

Planning Committee

Date: **23 March 2020**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

Contact: **Shaun Hughes**
Democratic Services Officer
01273 29 05 69
shaun.hughes@brighton-hove.gov.uk

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AGENDA

102 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.

103 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 4 March 2020 – to follow.

104 CHAIR'S COMMUNICATIONS

105 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 19 March 2020.

106 SACKVILLE TRADING ESTATE: BH2018/03697 - APPEAL 1 - 4

Report of the Executive Lead Officer, Strategy, Governance and Law (copy attached)

107 270 OLD SHOREHAM ROAD, HOVE: BH2019/00544 - CEMP 5 - 6

Report of the Executive Lead Officer, Strategy, Governance and Law (copy attached)

108 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

109 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.

MAJOR APPLICATIONS

A BH2019/03700 - 39 - 47 Hollingdean Road, Brighton - Full Planning 7 - 32

MINOR APPLICATIONS

B BH2019/03817 - 10 Shirley Drive, Hove - Reserved Matters 33 - 42

C BH2019/03789 - 9 The Upper Drive, Hove - Full Planning 43 - 58

D BH2019/02697 - The Priory, London Road, Brighton - Full Planning 59 - 74

E BH2019/03209 - 55 Centurion Road, Brighton - Full Planning 75 - 86

F BH2019/02564 - 52 Stonecross Road, Brighton - Full Planning 87 - 96

G BH2019/02844 - 31 Dartmouth Crescent, Brighton - Full Planning 97 - 110

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

INFORMATION ITEMS

111 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

(nothing to report to this meeting).

112 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

(nothing to report to this meeting).

113 APPEAL DECISIONS

(nothing to report to this meeting).

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

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FURTHER INFORMATION

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

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Subject:	Sackville Trading Estate and Hove Goods Yard, Sackville Road, Hove: Appealed application ref. BH2018/03697		
Date of Meeting:	23 March 2020		
Report of:	Executive Lead Officer – Strategy Governance & Law		
Contact Officer:	Name:	Hilary Woodward	Tel: 01273 291514
	Email:	hilary.woodward@brighton-hove.gov.uk	
Ward(s) affected:	Hove Park		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Committee is being asked to agree formally to withdraw its reasons for refusal of planning application ref. BH2018/03697 (“the appealed application”) in the light of the Committee’s Minded to Grant resolution of the 4 March last in relation to planning application BH2019/03548 which is identical to the appealed application.

2. RECOMMENDATIONS

That the Committee:

- 2.1 agrees to withdraw its reasons for refusal in relation to planning application reference BH2018/03697.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On the 10 July 2019 the Planning Committee considered a report on planning application reference BH2018/03697 relating to the demolition and redevelopment of Sackville Trading Estate and Hove Goods Yard, Sackville Road, Hove. The application was refused by the Planning Committee, contrary to officer recommendation, for the following four reasons:-

1. The development by reason of its excessive height, scale, massing and design would have a detrimental impact on the undesignated and designated heritage assets in the area, including the setting of the listed Hove Station and the Hove Station Conservation Area. The proposal is contrary to policies CP15 of the Brighton & Hove City Plan Part One and policies HE3, HE6 and HE10 of the Brighton & Hove Local Plan.
2. The limited provision of private amenity space throughout the development and the poor daylight to the units within the care community would provide a poor standard of accommodation and represents an overdevelopment of the

site. In this respect, the proposed development is considered contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.

3. The housing mix, with a high proportion of studio units fails to provide an appropriate mix of accommodation. The scheme would therefore fail to deliver a balanced community and is contrary to policies SA6 and CP19 of the Brighton and Hove City Plan Part One.
 4. Policy DA6 of the Brighton and Hove City Plan Part One promotes mixed-use development focused on employment. The limited provision and proportion of employment floor space in the overall scheme is not considered to accord with policy DA6 and CP3 of the Brighton and Hove City Plan Part One.
- 3.2 The refusal of planning permission has been appealed and the appeal will be heard by way of public inquiry. The inquiry will commence on 21 April next.
- 3.3 In November 2019 a planning application for a scheme that was similar to the appealed application was submitted: planning application reference BH2019/03548 (“the 2019 application”). This application went before the Planning Committee on 4 March last for determination, with the officer’s recommendation being Minded to Grant. The officer report set out the key differences between the appealed application and the 2019 application. These were:-
- Reduction in overall residential units (C3) from 581 to 564,
 - Revisions to the housing mix within the BTR element with a reduction in the number of studios and an increase in the number of two bed units
 - Replacement of the 10 live/work units with office and residential space,
 - Increase in overall B class employment space from 4471sqm to 5164sqm,
 - Alterations to the massing, room layout, balcony siting and fenestration of the care community (with a view to improving daylighting issues),
 - Alterations to the hub building,
 - Revisions to the materiality / architectural expression to some of the blocks
- 3.4 The appellant requested that the Planning Inspector due to hear the appeal agree that various amendments could be made to the appealed application so that it then became identical the 2019 application. The Planning Inspector agreed that the appealed application could be amended as requested. Accordingly the appealed application and the 2019 application that went before the Planning Committee on March 4 are one and the same.
- 3.5 The decision of the Planning Committee on the 2019 application was to accept the Minded to Grant officer recommendation, having considered the revisions that had been made to the scheme since the proposals first came to Committee and the planning balance.
- 3.6 Insofar as Planning Committee has resolved, subject to a s106 planning obligation, to grant planning permission for a scheme identical to the revised appeal scheme, there would be no merit in defending the reasons for refusal on

the appealed application and the recommendation is that the reasons for refusal should be withdrawn.

- 3.7 Should the recommendation to withdraw the reasons for refusal be agreed the Council's role at the appeal would be limited to discussions with the Inspector and appellant on planning conditions and the terms of the s106 planning obligation. So far as the s106 planning obligation is concerned, although the Committee agreed heads of terms for the same when it determined the appealed application terms have not yet been agreed with the appellant, and the offer of 10% affordable housing has been withdrawn. Moreover, insofar as the decision on the appealed application may not be made until after 1 June next, when the Council is due to adopt CIL, the heads of terms agreed by Committee will need to be revised to take account of the same. It is anticipated that a report on the proposed revised s106 heads of terms will be taken to the 1 April 2020 Planning Committee for Members' decision.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 An alternative option would be for the Council to proceed with its defence of the appeal for the reasons set out in the decision notice. However, insofar as these reasons have been superseded by the Planning Committee's decision on the 2019 application there is no merit in pursuing the same.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 None has been undertaken in view of the nature of the report.

6. CONCLUSION

- 6.1 In the light of the Planning Committee's positive determination of an application which is identical to the appealed application the recommendation is that the reasons for refusal of the appealed application should not be pursued and should be withdrawn.

SUPPORTING DOCUMENTATION

Background documents

1. 4 March 2020 Planning Committee Report on application BH2019/03548;

Subject:	270 Old Shoreham Road, Hove: Planning application ref. BH2019/00544		
Date of Meeting:	23 March 2020		
Report of:	Executive Lead Officer – Strategy Governance & Law		
Contact Officer:	Name:	Hilary Woodward	Tel: 01273 291514
	Email:	hilary.woodward@brighton-hove.gov.uk	
Ward(s) affected:	Hove Park		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Committee is being asked to agree that a Construction Environmental Management Plan (CEMP) monitoring fee is not required in relation to planning application reference BH2019/00544: 270 Old Shoreham Road, Hove.

2. RECOMMENDATION

That the Committee:

- 2.1 Agrees that the s106 Planning Obligation to be entered into in respect of planning application BH2019/00544 does not include a requirement for a Construction Environmental Management Plan monitoring fee to be paid.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On the 9 October 2019 the Planning Committee considered a report on planning application reference BH2019/00544 for “Demolition of existing buildings (Sui Generis) and the erection of a part 2 storey, part 3 storey building plus lower ground floor and basement comprising self storage facility (B8) and flexible office space (B1) together with vehicular and pedestrian accesses, parking, associated works and landscaping”. The Committee agreed the officer recommended to be Minded to Grant planning permission subject to a s106 planning obligation on the heads of terms set out in the report, together with conditions and informatives.
- 3.2 The heads of terms for the planning obligation included a requirement for a CEMP and stated that the CEMP “should be submitted and approved before construction commences. Monitoring fees should also be secured to cover officer time approving successive plans, liaising with contractors and others, and carrying out monitoring and enforcement activities”.
- 3.3 The requirement for the CEMP formed part of the local highway authority’s consultation response on the application. That response did not, however, require the payment of a CEMP monitoring fee and it is not the local planning authority’s standard practice to require the payment of the same.

- 3.4 So far as planning application BH2019/00544 is concerned, it was not the intention of the case officer that a CEMP monitoring fee should be sought as the same would not meet the statutory tests found in Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that the fee was not necessary to make the development acceptable in planning terms. The requirement for the monitoring fee was included in the heads of terms appearing in the Committee report in error.
- 3.5 The Council's Developer Contributions Technical Guidance is currently being reviewed in the light of the proposed adoption of CIL in June. That updated Guidance, if adopted, will contain advice on when monitoring fees should be sought. The current Guidance does not include advice on the securing of monitoring fees.
- 3.6 Should the Planning Committee agree that the requirement for a CEMP monitoring fee is omitted from the heads of terms the s106 planning obligation can be completed and planning permission issued.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative option would be to require that a CEMP monitoring fee be secured. However, this would fail the statutory tests for seeking s106 obligations as referred to in paragraph 3.4 above.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 None has been undertaken in view of the nature of the report.

6. CONCLUSION

- 6.1 For the reasons set out in the report the recommendation is that a CEMP monitoring fee is not sought in connection with planning application reference BH2019/00544.

SUPPORTING DOCUMENTATION

Background documents

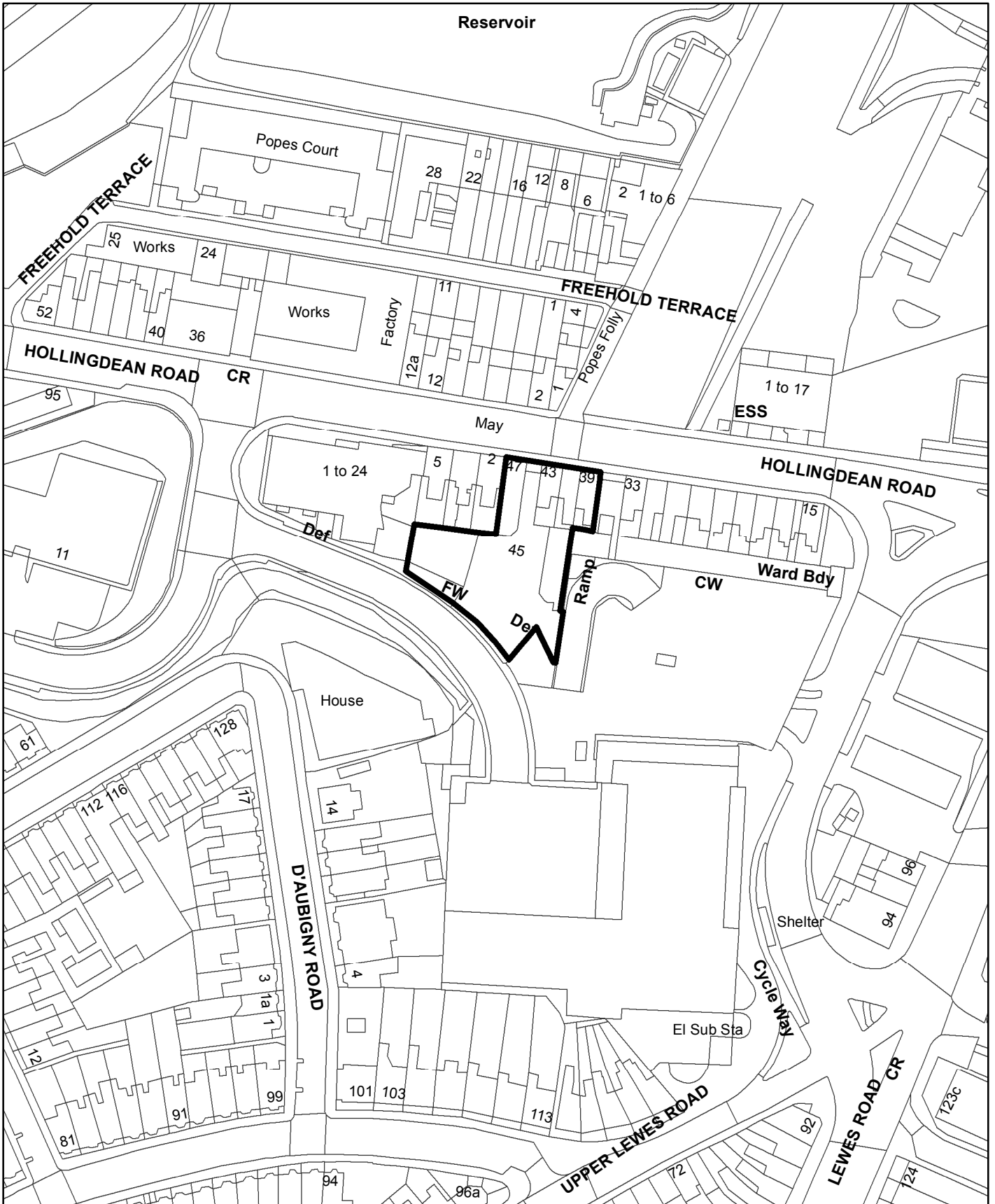
1. 9 October 2019 Planning Committee Report on application BH2019/00544.

ITEM A

**39 - 47 Hollingdean Road
BH2019/03700
Full Planning**

DATE OF COMMITTEE: 23rd March 2020

BH2019 03700 - 39-47 Hollingdean Road



N



Scale: 1:1,250

<u>No.</u>	BH2019/03700	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39 - 47 Hollingdean Road Brighton BN2 4AA		
<u>Proposal:</u>	Demolition of existing buildings and redevelopment of site incorporating erection of two buildings of between one and five storeys to provide student accommodation (Sui Generis), with ancillary accommodation facilities arranged around a pedestrian courtyard.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	20.12.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20.03.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	SE Properties Ltd C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

1. The proposed development provides no evidence to indicate support from a local Higher Educational Establishment. The proposed Purpose Built Student Accommodation has therefore failed to address policy CP21 of the Brighton & Hove City Plan Part One.
2. The proposed design of the student accommodation block, by reason of its height, position, form and excessive scale, would fail to successfully address the constrained nature of the site and the context of the street and as a result would appear overly dominant in relation to adjacent two storey residential properties fronting onto Hollingdean Road, contrary to policy CP12 of the Brighton & Hove City Plan Part One.
3. The proposed student block would be five storeys high and would be set behind and alongside two storey residential dwellings and would include a significant number of windows set within upper levels. The proposed development, due to its relative height, scale, siting and outlook would, therefore result in an unacceptable overbearing and overlooking impact to neighbouring dwellings, contrary to policies QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.

4. The application has not been supported by an appropriate survey and analysis of local parking pressures and the parking demand that the development would be likely to generate. The proposed development has therefore failed to demonstrate that the Purpose Built Student Accommodation would result in an acceptable impact on the local highway network, contrary to policies CP9 of the Brighton & Hove City Plan Part One and TR7 and QD27 of the Brighton & Hove Local Plan.
5. The proposed vehicle access would be located on a busy classified road and would suffer from limited visibility due to the siting of the adjacent buildings. This would result in an adverse affect on the users of the pavement and would present a hazard to vehicles approaching and exiting the site, contrary to policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Report/Statement	Acoustic Report	Issue 2.0	12 December 2019
Report/Statement	Air Quality Assessment	Issue 2.0	12 December 2019
Report/Statement	Preliminary Risk Assessment	581-R-01A	12 December 2019
Report/Statement	Daylight Sunlight Assessment	H2372	12 December 2019
Proposed Drawing	1929-P-104		12 December 2019
Existing Drawing	1929-P-101		12 December 2019
Proposed Drawing	1929-P-102		12 December 2019
Proposed Drawing	1929-P-103		12 December 2019
Proposed Drawing	1929-P-105		12 December 2019
Proposed Drawing	1929-P-106		12 December 2019
Proposed Drawing	1929-P-107		12 December 2019
Proposed Drawing	1929-P-108		12 December 2019
Proposed Drawing	1929-P-109		12 December 2019
Proposed Drawing	1929-P-110		12 December 2019
Proposed Drawing	1929-P-111		12 December 2019
Proposed Drawing	1929-P-112		12 December 2019
Proposed Drawing	1929-P-113		12 December 2019
Proposed Drawing	1929-P-114		12 December 2019
Proposed Drawing	1929-P-115		12 December 2019
Proposed Drawing	1929-P-116		12 December 2019
Proposed Drawing	40926/(90)01		16 December 2019
Proposed Drawing	40926/(90)02		16 December 2019
Location and block plan	1929-P-100		12 December 2019

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to an irregular shaped site located to the south of Hollingdean Road to the east of the Lewes Road Gyratory. The site currently contains a two storey hipped roof building to the east of the site known as no. 45 Hollingdean Road, a two storey end of terrace building to the north of the site which forms no. 47 Hollingdean Road and a further terrace of three two storey properties; nos. 39, 41 and 43 Hollingdean Road. Both nos. 45 and 47 are currently vacant and were previously used for the sale / repair of motorcycles and parts. No. 47 has a previous permission (BH2016/00814) for the conversion to a dwelling which has not been implemented. Nos. 41 and 43 are currently in use as privately rented HMOs and no. 39 as a dwellinghouse.
- 2.2 To the rear of the site is a single storey commercial workshop with an open service yard / forecourt which is currently used for the repair and sales of vehicles. Hollingdean Road to the east and west is a typical Victorian terrace of two storey buildings comprising a mixture of single dwellings, flats and houses in multiple occupation.
- 2.3 To the south of the site is a large 9 metre high retaining wall to the access road for the servicing and delivery yard of the London Road Sainsbury's supermarket. The application site is visible from the top uncovered deck of the supermarket car park. Opposite the site on Hollingdean Road is a terrace of three storey Victorian dwellings and access to Popes Folly, a road which rises steeply northwards leading to Saunders Park and a residential neighbourhood. To the west is a modern 5 storey flatted development that was granted planning permission in 2010 at appeal. Further to the west is a recently completed block of Purpose Built Student Accommodation (PBSA). The application site is within close proximity to other PBSA developments which have been completed in recent years in the Lewes Road area.
- 2.4 The application seeks permission for the demolition of the existing buildings on the site and the erection of a two purpose built student accommodation blocks. The main block would be stepped between four and five storeys and would contain 91 studio rooms. The second block would be between one and four storeys and would accommodate 8 studio rooms. The site would include two communal rooms, a site office, two disabled car parking spaces, cycle parking.
- 2.5 The application follows a previous refused application (BH2017/01873) for a PBSA block of 88 units.

3. RELEVANT HISTORY

45 & 47 Hollingdean Road

BH2017/01873 - Demolition of existing buildings and erection of a part 2,3,4 and 5 storey building including basement to form 88 student rooms (Sui Generis), communal student facilities, plant room, cycle storage, 1no disabled parking spaces, recycling and refuse facilities, vehicular access and associated works. Refused for the following reasons:

1. *The proposed design of the student accommodation block and gatehouse, by reason of its height, position, form and excessive scaling would fail to successfully address the constrained nature of the site and as a result would appear overly dominant in relation to adjacent two storey residential properties fronting onto Hollingdean Road, contrary to policy CP12 of the Brighton & Hove City Plan Part One.*
2. *The proposed student block, at five storeys high with a significant number of windows within the upper levels set close to shared boundaries with two storey neighbouring dwellings, would result in an unacceptable overbearing and overlooking impact, contrary to policies QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.*
3. *The proposed student block would cover the majority of the site leaving little external space and would be constructed within close proximity to the adjacent retaining wall to the south of the site. As a result a number of the studios and communal accommodation at ground and first level would suffer from restricted outlook, and the majority of the site would be overshadowed which would adversely impact on the standard of accommodation of future occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.*
4. *The proposed development includes one on-site disabled parking space and has not been supported by a survey and analysis of local parking pressures and the parking demand that the development would be likely to generate. The proposed development has therefore failed to demonstrate that the development would result in an acceptable impact on the local highway network, contrary City Plan Part One CP9, Local Plan Policy TR7 and QD27.*
5. *The proposed development does not provide an adequate number of disabled car parking spaces for the number of wheelchair accessible units proposed. The proposed development is therefore contrary to policy TR18 of the Brighton & Hove Local Plan and Supplementary Planning Document 14: Parking Standards.*

BH2015/00905 - Demolition of existing building at 45 Hollingdean Road and construction of 3no storey building to provide 9no. student rooms (Sui Generis). Partial demolition and alterations to 47 Hollingdean Road and change of use to a 2 bedroom dwelling house. Refused 25.05.2016.

47 Hollingdean Road

BH2016/00814 - Conversion of existing property (Sui Generis) to form 1no residential dwelling (C3) with associated external alterations including single storey rear extension, removal of shop front and installation of new bay window and door and associated works. Approved 13.06.2016.

72.1840 - Change of use to sale of motor scooters, spares and accessories. Approved 03.07.72.

4. REPRESENTATIONS

4.1 **Two (2)** letters have been received, objecting to the proposed development for the following reasons:

- Additional traffic
- Noise impact
- Overdevelopment
- Inappropriate height of development
- Too many people in a small area
- Impact on local infrastructure, internet and communication speeds
- Loss of privacy/overlooking
- Overshadowing/loss of light
- Additional noise impact from occupants
- High number of student developments in the area

5. CONSULTATIONS

Internal

5.1 **Environmental Health:** Awaiting Comment

5.2 **Sustainable Drainage:** Awaiting Comment

5.3 **Air Quality:** Objection

The size and massing of Block A, comprising a four storey building set directly on the pavement would further enclose Hollingdean Road within an Air Quality Management Area where exceedance of the NO₂ legal limit has been recorded continuously since 2004. The design and siting of the building would further enclose the street which would inhibit dispersion of NO₂. Any "catchment" of road traffic emissions in a taller street canyon can be detrimental for ambient air quality and therefore at odds with policy SU9.

Residential land use on the ground floor is not recommended. It is noted that the ground and first floor dwellings could have passive or mechanical ventilation to mitigate exposure of future residence to pollution levels monitored in the street. This is not an ideal solution, mechanical systems demand energy and a maintenance regime to be effective. Planting with window boxes may improve the habitable realm aesthetically but will not mitigate NO₂ levels.

5.4 **Heritage:** No objection

Due to the topography of the area, the ground level of the site, the intervening office block and the massing of the proposed development, with the 5 storey element set to the south east, it is not considered that the development would have any impact on the key views. In terms of a broader consideration of setting, the proposed use and the density of the development would also cause no harm to the setting of the conservation area.

5.5 **Economic Development:** Objection

Economic development do not support the proposed development due to the loss of employment floorspace. Loss of employment space goes against the Council's corporate and strategic objectives to support business growth, income generation and job creation.

However, should this application be approved, due to the size of the development, it would be subject to developer contribution of £9,000.

In addition to the developer contribution, should this application be approved, there will be a requirement for an Employment & Training Strategy to be submitted at least one month prior to site commencement for approval.

5.6 Planning Policy: Objection

The applicant has failed to address Local Plan policy HO8 'Retaining Housing', which should be considered.

City Plan Policy CP21 requires new purpose built student accommodation to have a formal agreement with one of the city's two universities or other existing educational establishment within Brighton & Hove. No information has been provided to demonstrate compliance with this part of the policy.

Policy CP16 Open Space, Part 2, requires new development to contribute to the provision of and improve the quality, quantity and variety and accessibility of public open space to meet the needs it generates, in line with the standards set out in the policy supporting text. Where this cannot be provided on site, the open space Ready Reckoner should be used to determine an appropriate offsite financial contribution.

5.7 Sustainable Transport: Updated Comment - Objection

On further review it is considered that the current vehicular access would result in highway safety concerns due to lack of visibility for vehicles leaving the site.

Further details should be provided to address the following:

- Details on the proposed vehicular access junction including visibility splays and swept path analysis;

Initial comment - Objection

The application is currently unsuitable for determination due to insufficient information provided which is necessary to assess the potential impacts of the proposals and determine whether the impact is severe.

Further details should be provided to address the following:

- Resubmission of parking survey in accordance with Lambeth methodology; and
- Amended plans showing further details of cycling parking facilities and demonstrating that cycle parking compliant with Brighton & Hove Local Plan policy TR14 can be accommodated on-site

If these issues were addressed, the Highway Authority would not object to the proposal, subject to the inclusion of necessary conditions securing cycle

parking, a move in move out plan, a CEMP, a Travel Plan, improvements to the local highway network via a s278 network and a sustainable transport contribution of £42,600.

External

5.8 County Ecology: Comment

The proposed development is unlikely to have any significant impacts on biodiversity and can be supported subject to any demolition of buildings being carried out outside of the bird breeding season / appropriate checks to being carried out prior to demolition / clearance. The applicant is advised that the sedum roof is revised to chalk grassland in order to meet biosphere targets.

If the Council is minded to approve the application, conditions should be applied requiring details of how a net gain in biodiversity will be provided. This could either be for an Ecological Design Strategy requiring details of all the above measures, or individual conditions for green roofs, green walls and swift boxes.

5.9 County Archaeology: No objection

It is not anticipated that any significant archaeological remains are likely to be affected by these proposals. No further comments.

5.10 Environment Agency: No objection

No objection subject to conditions securing a scheme of land remediation and verification report, a discovery condition, no infiltration of surface water to the ground and no piling and penetrative foundations to be carried out without written consent from the LPA.

5.11 Sussex Police: Comment

Standard security measures are recommended and this advice has been provided to the applicant.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted 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
- DA3 Lewes Road Area
- SA5 The South Downs
- SA6 Sustainable Neighbourhoods
- CP3 Employment land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage
- CP16 Open space
- CP17 Sports provision
- CP18 Healthy city
- CP21 Student housing and Housing in Multiple Occupation

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU3 Surface Water Drainage
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- QD25 External lighting
- QD27 Protection of amenity
- HO13 Accessible housing and lifetime homes
- SR8 Individual Shops
- HE6 Development within or affecting the setting of conservation areas
- HE10 Buildings of local interest
- HE11 Historic parks and gardens
- HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

- SPD06 Trees & Development Sites
- SPD11 Nature Conservation & Development
- SPD14 Parking Standards
- SPGBH15 Tall Buildings

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, including the loss of the former car sales/repair unit, the loss of the existing dwelling and houses in multiple occupation (HMOs), the proposed PBSA, the design of the proposed building and the impact on the streetscene, wider views and heritage assets, the standard of accommodation proposed, the impact on neighbouring amenity, land contamination, sustainable transport, sustainability, landscaping and ecology/biodiversity.
- 8.2 Principle of Development:**
The site as a whole lies within an identified development area (DA3). The Development Area (Lewes Road) has been identified as being suitable for student accommodation for attendees of the Universities. The principle of Purpose Built Student Accommodation (PBSU) is therefore acceptable in this area, subject to the considerations set out below.
- 8.3 The proposal includes the demolition of all buildings on the site, therefore the loss of these buildings/uses, which are subject to protective planning policies, must be considered.
- 8.4 Loss of the existing commercial uses:
The existing site contains three commercial buildings including 47 Hollingdean Road; a two storey end of terrace property, 45 Hollingdean Road; a two storey hipped roof building, in addition to a single storey building with forecourt to the rear.
- 8.5 The last known use of no. 47 was retail for the sale of ancillary parts which operated in conjunction with MOT servicing and repairs within no 45 Hollingdean Road to the rear. As with the previous application, the previous uses within nos. 47 and 45 is considered a specialist shop, and therefore it is not considered that the site would have contributed to or relied on its location close to the shopping centre or attract footfall and would have drawn custom from a wide area. The property has been vacant for some time and is relatively isolated in comparison to other local parades of retail uses. Policy SR8 seeks to retain individual shops. However, given the above, in this individual case, it is not considered that a marketing exercise would be required to demonstrate that it is likely to be economically unviable as required by policy SR8.
- 8.6 The building and yard to the rear of the site has previously been used for the sale and repairs of vehicles. Whilst this element of the site has potential to generate some employment, the previous use of the site is classed as 'sui generis' which is a category of employment use not specifically identified for protection within the retained Local Plan and City Plan Part One. Furthermore, the vehicle repair unit is located adjacent to the rear gardens of a number of residential properties. The existing relationship results in an awkward mixture of uses, due to the number of vehicle movements, disturbance from the use of power tools and machinery in addition to the general comings and goings associated with the operation of the repair and sales centre. The cessation of

such a use on the site would likely improve the quality of life for neighbouring residents.

- 8.7 On this basis, as with the previous application, the loss of the existing commercial use on the site is not resisted in principle.
- 8.8 Loss of dwellings/HMOs:
Nos. 41 and 43 Hollingdean Road are currently in use as privately rented C4 HMOs and no. 39 is currently in use as a dwellinghouse.
- 8.9 Local Plan Policy HO8 (Retaining Housing) states that planning permission will not be granted for proposals involving a net loss of residential dwellings unless one or more of several tests are met including;
- whether the accommodation is fit for human habitation;
 - access to the site is not practicable;
 - the proposal would be the practicable way of proposing a listed building or building of historic interest;
 - where the proposal would result in a net gain of affordable housing; or,
 - where the previous use of the building would be of material consideration.
- 8.10 Similarly, Local Plan Policy HO14 (HMOs) states permission will not be granted for proposed development that would result in a net loss of HMOs unless extenuating circumstances are met, including;
- where it can be demonstrated that the proposal meets an identified housing need; or
 - where the loss represents the only practicable way of preserving a listed building.
- 8.11 In this case, the proposed development would result in the loss of one dwelling and two C4 HMOs. The planning statement gives little evidence to support the loss of the dwelling and, whilst it is indicated that there are a number of HMOs available on property websites, this evidence is not substantiated other than one example which is not available until the start of the next academic year (September 2020). On this basis, it is not considered that the submitted planning statement adequately address these policies and therefore the tests and extenuating circumstances have not been met.
- 8.12 Despite the comments above, the loss of the one dwelling and two HMOs when considered in isolation would not warrant refusal of the scheme when weighed against the provision of 99 student rooms on the site.
- 8.13 The proposed PBSA:
Policies DA3 and CP21 both envisage PBSA coming forward along the Lewes Road corridor, primarily on identified sites but non-identified sites may also provide suitable locations for such accommodation in proximity to University teaching accommodation. Furthermore, Draft City Plan Part Two Policy H3 (PBSA) proposes that the site is to be allocated for PBSA. This is however only an indication of the acceptability in principle of PBSA and is subject to an

appropriate design to minimise negative impacts on surrounding residential areas.

- 8.14 Policy CP21 (Student Housing and Housing in Multiple Occupation) states that the provision of PBSA will be encouraged to help meet the housing needs of the city's students and that proposals for new purpose built student accommodation will need to demonstrate that the following criteria have been addressed:
1. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;
 2. High density developments will be encouraged but only in locations where they are compatible with the existing townscape;
 3. Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
 4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
 5. Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;
 6. Schemes should demonstrate that they have entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;
 7. Permanent purpose built student accommodation will not be supported on sites allocated for housing or with either an extant planning permission for residential development or sites identified as potential housing sites.
- 8.15 As set out above, the application forms a resubmission of an earlier submission (BH2017/01873) for a 5 storey 88 room PBSA block which refused for several reasons. The current scheme is 5 storeys and includes 99 studio rooms. The current proposal, although an improvement in some respects, is also considered to have exacerbated several of the objections to the previous application, as set out in further detail below.
- 8.16 It is considered that the proposed development would have a significant impact on neighbouring amenity, due to the scale of the proposed development in relation to the neighbouring two storey residential properties. The high number of windows overlooking neighbouring gardens and the disturbance associated with the operation of the site are also key impacts.
- 8.17 The proposed development is high density in character which is generally supported for PBSA, and may be appropriate on other sites given that there have been several other high density PBSA developments within the area. However, due to the partial back-land setting within close proximity to two storey dwellings, in addition to the overall plot coverage and the height of the building, it is considered that the proposal would not be suitable in this context and represents an overdevelopment of the site.

- 8.18 The site is located close to Lewes Road which is sustainable transport corridor.
- 8.19 Transport impacts are addressed in detail below. The supporting evidence states that students residing in the development would not be permitted to bring cars to the city. However, the Transport Officer has raised an objection as the parking survey submitted does not follow an agreed methodology. The application has therefore failed to demonstrate that the impact would have an acceptable increase in on-street parking within the vicinity.
- 8.20 The proposal has been designed to be safe and secure for its occupants. Whilst the site is not permeable, given the restricted nature with tall retaining walls and adjacent properties, it is not considered in practical terms that the site could be made permeable.
- 8.21 The applicants have not entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. Nevertheless, it is acknowledged that the requirement for a formal agreement is unlikely to be complied with when a development is at planning stage, as the future of the site is still uncertain. Furthermore, educational providers may not be in a position to commit to take on PBSA which may not be completed and therefore may not become available for a considerable period. Similar situations have arisen in a number of cases at other sites in the city; where PBSA has been approved and it has not been possible to secure the formal agreement of an education establishment at planning application stage.
- 8.22 The previous refused application (BH2017/01873) provided evidence of formal support from Kings College, a language School recently established on Ditchling Road and the applicant indicated that they had been in discussions with the University of Brighton. This application however, does not provide any evidence to suggest that a local education establishment has indicated interest to the proposed accommodation. The LPA would expect evidence to specify that a local educational establishment would be interested in the development in order to provide comfort that the accommodation would cater for local students. On this basis, the proposed development has failed to address policy CP21 paragraph 7.
- 8.23 It is noted that further information could have been sought from the applicant in order to address this issue during the assessment of the application however the other objections to the proposal would remain.
- 8.24 Criteria 6 of Policy CP21 also sets out that the council will seek appropriate controls to ensure that approved PBSA is occupied solely as student accommodation and managed effectively. The applicant has submitted a draft student management plan. Furthermore the applicant has confirmed that they are in agreement to the occupation / management of the student accommodation being restricted by planning legal agreement.
- 8.25 In relation to criteria 7, the site is not allocated for housing within the SHLAA and does not have any extant permissions for residential development.

8.26 Overall, the principle of student accommodation is not objected to on this site however, further information is required in order to indicate interest from a local educational establishment and the applicant has failed to demonstrate that the proposed development would have an acceptable impact on the local highway network. Furthermore, the scale and density of the proposed development is not considered commensurate with neighbouring dwellings and as a result would result in significant harm to neighbouring amenity. It is not considered that a development of this scale can be accommodated on this site. The proposed PBSA is therefore considered contrary to City Plan Policy CP21. These matters are considered in more detail below.

8.27 Design and Appearance:

The site is located within an area of mixed character ranging from two storey terraced dwellings immediately adjacent to the site, to larger flatted, commercial and PBSA buildings further to the west on Hollingdean Road. The plot itself is unusual in character due to the range of different boundaries which have created an irregularly shaped site. The rear of the site is bound by a tall concrete wall which forms the retaining wall for the service ramp for the Sainsbury's superstore on the Lewes Road Gyratory. The eastern boundary is formed by the vehicular ramp/deck to the Sainsbury's car park and an electrical sub-station.

The previous application was refused on design grounds due to scale of the building set within a restricted plot to the rear of smaller dwellings and the associated impact in terms of scale and mass. Consistent feedback was given to the applicant during the consideration of the previous application, indicating that the Council would not support a scheme of the scale proposed due to design implications and the knock-on effect on neighbouring properties. Since the previous application was refused, the applicant has engaged in pre-application discussions with the Council with several schemes of a slightly smaller scale which, although generally an improvement, were not supported due to the inappropriate scale.

The current site is slightly larger than the previous submissions as nos. 39 - 43 Hollingdean Road would be demolished and the land incorporated into the development. The proposed building is however significantly larger, and the majority of the block would be at full five storey height, as opposed to the stepped design and previously proposed. The current scheme therefore shares, and in some cases exacerbates, several the issues which were raised in relation to the previous scheme as set out in detail below.

Although there is a range of local development forms and scales, including PBSA, which does allow scope for larger buildings within the vicinity, the majority of the application site itself is a back-land site, which wraps around a group of two storey terrace buildings (nos. 1-6 May Cottages) and continues right up to the street frontage where it is set alongside to a terrace of two storey dwellings (nos. 17-33 Hollingdean Road). It is therefore important that any development must be sensitively designed in order to reflect the back-land setting and to ensure that the proposal is sympathetic to the adjacent buildings fronting onto Hollingdean Road.

The proposed development includes two blocks; Block A and Block B. Block A is five storeys and occupies the majority of the site and consists of three wings including a four storey element with a set back upper storey fronting onto Hollingdean Road, a five storey central wing extending along the eastern boundary, and a five storey wing to the rear with a set back upper storey to the rear. The central section of the site would be clear and landscaped to create a courtyard area, disabled/cycle parking and an amenity area for occupiers of the development.

Block A would be finished in a varied palette of materials including a mixture of red brick and grey rainscreen cladding to the front wing, cream brick and white rainscreen cladding to the central wing and cream brick with white rainscreen cladding to the rear wing of Block A.

As with the previous application, the blocks would comprise a number of design forms, finishes and step up in heights with set back upper storeys in an attempt to break up the façade and reduce the visual dominance of the structure in relation to the adjacent buildings. It is agreed that the building would be of visual interest and the use of a modern pallet of materials is supported. Some aspects of the scheme are considered an improvement from the previous proposal in that it includes a street frontage and a visual break between the adjacent buildings. Furthermore, the orientation of the has been shifted to align with Hollingdean Road, the site has been levelled which has reduces the height slightly and the bulk within the upper levels has been reduced by splitting the block into two elements.

The footprint of the building would however be largely similar to the previous submission (when not taking account of the additional land acquired). Furthermore, the building would still be 5 storeys and the height of the main block would only be approximately 1m lower than the refused scheme. Additionally, the current proposal is considerably larger and heavier due to five storey height covering the majority of the site, as opposed to previous scheme, and Diamond Court to the west, which both step down in an attempt to transition from five storeys to the adjacent two storey buildings. As a result, the proposal would completely dominate the adjacent two storey dwellings and is considered more harmful than the earlier proposal in terms of design. This is of particular concern as the front wing would be highly visible in longer views along Hollingdean Road and from Popes Folly to the north.

In terms of the design, Block B is relatively low key and is more akin to the scale which could be accommodated on the site. The multiple heights and stepped design are somewhat contrived in an attempt to address the constrained nature of the site, however this element is not objected to in terms of design when assessed in isolation.

It is acknowledged that the design and character of the existing site does not contribute positively to the local area, and a modern redevelopment of the site is encouraged. However, the existing development on site is relatively low key and does not dominate the adjacent the buildings. A scheme of this scale is not

considered appropriate on this site given the constrained nature and proximity to buildings which are significantly smaller in character and form. Given the points raised above, it is considered that the scale and form of development proposed fails to pay respect to the constraints of the site and would result in an overdevelopment. This is evident due to other concerns set out in more detail below relating to neighbouring amenity and standard of accommodation which are directly related to the excessive scale and mass of the building.

8.28 Impact on Amenity:

Objections were raised to the previous application due to the excessive height of the building in relation to the neighbouring dwellings and the associated impact on neighbouring amenity as set out within the reason for refusal below:

The proposed student block, at five storeys high with a significant number of windows within the upper levels set close to shared boundaries with two storey neighbouring dwellings, would result in an unacceptable overbearing and overlooking impact, contrary to policies QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.

The current scheme is still five storeys in height and, although sited and orientated differently and set on a larger site, still shares a number of the objections which were raised to the previous application and the pre-application submission as set out in detail below.

The neighbouring dwellings closest to the site, and therefore most likely to be affected by the development are:

- 1-6 May Cottages to the north; a terrace of two storey dwellings fronting onto Hollingdean Road).
- 1-24 Diamond Court to the west; a two-five storey of block of residential flats.

There are several dwellings to the south on D'aubigny Road, however the distance from the application site and the relative levels is considered sufficient to avoid any significant impact to neighbouring amenity in this direction.

The proposed development would be partially visible from the front elevation windows of the dwellings to the north of Hollingdean Road, however this relationship is considered acceptable.

8.29 Scale, Bulk and Overshadowing

The existing buildings on the site comprise four terraced dwellings, a two storey hipped roof building and a 1-2 storey commercial unit. The proposed development would involve the demolition of the existing buildings and the construction of a 5 storey block which would be set to the rear of and parallel to the rear gardens and rear elevations of adjacent two storey dwellings.

As set out above, objections were raised to the previous application due to the scale and siting of the proposed building and the associated knock on effects to neighbouring amenity. The current proposal has been amended in that the block

is set slightly further to the rear of the site, orientated to run parallel with Hollingdean Road, the accommodation has been split into two blocks, and the overall height has been reduced. Some aspects of this scheme are considered an improvement in comparison to the previous application, most notably, the split of the block into two sections which will create a visual break and a reduction of the bulk in this section of the site.

The overall bulk of the building has however simply been relocated and significantly increased alongside the eastern boundary of the site and the bulk of the main section of Block A is of comparable scale to that of the previous application. The current scheme still includes a five-storey building set within 10m of the rear gardens and between 10 and 20m of the rear elevations of two storey residential dwellings.

In addition to impact of the physical form of the proposed development itself, the proposal would include over 40 windows at first floor level and above facing into the courtyard and towards the rear gardens and rear elevations of 1-6 May Cottages. Although a number of these windows would only allow oblique outlook towards neighbouring properties, many would have direct views towards windows and rear gardens. It is noted that the block is set slightly further to rear of the site in comparison to the previous refused scheme, which would improve the relationship, the overlooking and loss of privacy is still considered to result in a negative relationship which would exacerbate the issues associated with the bulk and physical presence of the building, as identified above.

The sunlight daylight report submitted with the application has tested a total of 40 windows located to the rear and side elevations of Diamond Court and 1/2, 3/4, and 5/6 May Cottages. A total of 7 windows would fail the daylighting test and one window would fail the sun lighting test.

In relation to overshadowing of external amenity space, the assessment indicates that the rear gardens of 1/2, 3/4 and 5/6 May Cottages would all experience a noticeable loss of direct sunlight as a result of the proposed development.

It is acknowledged that the BRE tests provide only guidance and do not provide an indication of a level of impact which should amount to refusal of a planning application. The tests do however provide a useful reference when assessing proposed developments set within close proximity to neighbouring dwellings such as this. In this case it is considered that there are a number of impacts to neighbouring amenity including, overlooking and an overbearing impact. The additional failure of several of the BRE tests for adjacent windows within residential properties reinforces these concerns. The proposed development is therefore considered contrary to policy QD27 and shall be recommended for refusal on this basis. The objections raised above illustrate and reinforce the view that the scale of development proposed is too great for the constraints of the site.

8.30 Standard of Accommodation for Future Occupiers:

The proposed student accommodation would be split into two blocks. Block A would include 91 studio rooms (including 5 accessible units) and Block B would include a further 8 rooms. Each room would include an en-suite shower room in addition to cooking and storage facilities. The rooms would range from 18sqm to 26sqm and all residents would have access to two communal areas, totalling 97sqm. Residents would also have access to an external decked and landscaped amenity area to the rear of the site within the south-west corner, in addition to the central courtyard.

The site is bound to the south the retaining wall for the Sainsburys supermarket service ramp addition to the vehicle ramp to the Sainsburys supermarket car park to the east. The service ramp rises from west to east and finishes roughly level with the top of the second floor of Block A at its highest point.

The previous application (BH2017/01873) was refused due to poor outlook from a number of the studio rooms, particularly those which were located on the lower levels with single aspect outlook directly onto the service ramp retaining wall. The current scheme has been re-orientated significantly in comparison to the previous scheme and as a result there would no ground floor rooms facing towards the rear of the site. Furthermore, the majority of the rooms located to the rear would benefit from dual aspect outlook to the east and west rather than directly onto the service ramp. The outlook has therefore been improved significantly in comparison to the previous submission and, although it is noted that several of the rooms would still have restricted outlook, the overall scheme is considered acceptable in this regard.

It is noted that a number of the studios within the northern wing of Block A front directly onto Hollingdean Road. This stretch of Hollingdean Road experiences high volumes of through traffic and as a result suffers from noise impacts and is also designated as an Air Quality Management Area (AQMA) due to poor air quality. Although the outlook directly onto the busy road is not particularly positive, an acoustic report has been submitted with the application which concludes that appropriate noise levels can be achieved within the rooms fronting onto Hollingdean Road, provided that adequate sound insulation is installed to the façade. In order to achieve this, mechanical/passive ventilation would be required to each of the rooms fronting onto the road.

As detailed within the supporting Air Quality Assessment, all studio rooms would achieve acceptable levels of air quality other than the ground and first floor studios fronting onto Hollingdean Road. The Air Quality Assessment indicates that acceptable air levels can be achieved in these rooms through the use of mechanical ventilation. This arrangement is not considered particularly positive, particularly when assessed in combination with the outlook directly onto a busy road which receives a high number of vehicles per day. However, mechanical ventilation is a widely accepted alternative method of receiving fresh air and has been used elsewhere in the city including local PBSA on Lewes Road. The application is therefore considered acceptable in this regard and a full scheme of ventilation would be secured by condition in the event of an approval.

8.31 Sustainable Transport:

The existing site is accessed from Hollingdean Road via an access route located between nos. 43 and 47 Hollingdean Road. The access would be relocated to the west where no. 47 is currently located and will be utilised for pedestrian, cycle and vehicle access whilst servicing and deliveries will take place on Hollingdean Road. This arrangement is considered acceptable in terms of pedestrians, cycles and servicing/deliveries.

The access would suffer from restricted visibility for vehicles leaving the site due to the siting of the new block located directly on the pavement. The previous refused application included a similar access arrangement however a visibility splay was designed into the building to allow for improved visibility for vehicles leaving the site. The lack of visibility for vehicles is considered to result in significant highway safety concerns. On this basis the transport team have requested a revised design including visibility splays, a swept path analysis, in addition to a Stage 1 Road Safety Audit. Without this information, it is not considered that the applicant has demonstrated that the proposed access would be acceptable in terms of highway safety. The proposed development is therefore considered contrary to Local Plan policy TR7 and City Plan Part One Policy CP9.

The proposed development will generate a substantial number of trips to and from the site. A transport assessment has been submitted as part of the application submission which indicates that the greatest impact in the local highway network will be derived from pedestrian movements resulting in a total of 284 daily trips. The site is located close to the sustainable transport corridor of Lewes Road which includes ample opportunities for the use of public transport.

The applicant has provided an example scheme detailing a move in/move out strategy detailing that the disabled spaces on site would be suspended and students will be given allocated time slots. This arrangement is considered acceptable and would be secured by condition in the event of an approval.

76 cycle parking spaces are proposed which accords with the number of units proposed as set out within SPD14. The layout, access and design of the cycle parking is not considered acceptable for the proposed development. Further details would be secured by condition in the event of an approval.

SPD14 indicates that PDSA should provide 1 disabled space per wheelchair accessible unit plus 50% of the minimum parking standard for ambulant disabled individuals and residents. As the site includes 5 accessible units, the provision of two spaces would not meet this standard. SPD14 does however state that the absolute minimum provision should be two spaces. The proposal of two spaces, although not ideal, would not warrant refusal of planning permission in this case.

It is noted that the proposal includes the removal of the existing crossover and the installation of a new crossover and dropped kerb outside of the development site. If the application were to be approved, a Grampian condition would be

recommended in order to secure that the old crossover would be removed prior to occupation, in addition to a condition securing the new crossover.

Since the time of the previous submission, local controlled parking zones (CPZs) have expanded and introduced into Hanover and Elm Grove, thereby likely reducing the availability of uncontrolled parking spaces within the area for local residents. The application has been submitted with a parking survey which indicates that there is capacity for cars within the sample area, however, the transport team have raised objections as the survey has not been carried out in accordance with the correct methodology and several aspects of required information are not included within the survey.

Due to the lack of on-site parking, and the number of units proposed, the development has the potential to generate on street parking within an area of high demand which has been put under additional pressure due to the extended CPZs. Furthermore, several recent completions of other PBSA development within the vicinity have further reduced the availability of on-street parking. The draft student management plan indicates that students will not be permitted to bring vehicles to the site or to park locally, however in reality this would be difficult to enforce by the Local Planning Authority. An accurate survey based on an agreed methodology is therefore required.

As the survey provided does not accord with an agreed methodology, the application has failed to demonstrate that the proposed development would not result in an impact on the local highway network in terms of parking generated. On this basis the application fails to address the requirements of policies CP9, TR7 and SPD14 guidance. Further information could have been sought from the applicant in order to address/mitigate this issue, the other objections to the proposal would remain. It was therefore not considered reasonable to put the applicant to additional cost, given these other outstanding fundamental issues.

The sustainable transport team have calculated that the development would require a sustainable transport contribution of £42,600. This has been agreed with the applicant and would be secured via a s106 agreement in the event of an approval. The following measures would also be secured by condition/legal agreement in the event of an approval:

- A travel plan securing details to encourage future occupiers to use sustainable transport methods
- A Construction Environment Management Plan
- A full cycle parking scheme
- Implementation of a new crossover / reinstatement of the old crossover
- A student move in/move out management plan

8.32 Sustainability/ Air Quality:

Regarding sustainability measures, the scheme incorporates strategies including in efficient thermal building fabric, increased insulation, photovoltaic panels, low energy light fittings, low flow sanitary settings in addition to approaches to increase biodiversity, green walls and green roofs. Sustainable drainage systems are also proposed.

Overall subject to securing a BREEAM rating of 'Excellent' for the proposed development, it is considered that the proposed development adequately addresses policy CP8.

The application falls within an Air Quality Management Area (AQMA) in an area where NO₂ levels where records indicate that NO₂ levels have exceeded legal limits continuously since 2004. It is a requirement of policies SU9 and DA3 that developments within the AQMA must where practicable help to alleviate existing air quality problems and deliver improvements wherever possible. The application has been submitted with an air quality statement which concludes that the development would not have a negative impact on ambient air quality within the AQMA and the change caused by the development can be categorised as beneficial/negligible. This is justified on the basis that the proposed development is likely to result in less operational traffic than the existing site.

The Air Quality Officer has raised objections to the proposal due to the physical design of the section Block A fronting onto Hollingdean Road. This element of the proposal would be four storeys (an additional two compared to the existing development) fronting directly onto the pavement which has the potential to inhibit dispersion of traffic emissions and therefore could possibly worsen the quality of the air within the AQMA due to a canyoning effect. However, the site is located opposite to an open recreational ground and the change of use is likely to result in a reduction in operational traffic in comparison to the existing use. Taking account of this in addition to the measures that would be secured by condition in the event of an approval to encourage use of sustainable transport modes including; cycle storage for all occupants, restricted routes of construction traffic and electromotive charging points, it is not considered that this objection would warrant refusal of the application.

In regard to drainage, a Flood Risk Assessment, Surface Water Strategy and SUDS Assessment has been submitted. Full details of the proposed drainage strategy and systems would be secured by condition in the event of an approval.

8.33 Other Considerations:

The applicant has agreed to provide a number of financial contributions in accordance with City Plan policy CP7 and the developer contribution technical guidance as set out below:

- Construction Training and Employment Strategy
- Local Employment Contribution
- Travel Plan
- Contribution to Artistic Component.
- Submission of a Student Management Plan.
- Sustainable Transport Contribution
- Open Space Contributions

An informative is recommended reminding the applicant that this would be secured in the event permission was recommended.

8.34 CONCLUSION:

The proposed development would provide 99 student studios which represent a substantial contribution towards the need for purpose-built student housing in the city. The site is in a good location within the city for such developments as it is near to local University teaching accommodation and on the sustainable transport corridor of Lewes Road.

Whilst student accommodation on site is not objected to in principle, the current proposal is considered an overdevelopment which would fail to address the constraints of the site. As a result, the development creates a number of knock on effects including impact on local dwellings from the scale and mass of the building, overshadowing and overlooking/loss of privacy. The application has also failed to demonstrate the proposed development would have an acceptable impact on the local highway network and several of the rooms would be located within an AQMA.

It is acknowledged that there would be a number of benefits associated with the proposal, including the provision of PBSA in an area allocated for such development, however the benefits are not considered to outweigh the harm associated with the proposed overdevelopment of the site. Accordingly, refusal of the application is recommended

9. EQUALITIES

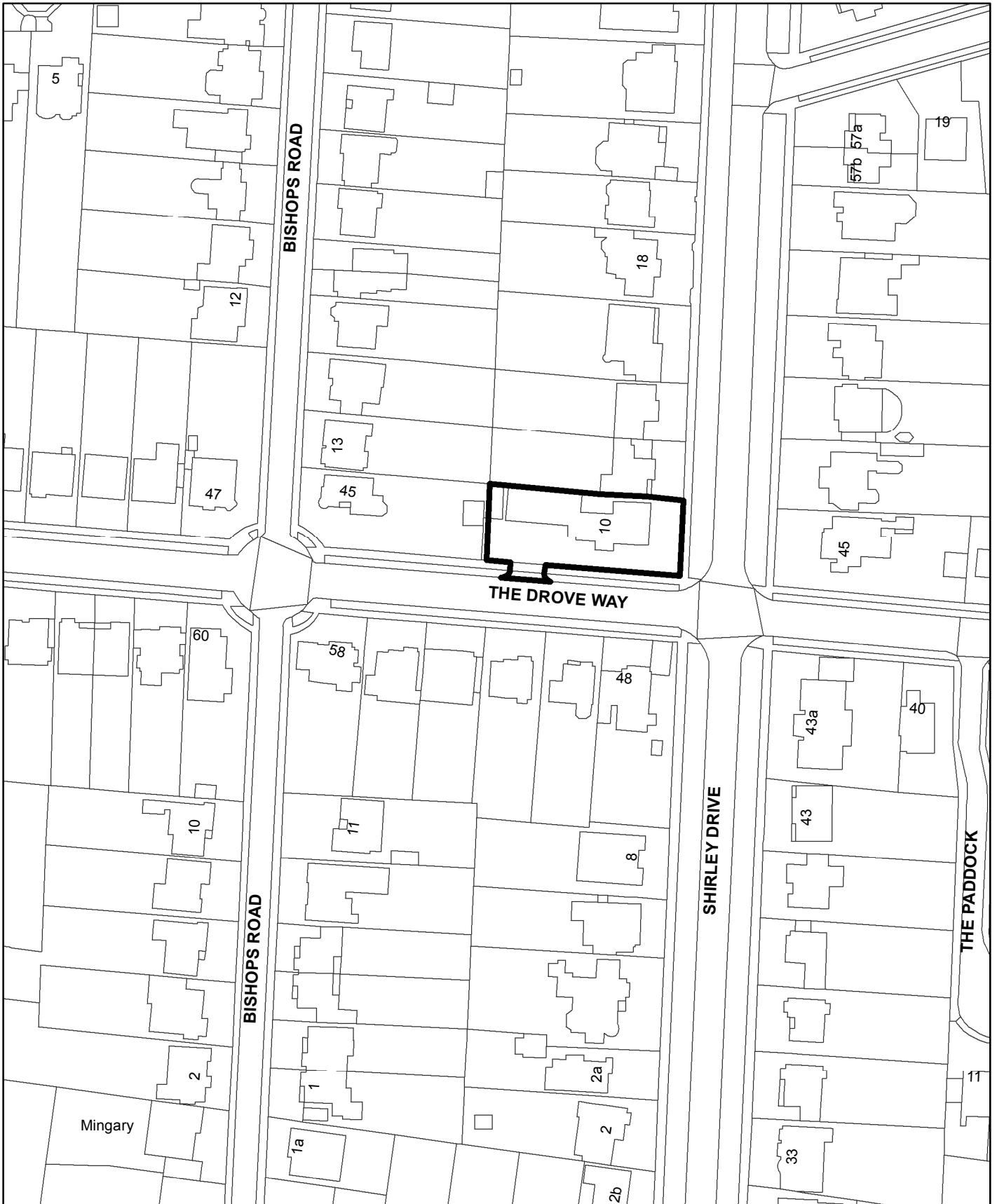
- 9.1 5 of the proposed studio units would be wheelchair accessible, equating to 5% of the overall student units.

ITEM B

**10 Shirley Drive
BH2019/03817
Reserved Matters**

DATE OF COMMITTEE: 23rd March 2020

BH2019 03817 - 10 Shirley Drive



N



Scale: 1:1,250

<u>No:</u>	BH2019/03817	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	10 Shirley Drive Hove BN3 6UD		
<u>Proposal:</u>	Reserved Matters application pursuant to outline approval BH2017/02869 for approval of appearance and landscaping, relating to demolition of existing house and erection of 10no flats with associated parking (C3).		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	07.01.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.04.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Atelier Six Architects 177 Havelock Road Brighton BN1 6GN		
<u>Applicant:</u>	Mr B Packham And Rizzoni 10 Shirley Drive Hove BN3 6UD		

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.

Plan Type	Reference	Version	Date Received
Location and block plan	2017_02-P-201	A	7 January 2020
Proposed Drawing	2017_02-P-212	C	28 February 2020
Proposed Drawing	2017_02-P-213	B	28 February 2020
Proposed Drawing	2017_02-P-214	A	7 January 2020
Proposed Drawing	2017_02-P-215	A	7 January 2020
Proposed Drawing	2017_02-P-216	A	7 January 2020
Proposed Drawing	2017_02-P-217	C	28 February 2020
Proposed Drawing	2017_02-P-218	C	28 February 2020
Proposed Drawing	2017_02-P-219	D	28 February 2020
Proposed Drawing	2017_02-P-220	C	28 February 2020
Proposed Drawing	2017_02-P-303	B	28 February 2020
Proposed Drawing	Master Design	Landscaping design	23 December 2019
Proposed Drawing	2017/02-P-222		24 January 2020

2. The landscaping scheme detailed on drawing name: 'Master Design' received on 23rd December 2019 shall be carried out in the first planting and seeding season following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner. The planting and shingle shall be native species of local provenance as recommended in Annex 7 of SPD11. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a substantial detached property located on the western side of Shirley Drive, at the junction with The Droveway. The site slopes down from west to east. The surrounding out of town location is predominantly residential in character, generally characterised by large detached properties with good sized gardens.
- 2.2 Outline planning permission (BH2017/02869) for the principle of the demolition of the existing dwellinghouse and construction of 10 no. flats was allowed at appeal. This application seeks approval of the reserved matters, appearance and landscaping, pursuant to outline approval BH2017/02869.
- 2.3 Amended plans have been received during the course of the application which have addressed the comments from the Council's Urban Design officer.

3. RELEVANT HISTORY

BH2017/02869 Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3). Refused 25/07/2018. Allowed at appeal 29/03/2019. The Inspector concluded:

A 10 unit apartment block could be introduced to the appeal site without harming the character and appearance of the local area and without unduly compromising the living conditions of the occupiers of No. 12 Shirley Drive.

BH2006/02036 Single storey rear extension to accommodate hydrotherapy pool and alterations to basement. Approved 29.09.2006

BH2004/03602/FP Demolition of existing two storey side extension and construction of two storey side extension and garden wall. Approved 03.05.2005

BH1997/00424/FP Two storey extension and front dormer. Approved 17.07.1997.

4. REPRESENTATIONS

4.1 **One (1)** letter has been received objecting to the proposed development for the following reasons:

- Increased traffic
- Noise
- Detrimental Impact on property value

5. CONSULTATIONS

5.1 **Urban Designer:** No objection The proposals present a material and elevational composition which is not bland and appears as varied. However, the proposed materials palette does not respond well to the surrounding architectural context. Added to this, the elevational composition and fenestration present as contrived and generate verticality which is considered detrimental to the success of the scheme. There is also room for improvement to landscaping proposals with regard to materials, planted areas and biodiversity gain.

Amendments received: On balance, the scheme has been significantly improved and concerns about the balcony bays and contrived fenestration are outweighed by improvements to materiality, landscaping and potential for biodiversity gain.

5.2 **County Archaeologist:** No objection Confirm former advice (BH2017/02869) that no significant archaeological remains are likely to be affected by these proposals.

5.3 **Sustainable Transport:** No objection The appearance and landscaping proposed do not appear to have a significant impact on transport matters approved in BH2017/02869.

5.4 **Sussex Police:** No objection No major concerns identified with the proposals.

5.5 **County Ecologist:** No objection The proposal does not trigger the need for a bat survey. The original advice provided on 22 December 2017 therefore remains valid, the proposed development is unlikely to have any significant ecological impacts.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint 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
CP8 Sustainable buildings
CP10 Biodiversity
CP12 Urban design
CP13 Public streets and spaces

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

QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity

Supplementary Planning Documents:

SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The application is a reserved matters application pursuant to outline permission BH2017/02869 for the demolition of the existing house and the erection of 10 no. flats with associated parking (C3). Matters of design and landscaping are reserved.
- 8.2 The main considerations in the determination of this application therefore relate to the impact of the development upon the character and appearance of the site

and surrounding area. The neighbour objection with regard to the impact on property values is noted, however is not a material planning consideration.

8.3 Principle of Development:

The granting of the outline permission BH2017/02869 established the principle of the demolition of the existing house and the erection of 10 no. flats as acceptable.

8.4 Design and Appearance:

New development should respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan. Successful higher density development will depend upon a 'design-led' approach that respects its local context and minimises impacts on its surroundings.

This section of Shirley Drive is not entirely uniform in appearance and there is a mix of styles, albeit mainly traditional two storey residential dwellings. However there are some common features such as hipped roofs with hipped or gable ended front projections. The material context of the surrounding area is predominantly comprised of red clay roof tiles, vertical clay tile hanging, white painted render and brown or red brick tones.

The proposed plans incorporate a two-storey building plus accommodation to the lower ground floor and inset roof level. The layout of the proposed building has been arranged with three flats on each floor and an inset penthouse unit on the top floor. The proposed design would have a contemporary feel in terms of design and materials, such as rock panel and porcelain wall cladding, grey aluminium fenestration, and rust effect cladding to the penthouse walls.

The Council seeks to support innovative, contemporary architectural proposals and it is considered that a contemporary design approach is appropriate on this site. The development includes a material palette that would relate well to the immediate built context and would provide textural qualities and warm tones. For example, the Corten steel effect proposed on the second floor penthouse references the adjacent red-clay tones and textures albeit in a contemporary manner. Additionally the green walls proposed would soften the cladding of the main body of the building.

Further to comments from the Council's Urban Design officer, the depth of roof to the projecting bays has been reduced so that they present a lighter appearance and the fenestration has been revised to address the dominant verticality on the south elevation.

On balance, the scheme has been significantly improved and the contemporary design marries successfully with a materials palette which would relate tonally and texturally to surrounding architectural context. It is considered that the development would fit in with local vernacular in terms of design and appearance.

8.5 *Landscaping:*

There are positive elements with regard to landscaping such as the inclusion of Cribblock planted walls to the sunken courtyards and additional tree planting.

Policy CP10 of CPP1 states that all development proposals should provide net gains for biodiversity wherever possible, taking account of the wider ecological context and local Biosphere objectives. The County Ecologist has advised that the proposed planting should consist of appropriate native species as outlined in Annex 7 of SPD11. Additionally, given the proposal to use shingle in the landscaping, there is potential to use native shingle species which are tolerant of dry conditions. It is considered that in this instance this can be secured by condition.

8.6 **Conclusion:**

Given that the principle of the development has been accepted including the quantum of residential units, and matters of access, layout and scale have been agreed, it is considered that the 'appearance' of the development and approach to 'landscaping' is acceptable. The design and palette of materials responds well to the built form and the local vernacular. The hard and soft landscaping areas would complement the development.

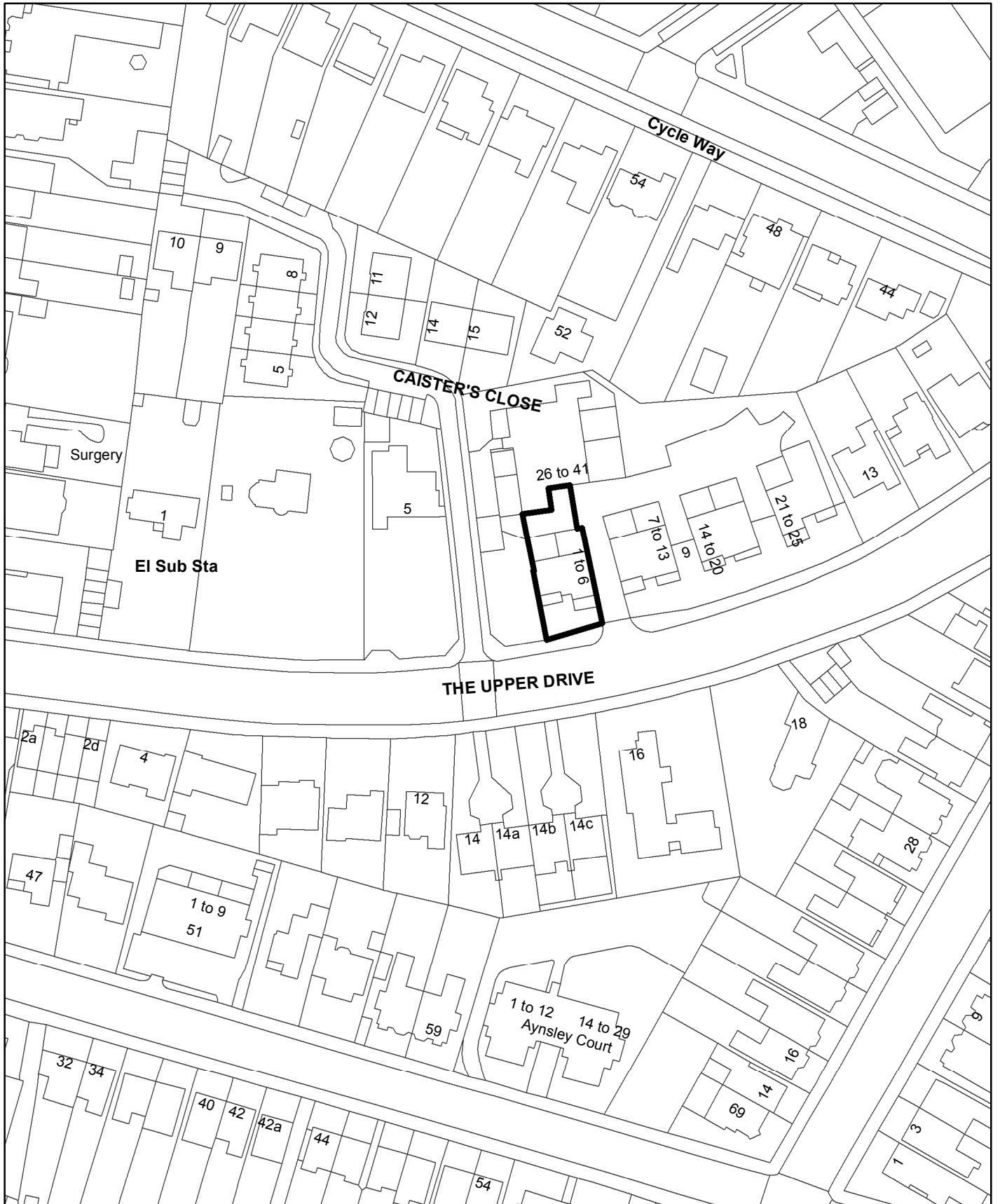
8.7 It is therefore considered that the details submitted in respect of the two remaining reserved matters are acceptable and accord with the principle of the outline planning permission. The conditions imposed by the Planning Inspector upon the outline planning permission still require approval of details.

ITEM C

9 The Upper Drive BH2019/03789 Full Planning

DATE OF COMMITTEE: 23rd March 2020

BH2019 03789 - 9 The Upper Drive



N



Scale: 1:1,250

<u>No:</u>	BH2019/03789	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 The Upper Drive Hove BN3 6GR		
<u>Proposal:</u>	Alterations and extensions to Block A to create two additional storeys, providing 3no two bedroom flats at third and fourth floor levels.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	20.12.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.02.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	15.04.2020
<u>Agent:</u>	Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	C/o Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE		

1. RECOMMENDATION

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.

Plan Type	Reference	Version	Date Received
Proposed Drawing	102		20 December 2019
Proposed Drawing	103		23 January 2020
Location Plan	101		20 December 2019

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

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

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

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

4. Access to the flat roof area to the rear of the fourth floor roof terrace (indicated on drawing no. 101 received on 20 December 2019) hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

5. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

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

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

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

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

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

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

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

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

10. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
11. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
12. 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 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings

are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

4. The applicant is advised that the scheme required to be submitted by Condition 12 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 relates to a three storey block of 6 no. two-bed flats on the northern side of The Upper Drive. The block is one of 5 similar blocks on a wider site providing a total of 41 flats. The existing blocks vary in height between three and four storeys. The blocks to the east of the application site are finished in a mix of render and timber cladding. The application building is finished in mainly painted render with some minor timber clad detailing.

This stretch of The Upper Drive has been developed to the extent that the prevailing character on this section of the northern side is flatted development with fewer traditional dwellinghouses remaining.

The application seeks permission for alterations and extensions to Block A to the west, to create two additional storeys, providing 3no two bedroom flats at third and fourth floor levels, with off-street car and cycle parking.

A recent application (BH2018/03117) for two additional storeys to Block D to the east of the site (bringing that block in line with the height of the two central blocks B and C) was recently allowed at Appeal after being refused by the Planning Committee. Additionally, a scheme for one additional storey to Block D was approved by Planning Committee in 2019.

3. RELEVANT HISTORY

9 The Upper Drive

BH2018/03117 Extension and alterations to provide an enlarged 2 bed flat at first floor level, and 2 no. additional flats at second and third floor level, and associated parking. Approved 17.01.2019

BH2017/04139 Creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level and 2no additional flats at second and third floor level. Refused 15.05.2018. Appeal allowed 27.03.2019. The Inspector concluding that the proposed development:

"would not cause harm to the architectural integrity of Block D or the existing development as a whole and thus there would be no harm to the prevailing

character and appearance of the area....would not result in any material harm to the living conditions of the occupiers in terms of overlooking or loss of privacy."

9 and 11 The Upper Drive

BH2004/01708/FP 41 New residential apartments within 5 blocks with undercroft parking. Approved 04.04.2005.

BH2003/02082/FP Demolition of 9 and 11 The Upper Drive and development of 4 blocks of 25 private flats and 1 block providing 16 affordable homes. Single access drive from The Upper Drive and four pedestrian gates. Refused 13.04.2004

13 The Upper Drive

BH2011/00455 Application to extend time limit for previous approval BH2008/00278 for demolition of existing house and erection of no. 7 self contained flats. Approved 07.04.2011

BH2008/00278 Demolition of existing house and erection of no. 7 self contained flats. Approved 07.05.2008.

15 The Upper Drive

BH2016/01393 Demolition of existing dwelling and erection of 3no one bedroom flats, 2no two bedroom flats and 1no three bedroom flat (C3). Refused 20.04.2018.

BH2015/03228 Demolition of existing dwelling and erection of 4no one bedroom flats and 4no two bedroom flats (C3). Refused - 11.11.2015.

4. REPRESENTATIONS

4.1 Twenty-three (23) letters have been received objecting to the proposed development. The main grounds for objection are as follows:

- Increased traffic
- Parking issues
- Parking spaces inappropriate
- Height
- Overdevelopment
- Visual prominence
- Overshadowing and loss of light
- Overlooking
- Noise
- Impact on view
- Impact on outlook
- Impact on trees
- Set a precedent for development
- Impact on property values
- Inconvenience from build
- Development for commercial gain

- Lack of maintenance
- Structural integrity compromised

5. CONSULTATIONS

- 5.1 **Sustainable Transport:** No objection subject to conditions relating to retention of parking area, cycle parking provision and 'car free' housing.
- 5.2 **Urban Designer:** Verbal comment: No objection The proposal mirrors the adjoining block in design terms and the raised height is not considered to detrimentally impact on the character and appearance of the site and surrounding area.

6. MATERIAL CONSIDERATIONS

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

7. POLICIES

- 7.1 The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

- 7.2 Brighton & Hove Local Plan (retained policies March 2016):
- TR7 Safe Development
 TR11 Safe routes to school and school safety zones
 TR12 Helping the independent movement of children

TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

- 7.3 Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the development on the character and appearance of the existing building, site and streetscene, the impact on residential amenity, the standard of accommodation provided, highways and sustainability issues. Concerns from residents regarding impact on property values, inconvenience from the build, development for commercial gain, lack of existing maintenance of the site and potential structural issues are noted, however are not material planning considerations.
- 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 Design and Appearance:**
It is acknowledged that in recent years this stretch of The Upper Drive has been developed to such an extent that most of the properties on this section of the northern side are flatted development with fewer traditional dwellinghouses remaining.

The original design of the site facing onto The Upper Drive is of 2 no. four storey buildings, bookended by 2 no. three storey buildings with a slightly different, although complementary, material palette.

The proposed new units would be sited on Block A to the far west of the wider site; Block A is currently lower in height than the two neighbouring buildings to the east, Blocks B and C, both of which appear staggered in height. Block A does not currently have this staggered appearance and is uniform in height, although the frontage has a staggered design as per the other blocks.

It should also be noted that Block D to the far east of the site has planning permission to increase the height to match the scale and appearance of the middle two buildings (Blocks B and C).

The proposed additional storeys would result in a building which would be taller by one storey to the adjoining blocks to the west, however would re-create the staggered height appearance of the existing blocks. The inset top floor has been designed so that from street level it will have the appearance of spanning only half the width of the overall block which would reduce the visual bulk, similar to the design of the existing blocks. Essentially Block A would match the design and appearance of the other blocks, albeit one storey taller.

Given the above and the distances between the application site and its neighbours, it is considered that the increased height of the block would not appear out of context with the neighbouring properties or within the prevailing streetscene. The application states that the proposals would therefore maintain the existing undulations in roof heights without appearing excessively tall or out of keeping; there is considered no reason to disagree with this conclusion.

The proposed works would match the design and appearance of the existing building, and a condition is recommended to ensure that the proposed materials match the existing property. Accordingly, it is considered that the works are appropriate in terms of the impact upon the host building and the wider streetscene. The Council's Urban Design Officer has no objections to the scheme.

It is noted that there is concern from neighbours that approval of this application would lead to further development on the site. This is noted; however each application must be considered on its own merits.

8.5 Standard of accommodation:

Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17).

Government has published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015. These standards are proposed to be adopted in the Brighton and Hove City Plan Part Two and so can be considered the direction of travel with regard to standard of accommodation. They provide a useful reference point in assessing standard of accommodation for dwellings size and no. of occupants. Rooms and units which would provide cramped accommodation and sub-

standard levels of amenity often fall below the minimum acceptable sizes set out by Government.

For comparative purposes Govt. recommends that a two bedroom (four person) unit should have a floor area of at least 70 sqm.

The proposed units at third floor mirror the layout of the units on the floors below. Units 7 and 8 would have a floor area of 74 sqm and 81 sqm respectively. Both units would have a private balcony to the front. At fourth floor Unit 9 would have a floor area of 90 sqm, with a roof terrace and front balcony. The proposed units and bedrooms therefore exceed the Government minimum standards.

All three units would benefit from a good standard of light, outlook and circulation space and all have provision of private amenity space. The new units would use the existing refuse/ recycling storage area which is located to the rear of the building,

8.6 Impact on Amenity:

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.

Impact on light:

It is noted that there are windows facing the application site, in the west facing elevation of Block B and the south facing elevation of Block E. However these windows are small, secondary windows serving the main kitchen/living areas. A sunlight/ daylight report has been submitted by the applicant which demonstrates that there would be no daylight distribution reduction from the development to any of these neighbouring dwellings.

There have been objections from the neighbours in Block E in terms of a reduction in sunlight reaching garden areas. The report demonstrates that any reduction to daylight reaching the existing amenity areas of the neighbouring properties would fall within the BRE target criteria and would not be significant, particularly during the summer months when more use of the gardens would be anticipated. At this time of year, the report demonstrates that the amount of sunlight reaching the outside amenity areas would be unaffected by the proposals.

In light of the findings of the report it is considered that the levels of sunlight and daylight maintained by the neighbouring properties would be acceptable with limited impact from the proposals.

8.7 Impact on privacy:

The proposed units would mirror the existing units in layout. Therefore the proposed kitchen windows would face Block B to the east which also has kitchen windows in each floor in the facing western elevation. To the rear of the

site is Block E; this is a three storey building which has only small secondary windows to the southern elevation. Additionally the proposed development would also be sited a sufficient distance from the nearest windows and gardens in the adjoining blocks to limit undue harm. It is considered that, given the existing situation, there would be no significant harm caused to the amenity of existing occupiers as a result of overlooking from proposed windows.

A roof terrace is proposed to the top floor flat. An etched glass 1.75 metre height privacy screen is proposed to the sides and rear of the terrace. The rear section of the flat roof would be for maintenance purposes only; this can be secured by condition. Therefore the usable space of the terrace would be solely to the front of the building. These measures would protect the occupants to the side and rear from significant overlooking. Given the siting of the proposed terrace, it is not considered that there would be significant overlooking of neighbouring properties and gardens.

Caister's Close to the west of the site separates the existing building from the property to the west, no. 5 The Upper Drive, which is in excess of 20 metres away from the application site. It is noted that residents in Wilbury Villas to the south have rear gardens that face the development site. Whilst the front windows and balcony of the proposed development would provide marginally enhanced views of these rear gardens, given the distances involved, the existing relationship between the properties and level of mutual overlooking in the area, this is not considered to warrant refusal of the application.

Therefore there is not considered to be a harmful impact on the existing flats in the block or the wider site. The potential noise and disturbance created by three additional units is not considered to be unacceptable.

8.8 Sustainable Transport:

It is proposed to reconfigure the existing cycle store to accommodate three extra cycles in the parking area of Block A near the parking entrance into the block. Additionally three off-street car parking spaces are proposed, one per dwelling. These measures can be secured by condition.

The Upper Drive, Hove is located in a Controlled Parking Zone (CPZ). SPD14 explains that, where there is a concern that developments within a CPZ may generate overspill parking, the Council may restrict future occupants' eligibility for residents parking permits. The Transport officer considers that this CPZ is likely to be over-capacity in terms of levels of take-up of permits and has recommended a condition to restrict occupants' eligibility for permits.

8.9 Sustainability:

Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.

8.10 Arboriculture:

There are several trees subject of a TPO to the west of the building. As development is to the upper floors it is acknowledged that the root protection areas would not be affected. Additionally no pruning is proposed. However it is considered prudent to ensure protection of the trees from damage during construction; this can be secured by condition.

8.11 Conclusion:

Given the prevailing character of the streetscene on this stretch of The Upper Drive, it is considered that the development would not appear out of context or character with the site and the surroundings. The proposed extension would not have an overbearing impact on its neighbours and has been carefully designed to take account of overlooking and privacy issues.

Subject to conditions it is considered that the development is appropriate in terms of design, scale and impact on amenity, and would provide three new dwellings for the City, of a good size and standard.

9. EQUALITIES

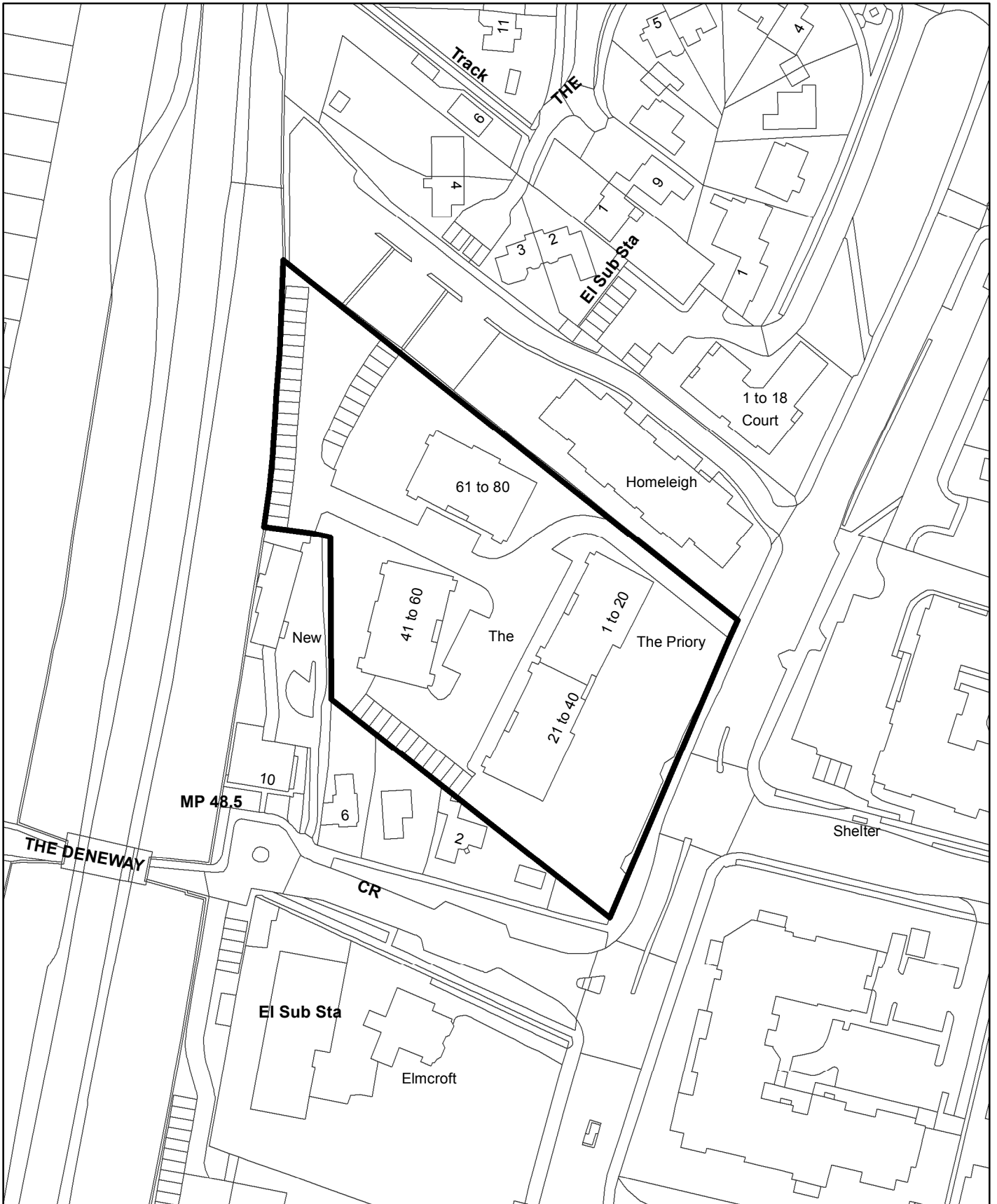
- 9.1 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the dwellings appears to be achievable as a lift is proposed to the new upper floors.

ITEM D

**The Priory, London Road
BH2019/02967
Full Planning**

DATE OF COMMITTEE: 23rd March 2020

BH2019 02967 - The Priory, London Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/02967	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Priory London Road Patcham Brighton BN1 8QS		
<u>Proposal:</u>	Erection of an additional storey on top of existing building to form 4no. two bedroom flats. The proposal also incorporates: the erection of a cycle store; the creation of 15no. car parking spaces; and associated works.		
<u>Officer:</u>	Nick Salt, tel:	<u>Valid Date:</u>	14.10.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09.12.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Dowsett Mayhew Planning 63a Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Anstone Properties Ltd C/O Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE		

1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Report/Statement	TREE PROTECTION PLAN		8 January 2020
Report/Statement	TREE SCHEDULE		8 January 2020
Proposed Drawing	A1016/03		3 October 2019
Proposed Drawing	A116/09		3 October 2019
Proposed Drawing	A1016/04		3 October 2019
Proposed Drawing	A116/07		3 October 2019
Proposed Drawing	A116/08		3 October 2019
Proposed Drawing	A116/10		3 October 2019
Proposed Drawing	A116/12		3 October 2019
Proposed Drawing	A116/13		3 October 2019
Block Plan	A116/02	H	25 February 2020
Location Plan	A116/01		11 October 2019

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

4. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

5. Prior to occupation of the development hereby permitted, a scheme for landscaping to include the planting of additional trees throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.

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

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

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

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

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

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

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

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

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

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

10. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required under condition 9 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is located on the western side of London Road just to the north of its junction with The Deanway. It comprises 4 circa 1970's four storey flat roofed blocks of flats of brick construction with projecting bays clad in white fascia boarding. Blocks A & B are located to the rear of the site and Blocks C & D are situated at the front, presenting a continuous façade to London Road. The application in question relates to Block A. There are garages and parking spaces located within the site with vehicular access from London Road. There is a 20m to 25m deep area of soft landscaping on the London Road frontage which is laid to lawn and contains a number of substantial mature trees which span the length of the eastern site boundary.
- 2.2 The surrounding area is predominantly residential in character. To the north of the site, Homeleigh is a four storey purpose built block of flats. To the south, are the rear gardens of detached two storey houses and bungalows fronting The Deanway. Adjoining the site to the rear is a two storey house and beyond the London to Brighton railway line whilst to the east on the opposite side of London Road is a three storey block of flats and two storey detached houses.
- 2.3 The application seeks consent for the erection of an additional storey to Block A in order to provide four flats each containing two bedrooms and external amenity space in the form of roof gardens. Also proposed is 15 car parking

spaces both for the use by occupants of the proposed flats and those of the existing on the site.

3. RELEVANT HISTORY

Block B

BH2018/00149 - Erection of additional single storey extension on top of existing building to form 4no two bedroom flats (C3) with associated roof garden, cycle store and parking spaces. Approved 21/11/2018.

BH2014/04088 - Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 13/03/2015. Expired.

BH2011/01611 - Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 7/12/2011. Expired.

BH2010/01898 - Construction of 4 no. additional garages. Refused 22/10/2010.

Blocks C and D

BH2013/03946 - Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level. Approved 27/06/2014. Expired.

BH2013/00287 - Application to extend time limit for implementation of previous approval BH2009/00058 for roof extension to blocks C and D to provide 4x3 bedroom flats, each with own roof garden, and a cycle store. Approved 11/04/2013.

BH2009/00058 - Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Allowed on appeal 9 April 2010.

Blocks A, B, C, and D

BH2005/06744 - Construction of an additional storey to each of the existing blocks of flats to form 6 four bedroom and 2 five bedroom flats, with a roof garden to each unit together with the provision of 22 car parking spaces and a new cycle store. Refused 18/01/2008.

93/0503/OA - Construction of an additional floor to each of the four blocks of flats to for ten new flats together with the provision of 15 new parking spaces. Refused 13/08/1993.

4. REPRESENTATIONS

4.1 **Fourteen (14)** letters has been received objecting to the proposed development for the following reasons:

- Construction risk;
- Land ownership concerns;

- Loss of green areas;
- Insufficient parking spaces;
- Road dangerous for pedestrians;
- Insufficient refuse and recycling capacity;
- No lift access;
- Cannot access bicycle storage;
- Out of keeping with surroundings;
- Loss of view;
- Noise;
- Overdevelopment;
- Overshadowing;
- Adverse impact on property values;
- Disruption during construction.

5. CONSULTATIONS

5.1 **Arboriculturalist:** Comment

Concerned about impact on trees on the site Recommend a submission of a tree report with a trees survey with the application and conditions requiring arboricultural method statement and landscaping details.

5.2 **Environmental Health:** No Comment

5.3 **Sustainable Transport:** 3rd Comment - objection

- Previous concerns re excessive parking and the lack of a pedestrian footpath are raised;
- Amendments to the proposed cycle parking provision are needed via relocation and ensuring the cycle stands are covered.

5.4 2nd Comment - Objection

- Concerns remain re. the level of parking provision which is deemed to be excessive for the 4no. flats;
- Still request segregated footway from the site;
- Cycle parking required;
- Developer objection to potential Grampian condition is noted.

5.5 1st comment - Objection

- Too much additional parking relative to the development, no evidence to prove necessary, provision of spaces for other existing flats not appropriate or linked to proposed development;
- Need a segregated footpath for residents accessing the public highway to promote sustainable transport modes;
- Unacceptable cycle parking layout and provision;
- Need dropped kerb etc. for pedestrian access to public highway.

6. MATERIAL CONSIDERATIONS

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP1 Housing delivery
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP12 Urban design
 CP14 Housing density
 CP18 Healthy city
 CP19 Housing mix
 CP20 Affordable housing

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

TR7 Safe Development
 TR14 Cycle access and parking
 SU9 Pollution and nuisance control
 SU10 Noise Nuisance
 QD14 Extensions and alterations
 QD15 Landscape design
 QD27 Protection of amenity
 HO5 Provision of private amenity space in residential development
 HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
 SPD06 Trees & Development Sites

8. CONSIDERATIONS & ASSESSMENT

8.1 The main issues in the determination of this application are the principle of development, the impact of the proposal upon the character and appearance of the area, amenity issues, transport and highways issues, sustainability and living accommodation standards.

8.2 Principle of Development:

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 application seeks consent for the erection of an additional storey to the block of flats to contain four additional flats.

8.5 Planning permission (BH2014/04088) was granted in June 2015 for two flats within a roof extension to Block B; this scheme was not implemented. A previous application (BH2009/00058) was allowed on appeal in April 2010 for an additional storey to Blocks C and D to provide 4 x 3 bedroom flats; again this permission was not implemented. More recently, planning approval as granted for an application to erect 4 flats above Block B (BH2018/00149).

As a principle, forming additional residential units through the construction of an additional storey has therefore been established as acceptable. A detailed assessment of the current proposal is set out below.

8.6 Design and Appearance:

The proposed additional storey would be rendered with a flat roof, features glazing and sliding doors to each flat and would be set in from either end of the existing building. The additional storey would project approximately 2.8m from the existing roof line with lift motor room above this. Roof gardens would be positioned on each corner with balcony railings surrounding.

Block A is set well into the site, and lies behind Blocks C and D and between Block B to the east and Homeleigh to the west. There is also a dense tree screen on the boundary fronting onto London Road. The block is currently only partially visible at a distance from the front entrance to the site and given the existing screening, with the increase in height proposed, its visibility would not be substantially increased. Whilst the roof extension would be seen from some public vantage points, it is considered that the glazing and simple pattern would provide a relatively clean modern contrast to the existing building and would preserve the visual amenity of the area. The design of the extension would remain subservient to the main block in accordance with policy QD14 of the Local Plan and the Design Guidance and would be similar in form and design to the recently approved (2018) extension on the roof of the adjacent Block B.

8.7 Impact on Amenity:

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.

The Priory is characterised by modest sized blocks of flats set within spacious communal formal grounds. The proposed extension would be entirely within the current footprint of an existing block of flats. The blocks within The Priory are sufficiently spaced from one another as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.

Outside roof garden areas are proposed on site, given the level of separation, there would not be any significant overlooking of loss of light / outlook of the other blocks on the site. The neighbouring residential block of flats - Homeleigh - is at the closest point just over 10 metres from where the closest terrace/roof garden is proposed. Overlooking from the small roof terrace into or onto the habitable room windows in Homeleigh is not however considered likely to be detrimental inasmuch as to cause the development proposal to be unacceptable or to result in substantial loss of residential amenity. It is therefore considered that there would be no detrimental impact on amenity in terms of overlooking or loss of privacy.

The addition of four flats not would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. In this case, it is considered that their use would not result in levels of noise and disturbance so significant as to warrant refusal or substantially different from what might be expected in an area consisting of large residential flat blocks. In all, the proposal is in accordance with policies QD14 and QD27 in that it would not have an unacceptable impact on the amenities of neighbours.

8.8 Standard of Accommodation

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.

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, 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 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m.

The proposal includes four additional flats each of which would include an open plan kitchen and living room, a bathroom and shower room, two double bedrooms and external amenity space. All four flats would accord with national space standards in terms of gross internal floor area. Bedroom 2 on flats 80A and 80D would fall short of the NDSS bedroom space standards being approximately 11m², however the bedrooms would still be of an acceptable useable space and the flats in general would exceed the minimum standards.

Overall the standard of accommodation including the external amenity space would provide a positive standard of accommodation in accordance with policy QD27 and policy HO5.

The submitted plans show wheelchair turning ability within the rooms and lifts to the top floor providing access for disabled persons. Compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) shall be secured by condition to address the objectives of Policy HO13.

The property is considered sufficiently far away from London Road so as to prevent any unacceptable noise impacts on the occupiers. Environmental Health have not raised the issue of noise.

8.9 Sustainable Transport:

The proposal includes details for the provision of new areas of car parking providing an additional 15 spaces on the site. The parking to the immediate southwest of Block A would be widened with two spaces added, a new row of 7 spaces would be provided to the west of Block A, 3 new spaces would be provided close to the entrance at London Road to the east of Block D, and 3 spaces would be created at the northwest corner of Block B.

When considered in the context of the 4 new flats only, the provision of 15 spaces would exceed the maximum parking standard of 6, creating an additional 9 spaces. The highway authority have objected on this basis, as they

do not regard there to be adequate justification for exceeding the SPD14 maximum. The site (as designated by the redline boundary) for this application includes all four of the existing flat blocks however, and the applicant has stated that the additional parking provision should be considered against the wider needs of Blocks A-D and an identified underprovision of parking for the existing flats. The site includes a total of 80 flats, with 42 garages and 32 parking spaces between them. With the addition of 15 spaces bringing the total to 89, the overall parking space provision would remain under the SPD14 identified maximum standard of 120. It is considered reasonable to assess the additional parking proposed against the wider provision on the site, with an average of just over 1 space per dwelling in this non-central location being within the parking standards. The additional parking provision would alleviate some on-street parking demand without doing unacceptable harm to the wider need to move towards more sustainable modes of transport.

Accordingly, a secure cycle store is indicated on the site plan adjoining the existing vehicle garages to the south of the block. Additional cycle parking has been proposed for the west side of Block A, providing 4 covered Sheffield stands for a total of 8 cycles (1 per each new bedroom). This would exceed the parking standards which would require a minimum of 4 cycle parking stands. Whilst there is no overriding concern with the location and quantity of the cycle parking proposed, the level of detail is limited. A full cycle parking scheme shall be secured by condition.

Highways have requested that a segregated footpath for residents accessing the public highway at London Road is provided to promote sustainable transport modes and access for those with restricted mobility. It is considered that this would be of benefit to pedestrian access to and from the wider site, although the applicant has not agreed to pursue this. However, the site is an established residential estate and has been operating as such for some time, it is not considered that the addition of four residential units would be proportionate to the requested access improvements in this case. Whilst there is a cumulative impact of the additional units to consider, it is not considered that the impact on sustainable transport usage and/or access for mobility restricted users would be substantially different as a result of the 4 additional flats. The lack of this provision should not therefore warrant a reason for refusal.

Overall, there would be some positive impact on sustainable transport via the introduction of a net gain of cycle parking spaces, which would partially offset the impact of the additional car parking spaces and a moderate increase in activity on the wider site as a result of the 4 new flats. On balance, there would be a minimal degree of harm in terms of sustainable transport and highway safety of The Priory in general.

8.10 Sustainability:

City Plan Part One Policy CP8 requires all new development to incorporate sustainable design features in order to mitigate against and adapt to climate change. On this basis optional standards for energy and water usage shall be secured by condition

8.11 Other Matters

A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

The applicant has provided a tree schedule and tree protection plan with the application, proposing that the existing trees on the wider site are all retained. A condition shall be added to secure the retention of the trees identified. An arboricultural method statement will also be required prior to the creation of the additional car parking spaces and is recommended to be secured by condition.

In order to offset the impact of the loss of some grass/landscaped areas as a result of the additional parking, a landscaping scheme is recommended to be secured via condition. Upon consultation with the Council's arboriculture team, the planting of additional trees throughout the site is considered necessary to increase screening and improve both the visual quality of The Priory site and the biodiversity of the area.

Concerns have been raised in relation to the potential impact on property values, and on amenity as a result of construction. Neither of these issues are material planning considerations and as such have not been addressed in this report.

8.12 CONCLUSION

As per NPPF paragraph 11, there is a presumption in favour of and additional weight given to the provision of sustainable development. The acceptability in principle of the additional 4 units of housing is weighed against the considerations outlined above. Impacts are considered broadly neutral, with some minimal adverse impacts in relation to sustainable transport and the loss of some degree of open space.

- 8.13 When weighed against the broader principle and public benefit of the scheme, the application is considered acceptable, subject to the relevant conditions.

9. EQUALITIES

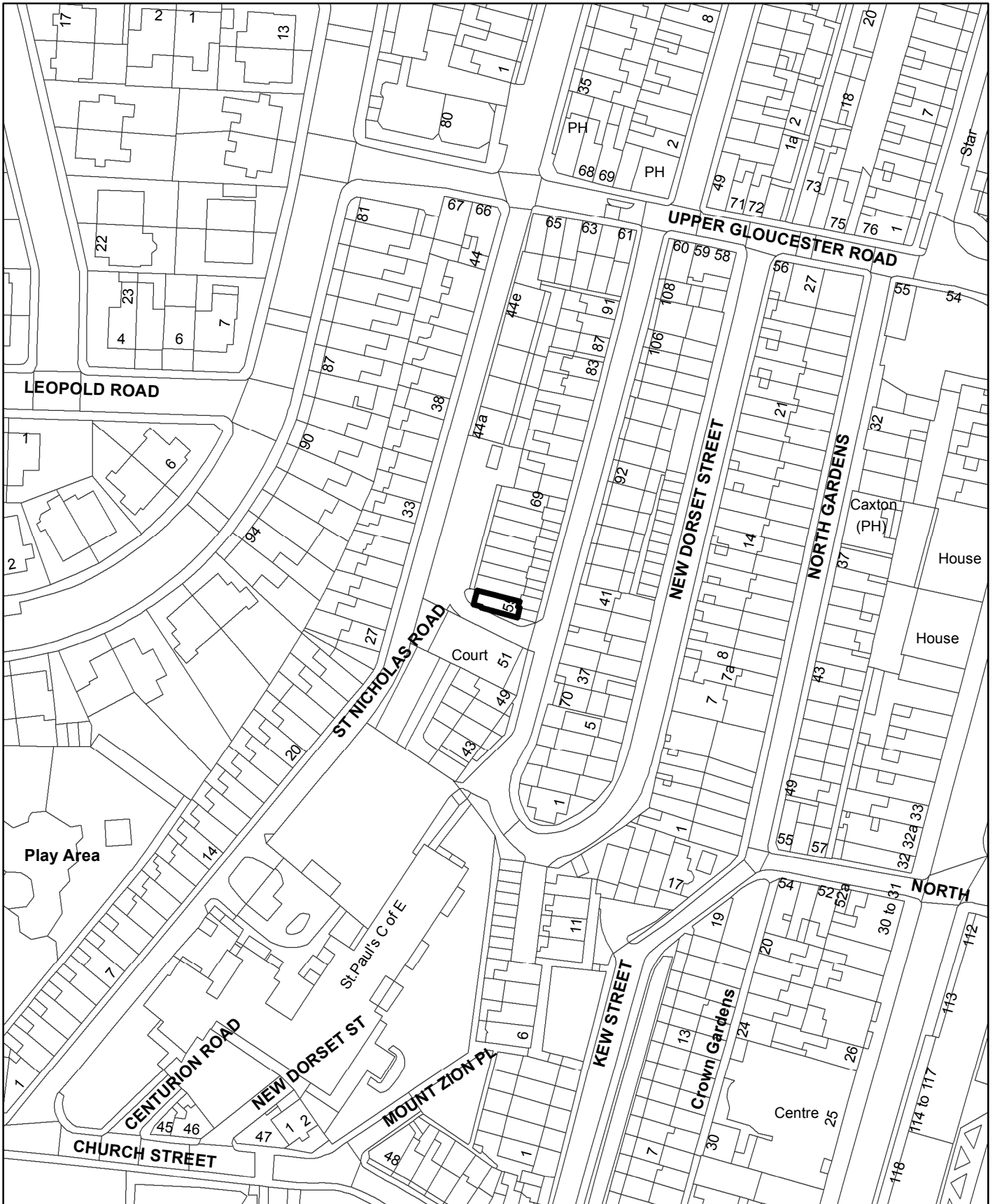
- 9.1 The proposed residential units shall be required to comply with optional access standards by planning condition on approval.

ITEM E

**55 Centurion Road
BH2019/03209
Full Planning**

DATE OF COMMITTEE: 23rd March 2020

BH2019 03209 - 55 Centurion Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/03209	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	55 Centurion Road Brighton BN1 3LN		
<u>Proposal:</u>	Change of use from dwellinghouse (C3) to flexible use as 5no bedroom small house in multiple occupation (C4) or single family dwellinghouse (C3).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	28.10.2019
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	23.12.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	30.03.2020
<u>Agent:</u>	Whaleback Ltd Trinity Waterbeach Road Boxgrove Chichester PO18 0NW		
<u>Applicant:</u>	Eraut		

This application was deferred at the last meeting on 4th March. The report has been updated to refer to conservation area impact and other HMOs in the near vicinity.

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.

Plan Type	Reference	Version	Date Received
Location Plan	01	-	28 October 2019
Proposed Drawing	02	-	14 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. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 02, and shall be retained as such thereafter. The layout of the kitchen/dining and living room 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.

4. The HMO unit hereby approved shall only be occupied by a maximum of five (5) persons.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
6. The dwellinghouse shall be occupied as either a dwellinghouse (C3) or as a small House in Multiple Occupation (C4) unless otherwise agreed in writing by the Local Planning Authority.
Reason: As this matter is fundamental to the acceptability of the permission hereby approved.

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 an end of terrace three storey (including basement) property located on the western side of Centurion Road. The site is located within the West Hill Conservation Area.
- 2.2 There is an Article Four Direction in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or sui generis use class).
- 2.3 This application seeks consent for the change of use from a 4no bedroom dwellinghouse (C3) to flexible use as 5no bedroom small house in multiple occupation (C4) or single family dwellinghouse (C3).

During the course of the application the scheme has been amended from a 6no bedroom small house in multiple occupation (C4) to a 5no bedroom small house in multiple occupation (C4) which includes changing the bedroom at basement level to a living room.

3. RELEVANT HISTORY

None.

4. REPRESENTATIONS

4.1 Eighteen (18) letters of representation have been received objecting to the proposal for the following reasons:

- Noise nuisance and anti-social behaviour
- Concern about increased footfall
- Concern about adequate soundproofing
- Drug related issues
- -Pressure on local amenities
- -Refuse and recycling issues
- -Short lets which don't contribute to the community
- Area needs more family homes
- Create more HMO's
- Inadequate standard of accommodation
- -Destroy the family atmosphere
- Devalue properties
- Traffic and parking issues
- Negative impact on area
- Appears to be a change of use to a hostel or air bnb
- Profit making
- Only certain residents received notification

4.2 One (1) letter has been received from Farrer & Co on behalf of a resident objecting to the proposal for the following reasons:

- Contrary to City Plan Policy CP21
- Noise nuisance
- Substandard quality of accommodation
- Increased on street parking

4.3 Councillor Deane and West object to the proposal, a copy of the letter is attached.

5. CONSULTATIONS

5.1 Transport:

No comment.

5.2 Private Sector Housing:

The HMO licencing standards should be adhered to.

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.

7.0 POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP9 Sustainable transport
 CP15 Heritage
 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
 HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents

SPD14 Parking Standards

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 impacts of the proposal.
- 8.2 When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.3 Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

8.4 Principle of Development:

The application seeks consent for the change of use from a dwellinghouse (C3) to a dwellinghouse or small house in multiple occupation (C3/C4). This would allow the use to change back and forth between C3 and C4 for up to 10 years, (as permitted) under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Given that the property as existing is already in C3 use and the granting of planning permission for the change of use to a flexible C3/C4 use is considered acceptable (as set out below), a condition has been attached to allow the dwelling to be occupied as either a dwellinghouse (C3) or as a small House in Multiple Occupation (C4).

The site is located within an Article 4 Direction area (effective from 5th April 2013) which removes permitted development rights under Class L (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, to change from a C3 (dwellinghouses) use to a C4 (houses in multiple occupation) use. As a result of the Article 4 Direction planning permission is required for the use of the properties in this location as HMOs.

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:

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.*

A mapping exercise has taken place which indicates that there are 82 neighbouring properties within a 50m radius of the application property; 5 properties have been identified as being in use as a HMO. On this basis the percentage of HMOs within the designated area is thus 6.06%. Based upon this percentage, which is less than 10%, the proposal to change to a HMO would be in accordance with policy CP21.

It is noted that a representation has been received raising concerns in regards to the number of properties within the 50m radius that they consider to be occupied as a C4 Use. Officers have looked into these addresses and the properties have either been included in the mapping exercise or are outside the 50 metre radius. A representation has identified 46 St Nicholas Road identified on the HMO mapping system in November 2019 as a HMO. The current HMO mapping system does not identify this as a C4 Use. Council Tax records show that this property was in a C4 Use up until 30th August 2019, and since this date and up until the present time has been in a C3 Use. Therefore, this property has not been identified within the mapping exercise as a HMO. If however this property was included within the mapping exercise (this would equate to 6 HMO

properties within the 50 metre radius which would equate to 7.3% of HMOs within the designated area) which is still less than 10%.

8.5 Design and Appearance:

No external alterations are proposed and it is also considered that the proposed use would not impact the character or appearance of the West Hill Conservation Area.

Permitted development rights for extensions and alterations are not proposed to be removed as part of this application as the layout is to be secured by condition in the event of an approval meaning that further alterations would require formal planning permission in any event. Further to this the natural constraints of the site mean that major extensions and alterations would not be possible to achieve due to the highway running adjacent and to the rear of the site.

8.6 Standard of Accommodation:

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.

The changes to the internal layout comprise the following; kitchen/diner and separate living room at basement level, 2no bedrooms and 2no shower rooms at ground floor level and 3no bedrooms and a shower room at first floor level. (The application has been amended since submission by amending the scheme from a 6no bedroom house in multiple occupation to a 5no bedroom house in multiple occupation by changing the bedroom at basement level to a living room to ensure additional communal space for the occupants.)

The bedrooms meet the government's minimum nationally described space standards and with good levels of natural light and outlook to all rooms. The fenestration within the basement receives adequate light and outlook to serve the communal areas.

The communal area, consisting of separate kitchen/ diner and living room, measuring 26.54sqm approximately in total is considered to be sufficient for a 5 person property. The space would be functional with good levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation.

If however the communal space was converted to a bedroom in the future, this would restrict the level of shared space available to occupants. Therefore, a condition is recommended restricting the use of the communal areas to ensure that alterations to the layout are not made at a later date that reduces the

amount of communal space provided for the occupiers. Given the single nature (small size) of the bedrooms proposed a condition has also been recommended restricting the overall property to 5 people.

The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

8.7 Impact on Amenity:

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.

The proposed change of use from a C3 dwellinghouse to a five bedroom C4 HMO would result in a more intensive use of the property however it is not considered that the proposal would cause noise/disturbance to neighbouring properties beyond the existing C3 use sufficient to warrant refusal of the application.

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.

8.8 Sustainable Transport:

The proposed development would not result in a significant increase in trip generation and any impact on the highway would be considered to be minimal.

The application site is located within a Controlled Parking Zone (CPZ) and therefore there could be 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 (Y) from January to September 2018, there has been 98% 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%. The higher percentage of 98% does suggest that there is a much greater possibility of parking difficulty occurring in the area. However, given that the scheme relates to an existing C3 use to change to a flexible C3/C4 use, it is not considered necessary to impose a condition to restrict parking permits as the proposal would not materially alter the existing situation.

No cycle parking is proposed and there does appear to be opportunities for this on site; this will be secured via condition.

8.9 Other Matters:

It is noted that concerns have been raised regarding neighbour consultations. These matters have been investigated and it is confirmed that these neighbours were notified as part of the consultation process.

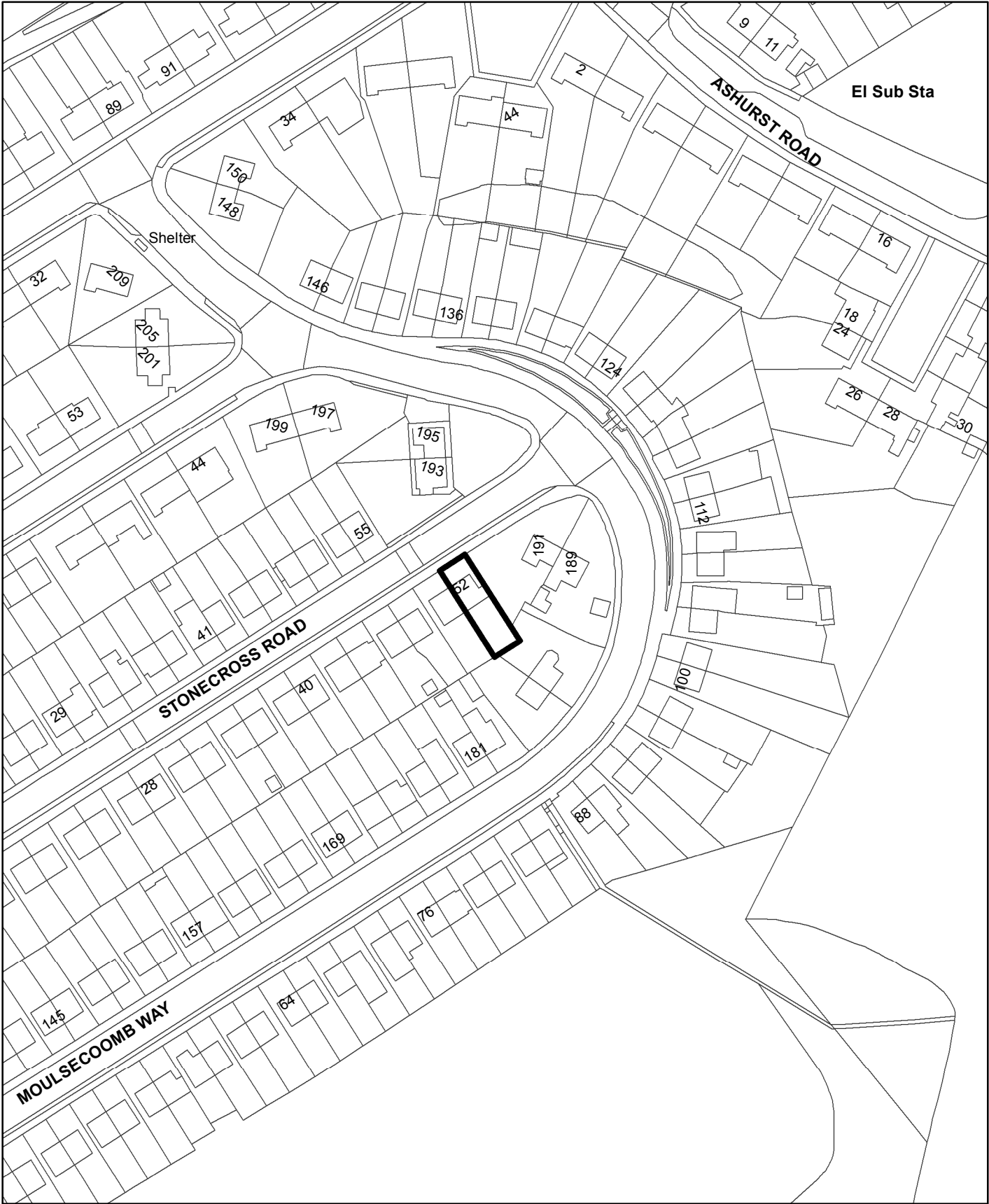
- 9. EQUALITIES**
- 9.1 None identified.

ITEM F

**52 Stonecross Road
BH2019/02564
Full Planning**

DATE OF COMMITTEE: 23rd March 2020

BH2019 02564 - 52 Stonecross Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/02564	<u>Ward:</u>	Moulsecomb And Bevendean Ward	
<u>App Type:</u>	Full Planning			
<u>Address:</u>	52 Stonecross Road Brighton BN2 4PQ			
<u>Proposal:</u>	Change of use from 2no bedroom residential dwelling (C3) to 4no bedroom small house in multiple occupation (C4) with associated external alterations. (Retrospective).			
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	28.08.2019	
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23.10.2019	
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>		
<u>Agent:</u>	Darby Architectural Ltd	5 Derek Road	Lancing	West Sussex BN15 0NU
<u>Applicant:</u>	J P Bryant Rentals Ltd	C/O Darby Architectural Ltd	5 Derek Road	Lancing West Sussex BN15 0NU

Councillor yates has requested this application is determined by the Planning Committee.

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.

Plan Type	Reference	Version	Date Received
Proposed Drawing	P.01		28 August 2019

2. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no. P.01 and shall be retained as such thereafter. The layout of the kitchen/dining/living room 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. The HMO unit hereby approved shall only be occupied by a maximum of four (4) persons.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. Within 2 months of the date of this permission hereby approved details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

6. Within 2 months of the date of this permission hereby approved refuse and recycling storage facilities shall have been installed to the side of the building and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

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

- 2. SITE LOCATION & APPLICATION DESCRIPTION**
 - 2.1 The application relates to an existing semi-detached dwelling house on the south east of Stonecross Road on the corner with Moulsecoomb Way.

 - 2.2 The site lies within Moulsecoomb & Bevendean Ward which is one of the five electoral wards in Brighton to which an Article 4 Direction applies. The Article 4 Direction, introduced by the Council on 5th April 2013, removes the permitted development rights of C3 dwellinghouses to change to C4 small HMOs.

 - 2.3 Planning permission is sought for the change of use of a two bedroom dwellinghouse (C3) to a small house in multiple occupation (C4) for four (4) occupiers. External alterations are proposed for the rear elevation.

- 2.4 A site visit has identified the property as being in HMO use and therefore the application description has been amended to retrospective. The external works have been undertaken.

3. RELEVANT HISTORY

None.

4. REPRESENTATIONS

- 4.1 **Councillor Yates and Councillor Grimshaw** object to the proposal. A copy of the letters are attached to this report.

5. CONSULTATIONS

5.1 Private Sector Housing: Comment

1. The applicant will need to apply for a HMO licence should the application be approved.
2. The applicant should refer to our HMO standards for guidance:
<https://www.brightonhove.gov.uk/sites/brighton-hove.gov.uk/files/HMO%20Standards%20online%20version%2031.1.18.pdf>

5.2 Planning Policy: No Comment

5.3 Sustainable 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);
- * 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
CP12 Urban Design
CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use including the impact on the surrounding area, standard of accommodation, the impact on neighbouring amenity, and transport issues.

8.2 Principle of Development :

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:

'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.'*

A mapping exercise has taken place which indicates that there are no HMO properties within a 50m radius of the application site. Therefore the proposal to change of use would be in accordance with policy CP21. The development is not considered to result in a concentration of HMO use in the immediate area.

In regard to meeting the Council's housing targets, this application does not result in a net gain or loss in residential units. There remains the need to provide

a range of housing types for our communities as identified by development plan policies.

8.3 Standard of Accommodation

In regard to the standard of accommodation proposed, HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.

Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards - National Described Space Standards March 2015 document states that "in order to provide one bed space, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide". The minimum floor space requires a head height of above 1.5m.

The proposed layout shows that all 4 of the proposed single bedrooms would be over the suggested 7.5m² Gross Internal Area. The ground floor bedroom would be 8.5m², the first floor bedrooms would be 8.4m², 8.9m², and 9.0m². All bedrooms are served with good natural light, and outlook and are of a functional shape which would allow for the occupants necessary furniture.

The kitchen/dining space provides 17m² of communal space and the indicative layout shows adequate kitchen space and a siting area. Access to the garden is from this space. No separate living room is proposed and such spaces are important to allow for relaxation / socialising away from the kitchen area. However the shape and layout of the kitchen dining area does lend itself to a cooking and food preparation in one side of the room and siting area in the other. This is depicted on the plans. On balance therefore, it is considered that amenity layout is acceptable.

The proposed arrangement will provide two shower rooms with WCs between the 4 occupiers.

No refuse or recycling facilities are identified but there would be ample space on site for these facilities, including within the existing side passageway.

Overall the size, layout and amenity space of the property is considered suitable for a small HMO of up to 4 occupiers. Given the amenity space, and given that the bedrooms are single occupancy a condition to restrict the occupancy to 4 is required as is a condition to control the floor plan layout.

8.4 Design and Appearance:

The proposal includes the removal of an existing window on rear elevation which will be replaced by door. This would provide access from the kitchen/living space to the rear garden.

Permitted development rights for extensions and alterations are not proposed to be removed as part of this application as the layout is to be secured by condition in the event of an approval meaning that further alterations would require formal planning permission in any event.

8.5 Impact on Amenity:

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.

Four single-occupancy bedrooms are proposed where the existing C3 house only has 2 bedrooms. There would therefore be a small increase in the amount of activity associated with the change of use, but not to a significant level compared to the existing use.

It is acknowledged that the change in the occupancy from a single dwelling to HMO occupation may result likely change to the demographic residing at the property, but within the mix of dwelling types in the area a small HMO use would not be incongruous, nor as compliance with policy CP21 has indicated, would it result in an overconcentration of this use.

8.6 Sustainable Transport:

A small 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.

Cycle parking has not been proposed and the site does benefit from space to provide this and therefore a condition will be attached requiring details of this to be submitted for approval.

9. EQUALITIES

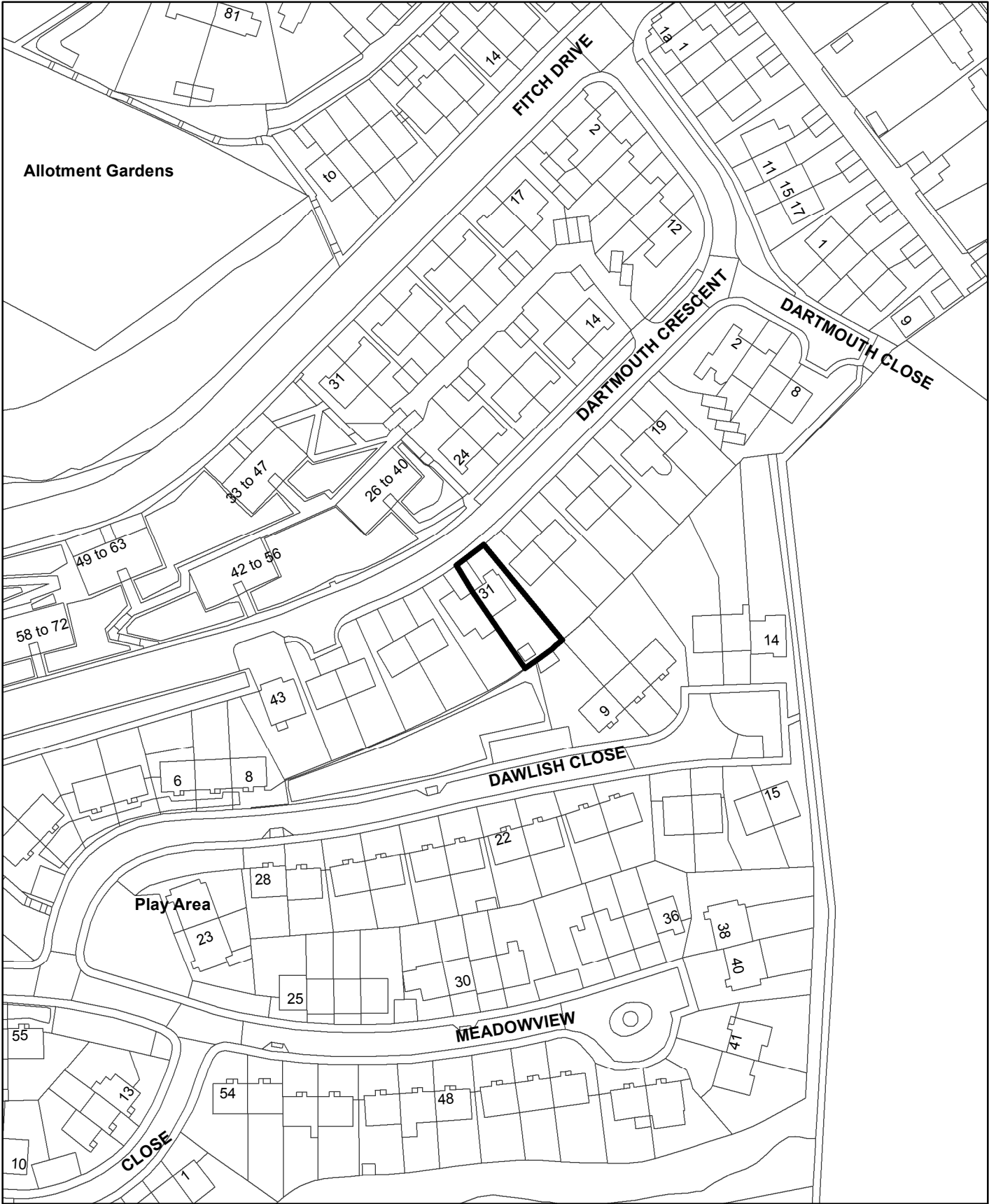
9.1 None identified.

ITEM G

**31 Dartmouth Crescent
BH2019/02844
Full Planning**

DATE OF COMMITTEE: 23rd March 2020

BH2019 02844 - 31 Dartmouth Crescent



Scale: 1:1,250

<u>No:</u>	BH2019/02844	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	31 Dartmouth Crescent Brighton BN2 4HY		
<u>Proposal:</u>	Change of use from single dwellinghouse (C3) to six bedroom house in multiple occupation (C4), with alterations to fenestration. (Retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	23.09.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Rivers Birtwell C/o Lewis _ Co Planning 2 Port Hall Road Brighton BN1 5PD		

Councillor Yates has requested this application is determined by the Planning Committee.

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.

Plan Type	Reference	Version	Date Received
Location Plan	01		23 September 2019
Proposed Drawing	02		23 September 2019

2. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 02, and shall be retained as such thereafter. The layout of the kitchen/dining/living room 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. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Within 2 months of the date of this permission hereby approved the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards

5. Within 2 months of the date of this permission hereby approved soundproofing of the party walls between 31 Dartmouth Crescent and 33 Dartmouth Crescent as detailed in the Design and Access Statement and shown on drawing Number 02 received on the 23rd September 2019 shall be implemented and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6. Within 2 months of the date of this permission hereby approved a 2m high close-boarded fence shall be erected along the side garden boundary between 31 and 29 Dartmouth Crescent to provide a screen between the ground floor side windows of the properties. The fence shall be retained in place thereafter.
Reason: To prevent a loss of privacy between the properties and in the interests of the residential amenity of the occupiers in accordance with policy QD27 of the Brighton and 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 an existing semi-detached dwelling house on the south east of Dartmouth Crescent. The two storey property is elevated from street level and has an integrated garage. Living accommodation is on the ground floor and three bedrooms and a family bathroom at first floor level.

- 2.2 The site lies within Moulsecoomb & Bevendean Ward which is one of the five electoral wards in Brighton to which an Article 4 Direction applies. The Article 4 Direction, introduced by the Council on 5th April 2013, removes the permitted development rights of C3 dwellinghouses to change to C4 small HMOs.

- 2.3 Planning permission is sought for the change of use of a (C3) dwellinghouse to a (C4) small house in multiple occupation with 6 occupants. Associated with the change of use, minor fenestration alterations are proposed and the provision of cycle storage within the garage.

- 2.4 A site visit has identified the property as being in HMO use and therefore the application description has been amended to retrospective. The external works have not been undertaken.

3. RELEVANT HISTORY

- 3.1 None.

4. REPRESENTATIONS

- 4.1 One (1) letter has been received objecting to the proposed development for the following reasons:

- Noise
- Traffic
- Parking
- Overdevelopment
- Impact on community resources
- Loss of family housing

- 4.2 **Councillor Yates** objects to the proposal. A copy of the letter is attached to this report.

5. CONSULTATIONS

5.1 Private Sector Housing: Comment

1. The applicant will need to apply for a HMO licence should the application be approved.
2. The applicant should refer to our HMO standards for guidance:
<https://www.brightonhove.gov.uk/sites/brighton-hove.gov.uk/files/HMO%20Standards%20online%20version%2031.1.18.pdf>

5.2 Planning Policy: No Comment

5.3 Sustainable 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);
- * 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
- CP12 Urban Design
- CP21 Student housing and Housing in Multiple Occupation

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

- TR7 Safe Development
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

- SPD14 Parking Standards

Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use including the impact on the surrounding area, standard of accommodation, the impact on neighbouring amenity, and transport issues.

8.2 Planning Policy:

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:

'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.'*

A mapping exercise has taken place, which indicates that there are 48 neighbouring residential properties within a 50m radius of the application site. Four (4) properties have been identified as being potentially in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 8.3%. Based upon this percentage, which is less than 10%, the proposal to change of use would be in accordance with policy CP21. The development is not considered to result in an concentration of HMO use in the immediate area. In regard to meeting the Councils housing targets, this application does not result in a net gain or loss in residential units. There remains the need to provide a range of housing types for our communities as identified by development plan policies.

8.3 Standard of Accommodation

In regard to the standard of accommodation proposed, HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.

Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards - National Described Space Standards March 2015 document states that "in order to provide one bed space, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide". The minimum floor space requires a head height of above 1.5m.

The proposed layout shows that all 6 of the proposed single bedrooms would be either 7.5m² or 7.6m² and are of good shape to allow for the necessary furniture required for each individual. All bedrooms are served with good natural light, and outlook.

The kitchen/dining space provides 23.5m² and the indicative layout shows adequate kitchen space and a siting area. Access to the garden is from this space. No separate living room is proposed and such spaces are important to allow for relaxation / socialising away from the kitchen area. However the shape and layout of the kitchen dining area does lend itself to a cooking and food preparation in one side of the room and siting area in the other. This is depicted on the plans. On balance therefore, it is considered that amenity layout is acceptable.

The proposed arrangement will provide two shower rooms with WCs and a third WC for use between the six occupiers.

Overall the size, layout and amenity space of the property is considered suitable for a small HMO of up to 6 occupiers. Given the amenity space, and given that

the bedrooms are single occupancy a condition to restrict the occupancy to 6 is not required.

8.4 Design and Appearance:

The proposed works which form part of this application are considered acceptable. Minor alterations to the fenestration of the side elevation are proposed to align with the new layout. An existing WC window at ground floor and a stairwell window would be blocked up and made good in matching brown brick. A new window would be installed to serve a bedroom at ground floor, whilst a slim, horizontal window would be added at first floor. A condition relating to matching materials would be required.

A refuse and recycling area is designated to the front of the site which remains as the existing arrangement and is acceptable.

8.5 Impact on Amenity:

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.

Six single-occupancy bedrooms are proposed where the existing C3 house would reasonably accommodate five occupiers given that there are 2no double and 1no single bedrooms showing on the existing floorplans. There would therefore be a small increase in the amount of activity associated with the change of use, but not to a significant level compared to the existing use. It is acknowledged that the change in the occupancy from a single dwelling to HMO occupation may result likely change to the demographic at the property but within the mix of dwelling types in the area, a small HMO use would not be incongruous, nor as compliance with policy CP21 has indicated, would it result in an overconcentration of this use.

The Applicant proposes soundproofing, over and above the requirements of building regulations, to be installed to the party wall with the adjoining property no33. As noted on the proposed plans soundproofing, capable of reducing noise transference by 56db is proposed for the party wall with no33 Dartmouth Crescent.

Although this is not standard practice, it is considered that this presents an opportunity to improve the soundproofing between the properties, and it is considered a favourable approach which demonstrates a commitment from the applicant limit the potential for noise and disturbance to neighbouring properties. This approach is compatible with Policy SU10 of the Brighton and Hove Local Plan. This will be secured by condition.

An additional window on the side elevation at ground floor level is proposed to serve one of the additional bedrooms. Subject to the boundary treatment between 29 and 31 Dartmouth Crescent being upgraded with a closed boarded fence, there would be no loss of privacy from the new window.

8.6 Sustainable Transport:

A small 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. The property benefits from an off-street car parking space. Dartmouth Crescent is not within a controlled parking zone and the current on-street parking situation is not considered to be under an identifiable strain.

Secure, covered cycle storage is proposed within the existing garage area. This is shown to be three Sheffield stands capable of securing six bicycles. The location, type and amount of cycle parking is considered acceptable.

9. EQUALITIES

9.1 None identified.

Name: Councillor Daniel Yates

Comment Details

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Residential Amenity
- Traffic or Highways

Comment: The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the council's ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the current and previously held licensing registers to check their impact on the 10% rule is properly taken into consideration.

I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm. "

Should the recommendation on this application be to approve I would like this application to come to committee please.

