

# **PLANNING COMMITTEE ADDENDUM 3 Late List**

**2.00PM, WEDNESDAY, 2 SEPTEMBER 2020**

**VIRTUAL SKYPE MEETING**

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# ADDENDUM

## ITEM

### Late List

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>

## Late List - 2<sup>nd</sup> September 2020 Planning Committee – Additional Representations

Item	Site Address	Application No.	Comment
A  Page 3	1-3 Ellen Street	BH2020/00917	<p><b>1. New Planning Use Classes Order</b></p> <p><i>Please note that following advice from our legal team, the proposed development is to be considered within the current use class as advertised, as the application was submitted before the 1<sup>st</sup> September 2020, and thus the commercial element will not fall under any new classes. Therefore, some of the relevant conditions as recommended will be altered accordingly.</i></p> <p><b>Description of development:</b></p> <p>Demolition of existing buildings &amp; redevelopment to provide a mixed-use scheme comprising commercial floorspace (B1) flexible commercial &amp; community floorspace (B1/D1/D2) &amp; residential units (C3 use), together with associated car &amp; cycle parking, plant, supporting facilities, amenity space, landscaping &amp; infrastructure works.</p> <p>The B1 (Business) use on ground floor includes for Offices/ Research and Development/ Light Industrial (appropriate in a residential area).</p> <p><b>2. Late Representations</b></p> <p>A letter of <u>support</u> from Goldsmid Ward Cllr – Cllr Jackie O' Quin:</p> <p><i>I wish to put forward my support for this application as this area is in dire need of regeneration. The application has undergone some changes for the better due to advice from various quarters being taken on board, although I do still have some concerns about the levels of daylight and sunlight in both the new development and two for the blocks on the Clarendon and Ellen estate. I would especially like to commend the developers for their willingness to communicate with local residents and councils and groups such as the Hove Station Neighbourhood Forum. This</i></p>

			<p><i>doesn't always happen with developers of major projects and it makes a world of difference when it does.</i></p> <p><i>It is very welcome that a community area has been put in place which covers quite a large area and will be made available to various local groups. This will be highly beneficial to the residents of the Clarendon and Ellen estate. The improvements to the public realm are also to be welcomed. It is a shame that only 10% of the flats will be affordable but I do recognise that there were high costs associated with acquiring this piece of land and the build itself is very costly.</i></p> <p>Five (5) further letters have been received <u>objecting</u> to the proposed development following the amendments for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ Height</li> <li>▪ Impact on traffic in the area</li> <li>▪ Overdevelopment of the site</li> <li>▪ Overshadowing and impact on residential amenity in the area</li> <li>▪ Increased noise</li> </ul> <p><u>Officer Response</u></p> <p>The objections are addressed within the report.</p> <p><b>3. S106 Heads of Terms – Clarifications/Updates:</b></p> <p>The Affordable Housing offer is 10% of Habitable Rooms</p> <p>To include:</p> <p><b><u>Highways Works (various) to include:</u></b></p> <p>A detailed highway works scheme based on the following written scope.</p> <ul style="list-style-type: none"> <li>▪ Conway Street – a reconfigured arrangement that:</li> </ul>
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			<ul style="list-style-type: none"> <li>- promotes pedestrian activity within all parts of the street whilst retaining accessible pedestrian only footways and uncontrolled crossings with tactile paving.</li> <li>- provides either for two-way working for all vehicles or for one-way working (excluding, if deemed necessary by the Council for access purposes, the area including and east of the junction with Ethel Street) whilst retaining provision for two-way cycle access</li> <li>- encourages vehicle speeds that are below 20mph and conducive to pedestrian activity throughout the street. This shall be supported by appropriate physical design features and shall not rely only on the signed speed limit.</li> <li>- incorporates high visual quality surfacing to all footways (including but not limited to vehicle crossings and accesses) and substantial areas of carriageway (including but not limited to all parking and loading bays and crossing areas), achieved where necessary through comprehensive reconstruction of existing pavements. Notwithstanding this, all other carriageway pavements shall be resurfaced with asphalt.</li> <li>- Creation of a new pedestrian-priority vehicular cross-over on Conway Street, which will serve as the basement car park access for the site;</li> <li>- Amendment to the southern footway including the introduction of loading / servicing bay measuring a minimum of 35m in length;</li> <li>- includes other relevant general public realm improvement below.</li> </ul> <p>▪ Provision of dropped kerb crossings on Clarendon Road at the junction with Ethel Road running north to south, Goldstone Street with Livingstone Street (east side running north to south), Goldstone Street with Shirley Street (east side running north to south) and Goldstone Street with Goldstone Road (east side running north to south) as per permitted scheme BH2016/02663 to include:</p> <ul style="list-style-type: none"> <li>- uncontrolled pedestrian crossings with tactile paving</li> </ul>
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			<ul style="list-style-type: none"> <li>- (subject to vehicle swept path analysis) footway widening and corresponding tightening of corner radii and other carriageway geometry</li> <li>- (subject to feasibility), introduction of street tree planting</li> <li>- repaving/reconstruction with high visual quality surfacing</li> </ul> <ul style="list-style-type: none"> <li>▪ Introduction of raised pedestrian crossings on the Conway Street approaches to the Goldstone Street and Ethel Street junctions, as well as on the Ellen Street approach to Ethel Street;</li> </ul> <ul style="list-style-type: none"> <li>▪ General public realm improvements to Conway Street, the northern side of Ellen Street, the western side of Ethel Street, eastern side of Fonhill Road to include: <ul style="list-style-type: none"> <li>- A minimum of 25 street trees include high quality designed rooting zones that will provide sufficient and appropriately compacted growing media volumes, irrigation, drainage and planting aids to support healthy and growth to near optimal maturity for an urban planting site</li> <li>- street lighting</li> <li>- seating provision in accordance with inclusive design principles</li> <li>- waste and/or recycling bins, which shall be mounted on street lighting columns or other street furniture wherever practical</li> <li>- reinstatement of any existing redundant vehicle crossings back to the footway</li> <li>- repaving/reconstruction of the footway with high visual quality surfacing.</li> </ul> </li> <li>▪ Closure of 2 x existing site accesses on Ellen Street and reinstatement of the footway at these locations, to include comprehensive repaving of the footway with high visual quality surfacing</li> <li>▪ Amendments to on-street parking and the proposed introduction of two car club parking bays;</li> </ul>
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			<ul style="list-style-type: none"> <li>▪ Pedestrian and cyclist accessibility improvements to the existing steps between Conway Street and Goldstone Villas at the western end of the former, to include: <ul style="list-style-type: none"> <li>- provision of cycle gutters.</li> <li>- replacement of all treads/risers and other surfaces with high quality surfacing.</li> <li>- provision of accessible treads and tactile paving.</li> <li>- provision of handrails to either side and – subject to feasibility - the centre of each flight.</li> </ul> </li> <li>▪ Provision of new/replacement street lighting, including but not limited to feeder pillar, gear, lanterns, brackets and columns, to the following areas <ul style="list-style-type: none"> <li>- All parts of Conway Street west of its junction Fonthill Road, including the extension east of Ethel Street leading to Goldstone Villas</li> <li>- The western side of Ethel Street north of the junction with Ellen Street</li> <li>- The northern side of Ellen Street between the junction with Fonthill Road and Ethel Street.</li> <li>- The eastern side of Ellen Fonthill Road between the junction with Ellen Street and Conway Street.</li> </ul> </li> <li>▪ Any other reasonable works associated with any of the above including, but not limited to, <ul style="list-style-type: none"> <li>- pavement tie-in works and reinstatements</li> <li>- other street furniture</li> <li>- adjustments to existing surface levels and/or highway drainage,</li> <li>- traffic signs and road markings</li> <li>- demarcation and drainage measures at highway boundaries</li> <li>- Traffic Regulation Orders and other statutory orders</li> </ul> </li> </ul>
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- Dedication of additional land with the application site as adopted highway to compensate for obstructions to pedestrian access along existing footways by any aspects of the proposals.

Both the detailed scheme and any associated Traffic Regulation Orders must be approved to the satisfaction of the Local Highway Authority prior to the commencement of any development. Thereafter, before first occupation of the proposed development, a section s278/38 highway agreement to implement the scheme shall be agreed with the Local Highway Authority and the scheme completed to its satisfaction.

#### **Residential and Employee Travel Plans**

Details to include:

Both a Residential Travel Plan and an Employee/Commercial Travel Plan, each covering a minimum 5 year period. The first version of each plan should be submitted and approved before first occupation of the development.

- Agreement of objectives, targets, actions and measures/incentives is delegated to officers but shall include reducing single occupancy trips by motor vehicles and reducing trips by delivery and servicing vehicles.
- The Plan should be monitored with TRICS Level 3 SAM Surveys undertaken at each monitoring point and a monitoring report submitted promptly after. The monitoring point shall occur at 1 year after first occupation, and annually thereafter until a survey is undertaken with the development  $\geq 90\%$  occupied. A further two monitoring points shall then occur at 2 year intervals.
- The following additional surveys should also be undertaken at each monitoring point and provided as part of monitoring reports.



			<ul style="list-style-type: none"> <li>- Delivery and servicing movements</li> <li>- Occupant awareness of travel plan objectives, targets, actions and measures/incentives</li> <li>- Occupant uptake/participation in measures/incentives</li> <li>▪ Measures and incentives shall be secured to support the delivery of Travel Plan objectives and targets.</li> <li>▪ A Travel Plan Coordinator shall be appointed by the developer to implement and oversee the Travel Plan for its duration.</li> </ul> <p><b>Car Club</b></p> <p>Provision of 2 no. off-site car club bays within the vicinity of the development to be provided prior to occupation.</p> <p><b>4. Conditions</b></p> <p>There are a number of alterations, additions and omissions to conditions to ensure there are no duplications, change the trigger and insert necessary items. These recommended changes are considered appropriate, and are set out below:</p> <p><i>*changes are in italics*</i></p> <p>Condition 21 should read:</p> <p>Notwithstanding the submitted drawings hereby permitted <i>prior to the occupation of the development</i> details confirming adequate operational capacity for the relevant bin stores shall be submitted to and approved in writing by the Local Planning</p>
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			<p>Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation and the refuse and recycling storage facilities shall thereafter be retained for use at all times.</p> <p>Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton &amp; Hove Local Plan, policy CP8 of the Brighton &amp; Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton &amp; Hove Waste and Minerals Local Plan Waste and Minerals Plan.</p> <p>Condition 27 should read:</p> <p>No customers of the hereby permitted commercial units shall remain on the premises outside the hours of 07.00 to 23.00 for the <i>D1/D2</i> uses and outside the hours of 06.00 to 23.00 for the <i>B1 use(s)</i>. No activity associated with the operation of the uses within the site shall take place between the hours of 23.30 and 05.30 daily.</p> <p>Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton &amp; Hove Local Plan.</p> <p>Condition 35 should read:</p> <p>No cables, <i>telecommunications equipment</i>, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans and <i>lightening protection</i>), meter boxes or flues shall be fixed to any elevation facing a highway.</p> <p>Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton &amp; Hove City Plan Part One.</p>
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			<p>Condition 36 Should read:</p> <p>The premises hereby permitted shall be used for Business only, which shall mean a use which fell within Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as it existed on the 31 August 2020, and shall be used for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use from the use permitted by this condition shall occur without planning permission obtained from the Local Planning Authority.</p> <p>Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of commercial and office floorspace in the city given the identified shortage, to comply with policy CP3 and DA6 of Brighton &amp; Hove City Plan Part One.</p> <p>Condition 37 should read:</p> <p>The flexible B1/D1/D2 space shall be used for flexible B1/D1/D2 space only, which shall mean a use which fell within Classes B1/D1/D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as it existed on the 31 August 2020, and shall be used for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without</p>
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			<p>modification), no change of use from the uses permitted by this condition shall occur without planning permission obtained from the Local Planning Authority.</p> <p>Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton &amp; Hove City Plan Part One.</p> <p>Condition 39 &amp; 45 have been combined to read:</p> <p>Notwithstanding the approved plans, no development above ground floor slab level hereby permitted shall take place until details of the commercial ground floor frontages have been submitted to and approved in writing by the Local Planning Authority, once approved the glazed frontages to the ground floor non-residential uses on Conway Street, Ethel Street and Ellen Street shall be fitted with clear glass and shall be retained and kept unobstructed at all times.</p> <p>Reason: To ensure a satisfactory appearance to the development and maintain an active frontage to comply with policy DA6 and CP12 of the Brighton and Hove City Plan Part One.</p> <p>Condition 40 should read:</p> <p>Notwithstanding the approved plans, <i>any</i> windows in the western most elevation of the seven-storey building facing the adjoining site to the west shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.</p>
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Reason: To ensure the proposed development does not prejudice any future development on the neighbouring site in keeping with the objectives of Policy DA6 of the Brighton and Hove City Plan Part One.

Delete condition 42 (porous paving) – as covered in other relevant conditions.

Condition 43 should read:

The *non-residential element* of the development hereby approved shall not first occupied until a Community Use Management Plan has been submitted to the Local Planning Authority for written approval. The Plan shall include details of:

- a. Details of arrangements for arrivals and departures
- b. Details of management
- c. Details of facilities provided, in connection with the commercial and residential uses, if any

The agreed Community Use Building Management Plan shall be implemented as approved.

Reason: To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

Condition 44 'scheme for sound insulation' has been deleted and Conditions 29 (recommendations in noise and vibration assessment to be implemented) and

			<p>condition 34 (written details of a sound insulation scheme) to be maintained, which are sufficient.</p> <p>Condition 49 should read:</p> <p>Notwithstanding plans hereby permitted <i>prior to occupation</i> details of disabled parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.</p> <p>Reason: To ensure the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton &amp; Hove Local Plan and SPD14 guidance.</p> <p>Condition 52 to read:</p> <p>The development shall provide for 216 residential units (C3 use), 1662 sqm of commercial floorspace (<i>B1</i>), 341 sqm of flexible commercial and community floorspace (<i>B1/D1/D2 use</i>) within buildings of up to 18 storeys in height only.</p> <p>Reason: To ensure the Local Planning Authority retains control over the density, mix and type of uses within the development and its height, in the interests of retaining sufficient commercial floorspace within the Policy DA6 Development Area, ensuring an appropriate housing mix and density and to ensure the character and appearance of the area including wider strategic views and impact to heritage assets are protected, and to ensure the protection of the amenities of the occupiers of existing and proposed properties, to comply with Policies HE3, HE6, HO5, HO13, QD5 and QD27 of the Brighton &amp; Hove Local Plan and DA6, CP1, CP2, CP3, CP12, CP14,</p>
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CP15 and CP19 of the Brighton & Hove City Plan Part One and SPGBH15 Tall Buildings.

### **5. Amendments to Report**

Paragraph 3.2 should also add – the current scheme provides more communal amenity space.

Paragraph 3.3 should be updated to read:

“The applicant initially sought written pre-application advice in September 2019 before entering into a Planning Performance Agreement (PPA) with the LPA which included multiple meetings with both Planning Officers and Transport Officers prior to submission of the final scheme. Two Options were initially submitted with the proposal undergoing significant changes since”.

Paragraph 4.55 should be inserted to read:

(1)One letter of objection was received from the Brighton Society objecting to the scheme on the following grounds:

- Effect on the Hove Station Conservation Area and Listed and Locally Listed buildings nearby.
- Inappropriate development (height, overbearing scale, unsympathetic, boxy character of its design)
- Harm to the Hove Station Conservation Area
- Housing need

(1) One letter of objection was received from the Regency Society objecting to the scheme on the following grounds:

*The Regency Society supports the principle of a mixed-use development on the Ellen Street site. We supported the previous scheme designed by LCE Architects which was approved on appeal. This new scheme has much in common with the approved scheme, but we believe that the design needs improvement and we are disappointed at the lack of commitment to provide any affordable homes.*

- Oppressive design
- Impact on heritage
- Lack of affordable homes
- Valuable south facing amenity, however little to the surrounding area
- Commercial appearance
- Brown and grey colouring

Officer Response

The objections are addressed within the report.

Paragraph 8.11 should add:

“The provision of B1 space in place of B8 storage/ warehousing would be expected to support a much higher number of Full Time Equivalent job due to increased employment densities. Due to the Build to Rent nature of the residential element, this will also create in the region of a future 6 FTE jobs”.

Paragraph 8.82 can be replaced with (replaced “detrimental” with “harmful” in last sentence):

Verified views of the development were provided to show the impact of the scheme from just to the east of Hove Station concourse. These demonstrate the



considerable degree to which the development will be visible from the conservation area above the locally listed public house. Due to the increased height of the tower elements and massing to the east of the site, this will have a greater impact than the extant scheme, being far more visible above the properties lying on Goldstone Villas. Although more *harmful* than the extant scheme, The Heritage Team consider the impact of both the extant scheme and the current scheme to be considerable but less than substantial in the terms set out in the NPPF.

Paragraph 8.85 can be replaced with (as above, 'detrimental' to be replaced with 'harmful'):

It should also be noted that the impact on Heritage assets was not a reason for refusal of the previous, extant scheme although it is acknowledged that the Heritage Team has outlined that the current proposal does have a more *harmful* impact in heritage terms.

**6. To be added – approved drawings list for Condition 1:**

Plan Type	Reference	Version	Date Received
Existing Site Plan	(00) 000	P01	24.03.20
Existing East and West Elevations	(00) 200	P01	24.03.20
Existing North and South Elevations	(00) 201	P01	24.03.20
Existing Floor Plan	A-P-00-100	P01	02.04.20

			Proposed Basement Plan	(20) 099	P02	15.07.20
			Proposed Ground Floor Plan	(20) 100	P02	22.08.20
			Proposed First Floor Plan	(20) 101	P02	22.08.20
			Proposed 2 <sup>nd</sup> to 6 <sup>th</sup> Floor Plans	(20) 102	P02	15.07.20
			Proposed 7 <sup>th</sup> to 8 <sup>th</sup> Floor Plan	(20) 107	P02	15.07.20
			Proposed 9 <sup>th</sup> to 11 <sup>th</sup> Floor Plan	(20) 109	P02	15.07.20
			Proposed 12 <sup>th</sup> to 17 <sup>th</sup> Floor Plan	(20) 112	P02	22.08.20
			Proposed Roof Plan	(20) 118	P02	15.07.20
			Proposed South Elevation	(20) 201	P02	25.08.20
			Proposed North Elevation	(20) 202	P02	25.08.20
			Proposed East Elevation	(20) 203	P02	25.08.20
			Proposed West Elevation	(20) 204	P02	25.08.20

			Proposed South Bay Elevation	(20) 250	P02	25.08.20
			Proposed North Bay Elevation (S1)	(20) 251	P02	25.08.20
			Proposed North Bay Elevation (S3)	(20) 252	P02	25.08.20
			Proposed East Bay Elevation	(20) 253	P02	25.08.20
			Proposed Section AA	(20)_301	P02	25.08.20
			Proposed Section BB	(20)_302	P02	25.08.20
			Proposed Section CC	(20)_303	P02	25.08.20
			Proposed Site Areas	1727-ISS-XX-00-SK-C-3006	P02	27.03.20
			Landscape Masterplan Podium Terraces	HG-AJM-EX-X1-DR-L-2211	02	14.07.20
			Landscape Masterplan Roof Terraces	HG-AJM-EX-X2-DR-L-2211	02	14.07.20
			Site Boundary Plan	HG-AJM-EX-XX-DR-L-1001	02	14.07.20
			Illustrative Site Layout	HG-AJM-EX-XX-DR-L-2111	02	14.07.20
			Landscape Masterplan Public Realm	HG-AJM-EX-XX-DR-L-2211	02	14.07.20

			Landscape Masterplan Public Realm – Application site	HG-AJM-EX-XX-DR-L-2212	02	14.07.20
B  Page 107	64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road	BH2020/01403	<p><b>1. S106 Heads of Terms – Clarifications/Updates:</b></p> <p>To Include:</p> <ul style="list-style-type: none"> <li>- A review mechanism of the viability.</li> </ul> <p><b>2. Late Representations</b></p> <p>An additional <b>54 (fifty-four)</b> <u>objections</u> have been received on the following grounds:</p> <ul style="list-style-type: none"> <li>• The amendments do not alter the number of flats</li> <li>• Loss of valuable garden space</li> <li>• There is no precedent for a block of this scale in the area</li> <li>• Previous concerns still stand</li> <li>• A number of houses have been demolished and replaced with blocks of flats</li> <li>• Local infrastructure cannot cope</li> <li>• The balconies are not sufficient</li> <li>• Previous concerns have not been taken into account</li> <li>• The amendments to the upper storeys will worsen the impact</li> <li>• There are still north facing single aspect units</li> <li>• The site is not allocated for development</li> <li>• Gas boilers are inappropriate</li> </ul> <p><u>Officer Response</u> The objections are addressed within the report.</p> <p><b>Two (2)</b> letters of <u>support</u> have been received on the following grounds:</p>			

- Good design
- Building at this density makes sense
- The proposal will contribute to housing shortfall within the city
- The area is well served by amenities and transport
- Makes efficient use of existing land
- The building is not out of character
- 94 flats would be of benefit to the city
- The proposed development is aesthetically pleasing
- Will decrease housing and rent payments
- Not out of character with the area

The **Conservation Advisory Group** unanimously recommended **REFUSAL** on the following grounds:

- The scale design and massing of these high rise blocks would cause
- significant visual harm to the setting of the adjoining Willett Estate CA
- The loss of five Edwardian family homes, four of which are in a good state of repair would be regrettable
- The further amendments and additions of the balconies do not allay the fears of the overpowering scale of the proposals.

**Councillors O'Quinn, Ebel and Allcock** object to the proposal. Copies of the objections are attached.

#### Officer Response

The objections are addressed within the report.

### **3. Amendments to Report**

Paragraph 5.57 on p. 129 refers to the proportion of wheelchair accessible units within the development and should read as set out below:

*Council policy requires 5% of all homes across the whole development to be wheelchair accessible, which equates to 4 homes at this development.*

### **Additional Information/Consultee Responses**

#### 64 Palmeira Avenue

The applicant has provided additional information/evidence to address the loss of the nursery at no. 64 Palmeira Avenue.

The information confirms that no.64 Palmeira was recently rebuilt following the fire, funded by the insurance company. The bank is in possession of the building. On the banks terms, they wouldn't allow the previous occupier (a private day nursery) to return and re-open the nursery. The applicant has also confirmed that the nursery has relocated to Connaught Rd, Hove which is in close proximity to the site. In addition, it has been confirmed that there are approximately 10 other day nursery facilities within a 1km radius of the site.

#### Officer Response:

Planning policy officers have reviewed the evidence and confirm that it is reasonable and that it can be argued that Local Plan Policy HO20 criteria has been met.

#### Sustainability

Following the submission of additional information confirming the carbon emissions from the building, how the flats would be heated and overheating, Sustainability officers raised the following concerns:

#### Carbon emissions from building

The calculations are presented in the Greater London Authority's Carbon Emission Reporting Spreadsheet, which, while it is not part of BHCC's policy, does present the information in a useful format.

There are some minor inconsistencies between the SAP calculations and the GLA spreadsheet.

Following the revisions, the SAP calculations now show that carbon emissions from the building will be 21% below the Building Regs Part L requirements.

This is achieved principally through reasonable building fabric thermal values; electric heating; low energy lighting; and an array of solar PV. Concerns are raised however, that the SAP calculations show a FAIL in terms of the building's general requirements compliance and the TER / DER calculations which actually show the building carbon emissions higher than the Building Regs baseline (prior to addition of solar PV). Please can this be explained.

#### Heating

The change to electric panel heaters provides a benefit in terms of carbon reduction. However they can be expensive to run for residents. Heat pumps can be much more efficient in electricity use, and communal heating systems can be even more efficient.

#### Overheating

The SAP calculations provided for a sample ground-floor dwelling shows a HIGH risk of overheating.

This is intended to be mitigated by providing internal blinds (to be drawn 100% of daylight hours) and Mechanical Ventilation with Heat Recovery (MVHR). This isn't ideal in terms of quality of life for residents but it will mitigate the potential overheating risk.

Concerns are raised that the air permeability has now been reduced to 3 air changes per hour (design value) from the original 5. Presumably this has been changed in order to increase the thermal efficiency of the dwellings and therefore reduce carbon emissions. This is a value that is better than the norm, in line with Passivhaus standards, but it is difficult to achieve and requires strong attention to detail on thermal

			<p>bridging and sealing of building elements. No evidence has been provided to demonstrate how this will be achieved.</p> <p><u>Officer Response:</u> Further clarification has been provided by the applicant to address these concerns. The Sustainability Officer has confirmed the clarification as acceptable and raises no objections to the proposal.</p> <p><b>Amended Plans</b> Amended elevations (ref. 1622-00-210 rev. PL14, 1622-00-211 rev. PL14 and 1622-00-212 rev. PL14) have been submitted in order to remove the box hedging to the roof terraces as recommended by the Council's Urban Designer. No other changes were made.</p>
D  Page 195	23 Shirley Drive	BH2020/01319	<p><b>1. Late Representations</b></p> <p>Three (3) further letters have been received, objecting to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> <li>• Proximity to adjacent dwellings;</li> <li>• Plot should be classified as 'greenfield' land;</li> <li>• Similar applications in area were refused and the refusal upheld on appeal;</li> <li>• Approvals mentioned in the report were considered 'brownfield';</li> <li>• Development would damage character of area;</li> <li>• Objections from more than forty people have been disregarded;</li> <li>• Report is misleading and inaccurate;</li> <li>• No site visit undertaken by Planning Officer;</li> <li>• Substantial amendment to plan will result in overlooking, loss of privacy, and be significantly overbearing;</li> <li>• There are windows on the south side of 25B, contrary to report.</li> </ul>



			Councillors Bagaaen has raised further objections to the application. A copy is attached.
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## Planning Committee 2 September 2020 – Member Questions

<p>Item A: BH2020/00917 1 – 3 Ellen Street, Hove</p>		
1	In terms of the art component - how will they decide on the artistic component and ensure it is additional to the plans?	<p>The Artistic component is part of the s106 and to be agreed at a later date. Any proposals must first be approved in writing by the LPA before being formally commissioned prior to the commencement of development.</p> <p>The Artistic Component must bear a relationship to its surroundings and any particular characteristics of the area and usually forms part of the building/development design; however, it can be located in the immediate vicinity of the site.</p>
2	Was the Fire Service contacted for comments as an 18 storey building is proposed?	<p>The fire service were contacted for comment by the LPA but no response was received from them.</p> <p>The applicant has advised: “A professional Fire Consultant was appointed to advise on fire strategy during the planning stage to ensure that the submitted design is based on a robust fire strategy. The building has been designed to be fully-sprinklered and will incorporate additional measures such as fire and smoke detection systems fitted throughout the building (including within apartments), wet risers, fire-fighting lifts, and mechanical smoke ventilation, to ensure a safe environment for all our residents in every part of the building. At the detailed design stage of the scheme the design team will consult with the local Fire Service via the Building Control Approved Inspector as part of the Building Regulations approval process.”</p>
3	Paragraphs 5.64 and 5.65 - can we put a condition that there must be air source heat pumps?	<p>Building Regulations Part L is currently being updated by Government. Based on the anticipated changes to Part L 2020 the applicant is committed to providing heating through an Air Source Heat Pump as demonstrated through the outline proposals within the submitted Energy Statement.</p> <p>The applicant is providing a high standard of sustainability in terms of the reduction in CO2 emissions. The requirement is for a 19% reduction of CO2 emissions from Building regs part L, as secured by as condition 32 :</p>

		<p><i>“No residential unit hereby approved shall be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).</i></p> <p><i>Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton &amp; Hove City Plan Part One”.</i></p> <p>The applicant is exceeding this requirement and providing a 50% reduction in CO2 emissions over part L of the Building Regulations.</p> <p>In addition they have committed to a future connection to District Heating, which is secured by condition 12:</p> <p><i>“Prior to the commencement of development hereby approved (other than demolition works and enabling works, and works to trees), evidence should be submitted to demonstrate that the energy plant/room(s) have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:</i></p> <ul style="list-style-type: none"> <li>- <i>A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.</i></li> <li>- <i>Metering: installed to record flow volumes and energy delivered on the primary circuit.</i></li> </ul> <p><i>Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policies CP8 and DA4 of the Brighton &amp; Hove City Plan Part One”.</i></p>
4	<p>Paragraph 5.109. “Not all the changes appear to be present on the revised plans”</p> <p>Does that mean these changes might not actually appear in the final build?</p>	<p>There are elevational and material issues to be submitted and approved by the LPA in collaboration with the relevant teams i.e. urban design officer to secure a high-quality material finish.</p> <p>The seven-storey end elevation adjacent to the bus depot is a flank wall. Given that we do not know when the adjacent site will come forward for redevelopment, it would add interest in the elevation to add some detailing i.e. banding or dummy fenestration.</p>

5	<p>Paragraph 5.133. “the market rent pcm will be £1,045 for a studio, £1,305 for one bed, £1,475 for two beds and £1.665 for three beds?</p> <p>Does BHCC have average rents in this area so we can compare please?</p>	<p>Following advice from the Housing Strategy Team please see below average rents in the area:</p> <p>Averages compared to Ellen St:</p> <table><tr><td></td><td>Studio</td><td>1 bed flat</td><td>2 bed flat</td><td>3 bed flat</td></tr><tr><td>BHCC rent monitoring (no. properties)</td><td>£700 (4)</td><td>£945 (12)</td><td>£1373 (18)</td><td>£1718 (7)</td></tr><tr><td>Proposed rents in Ellen Street</td><td>£1045</td><td>£1305</td><td>£1475</td><td>£1665</td></tr></table> <p>proposed rents in the development are higher, but this may be the rental cost at completion. Rents are generally higher in Build to Rent schemes, due to the higher specification and amenities provided for the tenants. The applicant has stated that the rent would be inclusive of Sky TV, high-speed internet, and access to on-site gym.</p> <p>The rents, however, are not a material planning consideration in the determination of the application.</p>		Studio	1 bed flat	2 bed flat	3 bed flat	BHCC rent monitoring (no. properties)	£700 (4)	£945 (12)	£1373 (18)	£1718 (7)	Proposed rents in Ellen Street	£1045	£1305	£1475	£1665	The
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6	<p>Paragraph 5.138. “Thus WJ should be required to develop a lettings policy which gives priority to local applicants in the allocation of all tenancies”</p> <p>How is this enforceable?</p>	<p>This comment is from Hove Neighbourhood Forum. However, a Marketing and Lettings plan for the affordable housing will form part of the s106 legal agreement. The Marketing and Lettings Plan will include with eligibility criteria for occupants to be agreed with council with priority for local people/essential local workers/wheelchair or disabled users.</p>																
7	<p>First Floor Indoor Amenity Area - Why would a communal kitchen and dining/seating area be needed? Is this for the offices?</p>	<p>The first floor indoor amenity area is for the residential element and not the offices. This is popular for BTR schemes to foster a sense of community. It is considered to be a flexible, shared community space which may incorporate a number of uses including communal dining, gym space and a home working area.</p>																
<p>Item B: BH2020/01403 64 - 68 Palmeira Avenue &amp; 72 - 73 Cromwell Road, Hove</p>																		

1	Why is the affordable housing provision a contribution and not provided on site?	Due to the low number of affordable units (4) the viability of the scheme would allow, it is not considered appropriate to secure the units on site. Housing Officers have confirmed that it would be difficult to secure a registered provider for such a low number of units and therefore a commuted sum is the preferred option.
2	Why was the previous scheme withdrawn on 15.06.2020.?	The previous scheme included a Hotel within one block and flats within the other. Officers raised an in principle objection to the Hotel use in addition to several other concerns relating to sustainable transport. The applicant therefore decided to withdraw the previous application and re-submit the current application proposing an entirely residential development.
3	Paragraph 5.57. "Council policy requires 5% of all homes across the whole development which equates to 4 homes at this development"  This comes below a para about 40%. Where has 5% come from?	Paragraph 5.57 on p. 129 refers to the proportion of wheelchair accessible units within the development and should read as set out below:  <i>Council policy requires 5% of all homes across the whole development to be wheelchair accessible, which equates to 4 homes at this development.</i>  This has been amended on the late list.
4	Gas Boilers - can we impose a condition that these are not installed?	Following advice from officers, gas boilers are no longer proposed. Each unit would now include electric panel heaters, as set out within paragraph 8.97 on page 154 of the report.
Item C: BH2020/01275 Dubarry House, Hove Park Villas, Hove		
1	Can you explain when and how the cited agreement for development on the roof was made?	The principle of roof extensions to the former Dubarry complex has been established through a number of previous approvals for roof extensions to the adjoining Microscape House and Hove Business Centre parts of the building, including BH2018/01221 (Microscape House - implemented) and BH2017/03863 (Hove Business Centre - extant). The first approval was a scheme allowed at appeal for Hove Business Centre - BH2014/03742.
Item D: BH2020/01319 23 Shirley Drive		
1	How big is the garden and how much garden will there be for both houses if this gets built?	The garden for the frontage property would be at least 11.3m deep and 228m <sup>2</sup> in terms of total area. The total garden space for the proposed dwelling would be 376m <sup>2</sup> , and it would be in excess of 21m wide by 12m deep.
2	Is this the kind of development that will be required to pay CIL?	Yes







**Cllr. O'Quinn**  
**BH2020/00917 – Unit 1-3, Ellen Street**

Dear officer

I wish to put forward my support for this application as this area is in dire need of regeneration. The application has undergone some changes for the better due to advice from various quarters being taken on board, although I do still have some concerns about the levels of daylight and sunlight in both the new development and two for the blocks on the Clarendon and Ellen estate. I would especially like to commend the developers for their willingness to communicate with local residents and councils and groups such as the Hove Station Neighbourhood Forum. This doesn't always happen with developers of major projects and it makes a world of difference when it does.

It is very welcome that a community area has been put in place which covers quite a large area and will be made available to various local groups. This will be highly beneficial to the residents of the Clarendon and Ellen estate. The improvements to the public realm are also to be welcomed. It is a shame that only 10% of the flats will be affordable but I do recognise that there were high costs associated with acquiring this piece of land and the build itself is very costly.

Kind regards

Jackie O'Quinn  
Goldsmid Ward Councillor



**Cllrs O'Quinn / Ebel / Allcock**  
**BH2020/01403 - 64-68 Palmeira Avenue & 72-73 Cromwell Road**

Dear officer

Councillors Ebel, Allcock and I would like to make some further objections to this application.

It has been most disappointing that throughout the two applications (with the 2<sup>nd</sup> one having been revised as well) that the developers have never sought to offer any public consultation. This is a major development in a residential area, it is also what is termed a 'windfall' development meaning that it is not in the city plan. It is in effect a piece of opportunism by a developer. Thus, there is even more need for a public consultation. There has been no offer to meet with local councillors either. There is fierce local opposition to this development and growing anger at the developer's lack of engagement with the local community. This is in sharp contrast to the recent application from Hove Cricket ground where they held several public exhibitions, had meetings with local councillors and attended a LAT to exhibit their plans and answer questions.

Many of the letters of objection have referred to the density of the proposed development – 313 per hectare, which is exceptionally dense for this particular neighbourhood. This means a considerable strain on local amenities and the local infrastructure, which are heavily stretched as it is. The local GP surgery – The Charter Surgery, has over 25,000 patients and no room for anymore. Green spaces are lacking in this ward as we only have St Anne's Well Garden which is heavily oversubscribed.

This development will create a tunnel effect on Cromwell Road as it is so dense and tall and it is not set back from the road as are Cromwell Court and Hovedene, which thus do not create that tunnel effect. At present, you can walk down Cromwell Road at this point and it appears open and there is no effect of feeling closed in or oppressed by tall, heavy buildings.

This is a poorly designed building, using cheap materials, in particular the glass curtain walling is more reminiscent of commercial buildings. The fact that it offers only a small commuted for affordable is a major negative

### **Environmental Issues**

#### **Gas Boilers**

*The government has announced that gas boilers will be replaced by low-carbon heating systems in all new homes built after 2025 in an attempt to tackle the escalating climate crisis. And yet, the planning application details that the developer intends to install gas boilers, just before this deadline. The developer has failed to suggest a more sustainable, environmentally friendly way of generating energy for the proposed building.*

***Demolition of Newly Built Property in 64 Palmeira Ave***

*There is a great concern amongst councillors and residents that the development will result in demolishing the existing buildings on the proposed site. The property in 64 Palmeira Ave burned down in a fire three years ago and has been rebuilt to a high standard. Demolishing a newly built house is a waste of resources and contradicts our city's aim to become carbon neutral by 2030. The embodied carbon in manufacture and transport of construction materials is a major factor in the carbon footprint of a building. Demolishing a newly built property will unnecessarily increase the carbon footprint of the planned development.*

***Loss of Habitats***

*The development will also result in the loss off habitats and biodiversity as established gardens belonging to the properties currently situated at the site will be demolished.*

***Additional Traffic***

*The new development will bring more traffic to the area, and with it higher levels of air pollution. The new development will provide parking for 47 cars, which is about one parking space for every two housing units. It is to be expected that the new development will have an impact on the CPZ O, which is already at almost full capacity (2201 of 2288 available parking permits were issued in May 2020). This will make it more difficult for permit holders to find a parking space in CPZ O and will result in more drivers driving around to find a parking space, thereby increasing congestion and air pollution.*

***Affordable Housing***

*Affordable homes are one of the Council's top 3 priorities. Our City needs genuinely affordable and sustainable housing to meet the needs of the 9,100 local people on the housing waiting list. 33% of households earn below £20,000 pa. The high costs of housing are clearly an unsurmountable barrier for many in our community.*

*The Council's current policy requires all developments of five or more dwellings to provide an affordable housing contribution ranging from 20% for smaller schemes rising to 40% in developments of 15 or more homes.*

*The viability assessment produced for this planning application states that the developer will not be able to offer any affordable housing on site.*

*A Section 106 outline (still to be signed) offers relatively small commuted amount for affordable housing in the city. So, the development if approved, will contribute very little to the public estate or in any way to the desperate need for affordable housing in our city.*

*The planning Officers report in para 5.61 states 'The lack of any affordable housing is very disappointing and the applicant's viability evidence in this regard should be independently scrutinised'.*

*The committee will be aware that affordable housing has been offered in all other recently approved developments on brown field sites in the Goldsmid and Hove Park wards (KAP 22% and MODA 10%). The Ellen Street Site to be considered on 2 September is also offering 10% affordable housing. Yet this opportunist development fails to deliver any on site and only a modest last minute commuted sum in the proposed Section 106 contribution.*

We ask that the committee will refuse this application.

Jackie O'Quinn  
Goldsmid Ward Councillor

Marianna Ebel  
Goldsmid Ward Councillor

John Allcock  
Goldsmid Ward Councillor



**Cllr. Samer Bagaeen**  
**BH2020/01319 – 23 Shirley Drive**

**31<sup>st</sup> August 2020:**

I am bewildered by this officer recommendation so please do not feel you have to go with it. In fact, please do not.

A bit of context: A recent planning application BH2020/01039 for the erection of a two-storey detached dwelling house in garden at 7 Woodland Drive was rejected by the officer without coming to committee.

That application had 13 objections to it. This one today has in excess of 44.

More context: The Hove Park Neighbourhood Forum recently completed a Housing Needs Assessment for the area and a new Design Code with both noting a presumption against development on back gardens.

In this case today, 23 Shirley Drive - BH2020/01319, your own officer, Keith Fowler (Highways) notes that the proposed level of car parking (ten spaces) is not in line with the maximum standards and the Highway Authority was seeking amendments to this application to avoid refusal (policy SPD14 Parking Standards). These amendments have not been completed.

The proposed level of car parking (ten spaces) is not in line with the maximum standards.

SPD14 Parking Standards states that the maximum car parking standard for 3 plus bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The submitted application form (that is significantly different in this regard to the previous application) states there are 9 vehicles on-site and is proposing an additional space making 10 car parking spaces for all the properties involved in this development within the Outer Area. For this development of 3 residential units (1 existing, 1 altered, 1 new) the maximum car parking standard is 4 spaces (1 per unit and 1 visitor space).

The Planning Committee should feel very confident to REFUSE planning permission for 23 Shirley Drive - BH2020/01319 for the following reasons:

The proposed dwelling, by reason of its height, bulk, flat roof form, materiality and detailing would be in stark contrast with and relate poorly to the adjacent properties and local context. The proposed plot size would be uncharacteristically small and narrow for the surrounding area. The proposal would therefore be of a cramped and incongruous appearance that would harm the character and appearance of the street scene and wider area, failing to raise the standard of architecture within the city and contrary to Policy CP12 of the Brighton and Hove City Plan Part One.

**RELEVANT HISTORY**

The officer has not visited the site and does not look like he has read on the relevant history, including this Council successfully defending an appeal decision at No. 19

Shirley Drive in 2011 where the Inspector noted that: 'the existence of backland housing at Nos 25 & 27 does not constitute any justification for permitting what I consider to be a harmful form of development at No. 19'.

### **REPRESENTATIONS**

Between 23 May and 9 June 40 objections were received and 4 in support.  
After the significant changes to the plans, additional representations were received:  
Between 27 July and 21 August 24 objections and 3 in Support.

#### **Principle of Development:**

The site is located within an established residential area, in which new residential uses are generally acceptable in principle subject to the urban grain of the area being respected.

Although the proposal would result in the provision of 1 no additional housing unit which would make a contribution to the housing supply of the city at a time when the LPA is unable to demonstrate a five-year housing supply (this could be given duly increased weight in accordance with the "tilted balance" in favour of housing delivery), the recently completed Hove Park NF Housing Needs Assessment completed by Aecom and approved by Locality in July 2020 noted that dwelling mix in Hove Park must continue to be determined by life-stage modelling. In this modelling, Hove Park plays an important role in the wider market in the city - since the city centre is dominated by smaller homes, the Hove Park Neighbourhood Area provides an option for those looking for larger homes in a market dominated by smaller dwellings.

This was overlooked by the planning officer.

The current application follows previously refused applications for similar proposals.

The Officer for nearby application in Hove Park - BH2014/03358 - found the subdivision of the plot to be unacceptable in principle, due in part to the small size of the created plot appearing out of character for area and counter to the established urban grain. The Inspector for the appeal similarly raised concerns regarding the narrowness of the plot frontage.

This new plot at 23 Shirley Drive would fall into the same category given the access constraints highlighted by the officer.

Additionally, for BH2014/03358, the Inspector considered the "*stark contrast*" between the proposal and neighbouring bungalows in this case to cause harm to the character and appearance of the area in Hove Park, highlighting the roof form and bulk, overall scale, flank wall height and frontage width as of particular concern.

The proposed dwelling at 23 Shirley Drive would be viewed as part of the Shirley Drive street scene, which on the eastern side is comprised of a row houses of uniform appearance with near-identical roof forms.

The proposed dwelling would be two-storey and flat roofed, in the shape of a cuboid. It will be out of place.



In this case at 23 Shirley Drive, it is considered that the proposed subdivision is unacceptable in principle, as both the proposed and retained plots would be uncharacteristically small for the surrounding area. The proposal would therefore fail to respect the character and established urban grain of the area, contrary to Policy CP12 of the Brighton and Hove City Plan Part One. This is consistent with the determination of previous applications by this Council.

The proposal is therefore considered to be unacceptable in principle and I urge fellow councillors to reject it.

**Cllr. Prof. Samer Bagaeen FRSA FRICS MRTPI FRGS**  
**Hove Park Ward**  
**31 August 2020**

