent appearance and detracts from the building and the locality.

On balance, therefore, refusal is recommended.

10 EQUALITIES

- 10.1 It is proposed to have lift access to all floors, which ensures the development is accessible which is welcomed. No wheelchair accessible units are proposed, however, policy HO13 does not require this for less than 10 residential units. The applicant states that all the flats would meet Lifetime Homes standards – these are no longer relevant - however this is welcomed and a condition requiring compliance with Part M4(2) of Building Regulations could be imposed to improve accessibility. There is an existing ramp up to the east of the main

entrance as an alternative to the stairs. The location of the disabled parking spaces is not considered ideal however there is space to relocate them nearer the entrance and this could be secured by condition and thus is not stated as a reason for refusal.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed extensions and alterations would, by reason of their scale, location and design, relate poorly to the existing building and would result in a building that would be overly dominant and overbearing which would detract from the prevailing character and appearance of the locality. As such, the proposal is contrary to policies QD1, QD2, QD3 and QD14 of the Brighton & Hove Local Plan and CP12 of the emerging Brighton & Hove City Plan Part One.
2. The application, in the absence of detailed measures to promote and encourage sustainable transport and provide a legal obligation for highway improvements, fails to provide for all the travel demand it creates. As such, the proposal is contrary to policies TR1 and QD28 of the Brighton & Hove Local Plan and CP7 of the emerging Brighton & Hove City Plan Part One.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Location/block plan	1520-P-01	P1	21/12/15
Existing site plan (inc roof plan)	1520-P-02	P2	21/12/15
Existing ground floor/site plan	1520-P-03	P1	21/12/15
Existing first & second floor plans	1520-P-04	P1	21/12/15
Existing third floor & roof plan	1520-P-05	P1	21/12/15
Existing elevations	1520-P-06	P1	21/12/15
Existing elevations	1520-P-07	P1	21/12/15
Existing context elevations	1520-P-08	P1	21/12/15
Existing sections	1520-P-09	P1	21/12/15
Proposed site plan (incl roof plan)	1520-P-10	P5	21/12/15
Proposed basement & ground floor plans	1520-P-11	P5	21/12/15
Proposed first & second floor plans	1520-P-12	P2	21/12/15
Proposed third and fourth floor plan	1520-P-13	P2	21/12/15
Proposed south elevation	1520-P-14	P2	21/12/15
Proposed north elevation	1520-P-15	P2	21/12/15
Proposed west elevation	1520-P-16	P2	21/12/15

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Proposed east elevation	1520-P-17	P2	21/12/15
Proposed context elevations	1520-P-18	P2	21/12/15
Proposed sections	1520-P-19	P2	21/12/15



PLANNING COMMITTEE LIST
09 March 2016

COUNCILLOR REPRESENTATION

From: Robert Nemeth
Sent: 24 January 2016 20:36
To: Maria Seale
Subject: RE: planning application BH2015/04606 Extensions to Rayford House, School Rd, Hove

Dear Maria,

I would like this one to go to Committee in the event that the Officer is minded to refuse. I support the application.

**Cllr Robert Nemeth - Wish Ward
Brighton & Hove City Council**

