

# Planning Committee

Date: 5 August 2020

Time: 2.00pm

Venue **Virtual via Skype: Please Note: In response to current Central Government Guidance. It is envisaged that this meeting will be "virtual", webcast live and accessible via Skype. Public engagement opportunities will be available.**

Members: **Councillors:** Littman (Chair), Osborne (Deputy Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Fishleigh, Henry, Janio, Shanks, C Theobald and Yates

Conservation Advisory Group Representative

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# AGENDA

## 22 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.*

## 23 MINUTES OF PREVIOUS MEETINGS

1 - 16

- (a) Minutes of the meeting held on 10 June 2020 (copy attached);
- (b) Minutes of the meeting held on 8 July 2020 (circulated separately)

## 24 CHAIR'S COMMUNICATIONS

## 25 PUBLIC QUESTIONS

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

## 26 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

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

## 27 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

*The Democratic Services Officer will collover each of the applications appearing on the agenda and those on which there are speakers are automatically reserved for discussion.*

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

### MINOR APPLICATIONS

- |   |  |                  |
|---|--|------------------|
| A | BH2020/00018, 18,19 Hollingdean Terrace, Brighton - Full Planning                        | <b>17 - 48</b>   |
|   | <b>RECOMMENDATION – GRANT</b><br><i>Ward Affected: Hollingdean &amp; Stanmer</i>         |                  |
| B | BH2020/00727, Hove Manor, Hove Street, Hove -Full Planning                               | <b>49 - 70</b>   |
|   | <b>RECOMMENDATION - GRANT</b><br><i>Ward Affected: Central Hove</i>                      |                  |
| C | BH2020/00867, 12 Sussex Road, Hove- Householder Planning Consent                         | <b>71 - 80</b>   |
|   | <b>RECOMMENDATION – GRANT</b><br><i>Ward Affected: Central Hove</i>                      |                  |
| D | BH2020/01365, 55 Baden Road, Brighton - Householder Planning Consent                     | <b>81 - 90</b>   |
|   | <b>RECOMMENDATION – GRANT</b><br><i>Ward Affected: Moulsecoomb &amp; Bevendean</i>       |                  |
| E | BH2020/01399, 7 Barrowfield Drive, Hove - Full Planning                                  | <b>91 - 114</b>  |
|   | <b>RECOMMENDATION – GRANT</b><br><i>Ward Affected: Hove Park</i>                         |                  |
| F | BH2020/00239, 186-187 Lewes Road, Brighton - Full Planning                               | <b>115 - 142</b> |
|   | <b>RECOMMENDATION – MINDED TO GRANT</b><br><i>Ward Affected: Hanover &amp; Elm Grove</i> |                  |

G	BH2020/01081, Park Manor, London Road, Brighton - Full Planning <b>RECOMMENDATION – GRANT</b> <i>Ward Affected: Withdean</i>	<b>143 - 154</b>
H	BH2020/01476, 19 Hill Drive, Hove - Full Planning <b>RECOMMENDATION – GRANT</b> <i>Ward Affected: Hove Park</i>	<b>155 - 168</b>
I	BH2020/01533, 89 Valley Drive, Brighton - Full Planning <b>RECOMMENDATION – GRANT</b> <i>Ward Affected: Withdean</i>	<b>169 - 180</b>
J	BH2020/01366, 71 Albion Hill, Brighton <b>RECOMMENDATION – GRANT</b> <i>Ward Affected: Hanover &amp; Elm Grove</i>	<b>181 - 196</b>

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

Please refer to comments set out at Item 26 above.

**INFORMATION ITEMS**

<b>29</b>	<b>LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE</b>  (copy attached).	<b>197 - 200</b>
<b>30</b>	<b>INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES</b>  (copy attached).	<b>201 - 202</b>
<b>31</b>	<b>APPEAL DECISIONS</b>  (copy attached).	<b>203 - 208</b>

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

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**FURTHER INFORMATION**

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

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Date of Publication - Tuesday, 28 July 2020



**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 10 JUNE 2020****SKYPE MEETING****MINUTES**

**Present:** Councillors Hill (Chair), Henry (Deputy Chair), Littman (Opposition Spokesperson), Miller (Group Spokesperson), Fishleigh, Janio, Shanks, C Theobald, Yates and Osborne

**Officers in attendance:** Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor), David Farnham (Development & Transport Assessment Manager), Matthew Gest (Planning Team Leader), Wayne Nee (Principle Planning Officer), Russell Brown (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer).

**PART ONE****1 PROCEDURAL BUSINESS****a) Declarations of substitutes**

1.1 Councillor Osborne attended as substitute for Councillor Mac Cafferty

**b) Declarations of interests**

1.2 Councillor Janio declared they would not take part in the debate for item D BH2020/00699 20-22 Gloucester Place. Councillor Hill declared they had received emails regarding item A and item H and they remained of a neutral mind. Councillor Yates declared they had received emails regarding item A and item H and they remained of a neutral mind.

**c) Exclusion of the press and public**

1.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

## 2 MINUTES OF PREVIOUS MEETINGS

- 2.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meetings held on 6 May 2020 and 20 May 2020 as a correct record following the changes listed below to the 20 May 2020 minutes:

Councillor Theobald requested the following change to paragraph 19:

*“There should be some kind of art component incorporated into the scheme without the £98,000 allocated in the s106 for art. The University of Sussex used to be a lovely sylvan setting with plenty of green spaces, trees and the famous Sir Basil Spence buildings. Now it will look more like a built up town.”*

## 3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair welcomed all present to this virtual meeting which was also being webcast and would be capable of repeated future viewing. In order for the meeting to run smoothly all presentations have been sent to the committee and Members have had time to ask questions of the Planning officers. The presentations are also online for viewing by members of the public. Addendums are also available for public viewing. Presentations have in general taken into account that no site visits have taken place. To confirm, a Members site visit has taken place to Black Rock – item A.

## 4 PUBLIC QUESTIONS

- 4.1 There were none.

## 5 ANSTON HOUSE, 137 -147 PRESTON ROAD, BRIGHTON- REQUEST TO VARY HEADS OF TERMS SECTION 106 AGREEMENT

- 5.1 The report asked the Committee to consider a request to vary the Heads of Terms of the Section 106 agreement dated 30<sup>th</sup> October 2017 in connection with planning permission BH2016/02499 to allow conversion of the approved development to a Build to Rent development.

Questions for the Officer

- 5.2 Councillor Littman was informed by the case officer – Luke Austin (Principal Planning Officer) that the s106 agreement is due to expire on 2 November 2020.
- 5.3 Councillor Fishleigh was informed that by the case officer that the District Valuer Service (DVS) report was completed in March 2020 before COVID-19 lockdown. To request a new report to reflect post COVID-19 costs would delay the commencement of the development.
- 5.4 Nicola Hurley (Planning Manager) informed the Committee that there was the review mechanism in the agreement would look at costs.



- 5.5 Councillor Miller was informed by the case officer that the discrepancies referred to in the report have been now been resolved. The bedroom types have not changed since the original permission was granted the mix of bedrooms to be rented would remain the same across all rents.
- 5.6 Councillor Theobald was informed by the case officer that 5% of the development would be wheelchair accessible.

Debate

- 5.7 Councillor Shanks felt the mix of affordable housing was good and found the scheme acceptable and should be passed by the Committee.
- 5.8 Councillor Miller felt the affordable housing was important and the committee should agree the application.
- 5.9 Councillor Yates welcomed the application and hoped it would go ahead as the site has been a blot on the landscape for many decades. Build to rent was considered the best way forward.
- 5.10 Councillor Theobald felt the building was ugly and the scheme not ideal and the 2016 scheme was better, however the development should go ahead.
- 5.11 Vote: The Committee voted unanimously agreed to the request to vary the Heads of Terms of Section 106 Agreement in connection with planning permission BH2016/02499.
- 5.12 **Resolved:** That the S106 Head of Terms with regard to Affordable Housing be varied in order to allow for a Build to Rent development, as set out in the report.

**6 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

- 6.1 The Chair explained that in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged. To reflect that in depth presentation material and visuals had been circulated in advance of the meeting and had also been appended to the agenda papers published on the council website. If, however, Members considered that they required more detailed information in order to determine any application a site visit could be requested either at this point on the agenda or at any point in the proceedings.

Following requests from committee Members, a site visit was undertaken to Black Rock - Item A - under COVID-19 guidelines.

**7 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS - CALLOVER**

- 7.1 The Democratic Services Officer read out Items 7 A to K. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion.

7.2 It was noted that the following item(s) were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:

- **Item C:** BH2020/00947 – Vardean College, Surrenden Road, Brighton - Removal or Variation of Condition
- **Item G:** BH2020/00206 – Hove Park Nevill Campus, 38 Nevill Road, Hove - Full Planning
- **Item J:** BH2020/00235 – Flat 39 Guildford Road, Brighton - Full Planning
- **Item K:** BH2020/00791 – 47 Eley Drive, Brighton - Householder Planning Consent

**A BH2020/00442 - Black Rock Site and Surroundings, Madeira Drive, Brighton - Full Planning**

1. Wayne Nee (Principal Planning Officer) introduced the report and informed the committee that following finalising of the report, the Environment Agency (AE) had submitted further comments and further letters of objection had been received relating to highway issues. Some minor changes to the conditions have been made available to the committee via addendum to the agenda. The officer commented that the PowerPoint presentation slides 4, 5 and 6 showed the proposed block plan not the existing. The AE comments related to the sea wall design. The County Ecologist comments agreed with the table top assessment that had already taken place. The letters of objection expressed concerns the proposed access to Black Rock via the marina would encourage access to the ASDA car park.
2. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of development, and the impact on the visual amenities of the public areas, the listed buildings, the street scene and the wider Conservation Areas, as well as the setting of listed buildings within the locality of the site. Other main considerations include the impact on highways, changes of use, ecology, trees, neighbouring amenity, and sustainable drainage.

Questions for Officers

3. Councillor Littman was informed that the new conditions related to the sea wall design. The Reading Rooms use will be flexible with further clarification coming from the applicant. The consideration of the wildlife site formed a significant part of the decision process. The loss of the Local Wildlife Site (LWS) is an issue and extensive discussions were held at the pre-application stage. A very thorough assessment was held. The replacement site was considered on balance to be acceptable. The LWS will be supported in the new location. Condition 9 of the report relates to the submission of a Landscape and Ecological Management Plan (LEMP), with condition 8 relating to the need for a Ecological Design Strategy assessment.

4. David Farnham (Development and Transport Assessment Manager) informed Councillor Littman that the Black Rock design team has submitted an Approval In Principle (AIP) document to the Council's Highways Structures team to agree on the results of the assessment and any remedial works going forward. This has been submitted and is being looked at. No conclusions or adoptions have been reached.
5. Councillor Theobald was informed that the Volks railway being extended into the Marina did not form part of the scheme. The improvements to access would be for pedestrians and cyclists. The application allows Black Rock to be used for temporary events and changes to the coach parking are not proposed. The Development and Transport Assessment Manager stated that changes may come at a later date in order to allow safe crossing points for pedestrians. It was also confirmed by the case officer that the Kempton slopes would have improved landscaping as part of the proposed scheme.
6. Councillor Fishleigh was informed that cost of the new nature area did not form part of the application as it was not a planning consideration. The case officer commented that the landscaping conditions 8 & 9 covered this important element of the scheme. It was also noted that the multi use games area included in the scheme will be temporary to start with. The Development and Transport Manager informed the Councillor that the construction traffic routes to and from the site have not been agreed yet. They commented that under Condition 3 no development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP will need to include construction traffic movements.
7. Councillor Janio was informed by the Development and Transport Manager that the information provided by an applicant needed to be proportionate to the scheme submitted. For this application this did not include a model for the all the traffic issues created by developments across the city. The scheme has submitted information relating to traffic issues around Dukes Mound junction with A259 only.
8. Councillor Osborne was informed that the late list conditions included a scoping report submitted to the Environment Agency (EA). The applicant's agent, Alex Williams, stated that the sea wall condition in the late list related to how the wall would be set back on the beach. They also stated that the Water Framework Directive (WFD) assessment was not needed. The case officer confirmed that the EA had no further comments as the assessment was not needed.

#### Debate

9. Councillor Janio commented that the Council should look at all the traffic and transport issues across the city. The Councillor stated they supported the scheme.
10. Councillor Fishleigh expressed concerns regarding the effects of scheme on the traffic on A259, as previous and ongoing construction works have had a big impact on the city. The Councillor proposed two conditions be included in the recommendation: 1. Any changes to the A259 road layout would require traffic lights and 2. Construction traffic routes should not be through the city centre.

11. The Planning Manager stated that with regard to No.2, the issues were already covered in the conditions of the officer recommendation. For No.1 the Members should consider the application before them. The Senior Solicitor agreed with the comments made by the Planning Manager and confirmed that an informative regarding construction traffic not going through the city centre was possible if the committee wished.
12. Councillor Fishleigh noted the comments and expressed further concerns as the A259 Action Group were worried about the impact of construction traffic on the road.
13. Councillor Miller supported Councillor Fishleigh's comments regarding highways. Councillor Miller also felt that the proposed development was a great scheme and a good investment in the city as the site had been empty a long time. The committee were asked to support the proposal and to be careful of temporary uses suggested in the scheme.
14. Councillor Theobald felt the scheme was complicated and it was a shame that the Volks railway would not be extended. The improvements to pedestrian and cycle ways were welcomed. Overall a good scheme for the Black Rock area.
15. Councillor Shanks did not feel a condition relating to highways was necessary and wished the scheme to voted on as it stood.
16. Councillor Hill requested a proposer and seconder for an informative relating to highways.
17. Councillor Fishleigh proposed an informative to the scheme stating that construction traffic should not pass through Brighton city centre.
18. Councillor Miller seconded the proposal.
19. The Chair invited the committee to vote on the proposal and by a vote of 5 to 2, with 3 abstentions the new informative was agreed.
20. The Chair invited the committee to vote on the application with the additional informative and by a unanimous vote planning permission was granted.
21. **Resolved:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the officer's report and resolves to be **MINDED TO GRANT** planning permission subject to a Unilateral Undertaking and the Conditions and Informatives laid out in the officer's report, **SAVE THAT** should the Unilateral Undertaking Planning Obligation not be completed on or before 2<sup>nd</sup> September 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 11 of the report.

## **B BH2020/00325 - Avon Court, Dallington Road, Hove - Full Planning**

1. Russell Brown (Senior Planning Officer) introduced the application and stated there were no new updates for the committee. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and included on the council website details of the scheme by reference to site plans, elevational drawings and photographs.

The main considerations in the determination of this application relate to the principle of development, the design of the extensions, their impact on neighbouring amenity, on highways and the proposed standard of accommodation.

#### Speakers

2. Ward Councillor Peltzer-Dunn spoke to the committee and noted that neighbours to the site had expressed concerns regarding the proposals. The property has a checkered history and is located on a sloping site. The neighbours have raised concerns about over-looking, which is considered to increase by 150% above the current situation. It is noted that design is not a Planning issue, however, the noise and disturbance created by the development would be. Councillor Peltzer-Dunn asked the committee to refuse the application.

#### Questions for Officer

3. Councillor Theobald was informed that the distance between the proposed dormer to the neighbour's dormer was 11 metres.
4. Councillor Littman was informed that dormers on front elevations were allowed under certain circumstances and there are other dormers in the area. The proposal is considered acceptable under Policy SPD12 – Design Guide for Extensions and Alterations.
5. Councillor Shanks was informed that the application is not considered to set a precedent and each application is taken on its own merits. The design is considered to be high quality and to comply with Policy guidance.

#### Debate

6. Councillor Littman thanked the officer and commented that they felt unhappy about the proposals as the design would interrupt the continuity and they were against the officer recommendation to grant Planning permission.
7. Councillor Theobald had visited the site and felt the development would spoil the road which is very narrow. The dormers proposed for the rear elevation would create an overlooking issue and they were against the officer recommendation to grant Planning permission.
8. Councillor Miller agreed with others and stated they were against the officer recommendation to grant Planning permission.
9. Councillor Yates agreed with Councillors Miller and Littman and stated they were against the officer recommendation to grant Planning permission.
10. Councillor Janio stated they had made a site visit and had no problems with the development and supported the application.
11. The Chair invited the committee Members to vote.

12. With a vote of 5 to 5, the Chair cast an additional deciding vote and Planning permission was granted.
13. **Resolved:** 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 Conditions and Informatives in the officer's report.

**C BH2020/00947 - Varndean College, Surrenden Road, Brighton - Removal or Variation of Condition**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

**D BH2020/00699 - 20-22 Gloucester Place, Brighton - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in the determination of this application relate to principle of the development, the impact on the character and appearance of the streetscene, conservation area and on the setting of nearby listed buildings, neighbour amenity, highways and sustainability issues.

Questions for Officers

2. Councillor Theobald was informed that it was not known if the brass plaque that had been removed would be replaced.
3. Councillor Littman was informed that the application had been called into committee by the Conservation Area Group (CAG) opposition.

Debate

4. Councillor Henry stated they supported the application.
5. Councillor Theobald felt the proposals were better than the existing and would be voting for the application. The Councillor requested that the plaque be kept.
6. The Chair invited the committee to vote: on a vote of 9 to 1 Planning permission was granted with a new informative: The brass plaque to the front of the building shall be retained and protected throughout the works to the building.
7. **Resolved:** 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 Conditions and Informatives in the officer's report and agreed at Committee.

**E BH2020/00187- 29 Woodbourne Avenue, Brighton - Removal or Variation of Condition**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the impact of the retention of the cladding to the side gable on the host dwelling and wider streetscene.

Speaker

2. Ward Councillor Wares addressed the committee and stated they supported the application which the officer has recommended for refusal. The area has hundreds of homes with differing architectural designs all of which are very different. In the area there are many designs and many finishes with dormers on front, back and side elevations and many Velux windows. There is also a number of properties with parking in the front garden. The Councillor felt that the application could not be harmful in this very varied area and on balance the committee should grant permission.

Questions for Speaker

3. Councillor Miller noted from a digital mapping website that the area was very varied with dormers on other properties. Councillor Wares informed the Councillor that in their opinion there were others in the area that were far less sympathetic to the street scene and this application was not out of keeping.

Speaker

4. Ian Coomber addressed the committee on behalf of the applicant and wanted to underline Councillor Wares comments. Properties in the area are very varied some with cladding. It is understood that cladding would be an issue in a Conservation Area, however, this property is not in a Conservation Area. Many changes have taken place in the area and careful consideration needs to be taken of the context and character of the area. It was considered that the variety of designs has added to the area. The committee were asked to overturn the Planning officer's recommendation and approve the application.
5. Matthew Guest (Planning Team Leader) noted the many styles in the area and felt that many would not get approval under current policies. The general approach now was that materials should match on the property and side gables should relate to the whole property.

Debate

6. Councillor Miller agreed with Councillor Wares and considered the application to be a minor change and they were against the officer's recommendation to refuse the application.
7. Councillor Theobald stated they had visited the site and the additions did not look like a dormer and it was not very visible in this varied area. Councillor Theobald stated they were against the officer's recommendation.

8. Councillor Janio stated they wanted policy to be applied evenly and they were against the officer's recommendation.
9. Councillor Hill agreed with other Members and felt they had been swayed by the speakers and stated they were against the officer's recommendation.
10. The Chair invited the Committee to vote.
11. On a vote of 9 to 1 the officer's recommendation was turned down.
12. The Chair requested a proposer for an alternative recommendation.
13. Councillor Miller proposed the application be approved on the grounds that the proposal would not harm the appearance of the property and does not relate poorly to the dwelling. Councillor Shanks seconded the proposal.
14. The Chair invited the committee to a recorded vote.

Councillors Hill, (the Chair), Henry, Theobald, Fishleigh, Janio, Osborne, Miller, Shanks and Yates voted that Planning permission be granted. Councillor Littman voted that planning should not be granted. Therefore, on a vote of 9 to 1 planning permission was granted.

15. The Senior Solicitor requested that the Planning Manager should agree the wording of the approval. This was agreed by the committee.
16. **RESOLVED:** That planning permission be Granted and the final wording of the decision to be agreed by the Planning Manager in consultation with the proposer and the seconder.

## **F BH2019/00694 - 105 Woodland Drive, Hove - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in the determination of this application relate to:
  - The principle of the development;
  - The impact on the appearance of the site and the conservation area;
  - Impact on trees/ecology;
  - Standard of living accommodation;
  - Neighbour amenity;
  - Sustainable transport/highways issues and;
  - Sustainability.
2. Matthew Gest (Planning Team Leader) updated the committee that some of the trees on slide 21 of the presentation were to be retained and slide 19 was still correct. An



additional condition to protect trees during development had been added and further letters of objection have been received including from Ward Councillor Bagaeen.

Questions for Officers

3. Councillor Littman was informed that there were no Tree Preservation Orders (TPO) on the site and there were several landscaping conditions attached to the report.
4. Councillor Shanks was informed that the trees to be removed included Cypress trees.

Debate

5. Councillor Theobald stated they had visited the site and noted the house would be prominent on the site. Councillor Theobald expressed concerns that tree roots would be damages during construction works and noted that the existing garden was very small, CAG had opposed the application and surrounding area would be affected by the proposal. Councillor Theobald stated they were against the application.
6. The Planning Team Leader reiterated the number of floors to be 3 not 4.
7. The Chair invited the committee to vote: on a vote of 5 to 3 and 2 abstentions Planning permission was granted.
8. **Resolved:** 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:

**G BH2020/00206 - Hove Park, Nevill Campus, 38 Nevill Road, Hove - Full Planning**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

**H BH2020/00724 - 2 Dyke Close, Hove - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the impacts of the proposal on the character and appearance of the host building and wider streetscene, and the impacts on the amenities of local residents. Also, of consideration are the impacts on the adopted highway and existing biodiversity.

Speaker

2. Ian Coomber (Planning Agent) addressed the committee on behalf of the objecting neighbours and stated that there was no opposition to extending the property, however, this proposal was too big. Applications have been submitted for the site previously and refused at appeal for overlooking issues and harm caused to No.1 Dyke Close. The

sustainability of the scheme is applauded, however, it requested that the application be refused, and a less harmful application submitted.

#### Questions for Speaker

3. Councillor Fishleigh was informed by the speaker that the close neighbour to the north east of the application site has permission to install a large window to the rear elevation of a room currently used as a children's play room. Should this window be installed the application at No.1 would cause harm to the neighbouring property.

#### Speaker

4. Ward Councillor Bagaean addressed the committee and stated their support for the application. The Councillor noted that the ground map in the report was wrong and they had visited the site last summer. The committee were invited to look at digital mapping online to see if there were any overbearing impact on the cul-de-sac location. The recommendation to refuse was not good for the Planning department and applications should be dealt with even-handedly. Application outcomes are very important. It was noted that the neighbouring window has not been implemented. The committee were invited to permit the application.

#### Speaker

5. C Barker addressed the committee as the applicant's representative and noted that a refusal on the grounds of overbearing impact would be subjective and the application should not be considered to affect No.1 Dyke Close. The scheme refused at appeal did not affect sunlight to the neighbouring property and neither does this application. It was noted that the neighbours have not implemented the rear elevation window that might be affected by the proposal. No.1 has large outside areas and only 3.3% would be affected by the proposal. The pool in the rear garden is more than 20 metres from the proposal and there would not be an overbearing or harm caused by the scheme. No.1 would not be impinged by the development.

#### Questions for Speaker

6. Councillor Fishleigh was informed that the proposal would not overlook the pool at No.1 Dyke Close.

#### Questions for Officers

7. Councillor Theobald was informed that the proposal included the removal of one chimney stack and no trees.

#### Debate

8. Councillor Shanks supported the scheme and felt it should go ahead.
9. Councillor Miller supported the scheme, which they felt was an improvement and stated they were against the officer recommendation to refuse.

10. Councillor Theobald stated they had visited the very large site and noted there could be overbearing and overshadowing impact on No.1 Dyke Close. The Councillor felt the proposal may be too big, however, they were not sure.
11. The Chair invited the committee to vote: on a vote of 7 to 3 planning permission was refused in line with the officer's recommendation.
12. **Resolved:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the officer's report and resolves to **REFUSE** planning permission for the reasons set out in the report.

## I **BH2020/00776 - 6 Princes Crescent, Hove - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in the determination of this application relate to the principle of the demolition/dismantlement and subsequent development; the design and appearance of the proposed dwellinghouse and the impact it would have on the historic significance of heritage assets in the vicinity; and the impact on the amenities of local residents. Consideration is also given to the potential impact on the adopted highway and on local biodiversity.

### Speakers

2. Ward Councillor Appich addressed the committee and stated that the applicant had struggled to remain within Planning guidelines and could have built the previously approved scheme. The new design appears to deal with neighbour's objections. The committee were requested to grant permission for the application.
3. The Planning Manager informed the committee that the report contained an error at paragraph 8.13 which should read Conservation Areas not Listed Building.
4. The Senior Solicitor confirmed that the affect on the nearby listed building was still relevant.

### Questions for Officers

5. Councillor Fishleigh was informed that the dormer windows would have obscure glazing as they serve hallways only.
6. Councillor Shanks was informed that the policy relating to demolition did not apply to the application. The case officer and the Heritage Team received confirmation of the justification for demolition from applicant as materials were to be used in the new building.
7. Councillor Theobald was informed that the cobbled wall will be replaced as part of the proposed conditions.

### Debate

8. Councillor Henry stated they were against demolition; however, they were comforted by the report and Heritage work undertaken.
9. Councillor Theobald agreed that the demolition of the existing building was a shame, however, they supported the application.
10. The Chair invited the Committee to vote: On a vote of 8 to 2 Planning permission was granted.
11. **Resolved:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the officer's report.

**J BH2020/00235 - Flat, 39 Guildford Road, Brighton - Full Planning**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

**K BH2020/00791 - 47 Eley Drive, Brighton - Householder Planning Consent**

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

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

1. There were none.

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

- .1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

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

1. There were none.

**11 APPEAL DECISIONS**

- .1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 5.43pm

Signed

Chair

Dated this

day of



# **ITEM A**

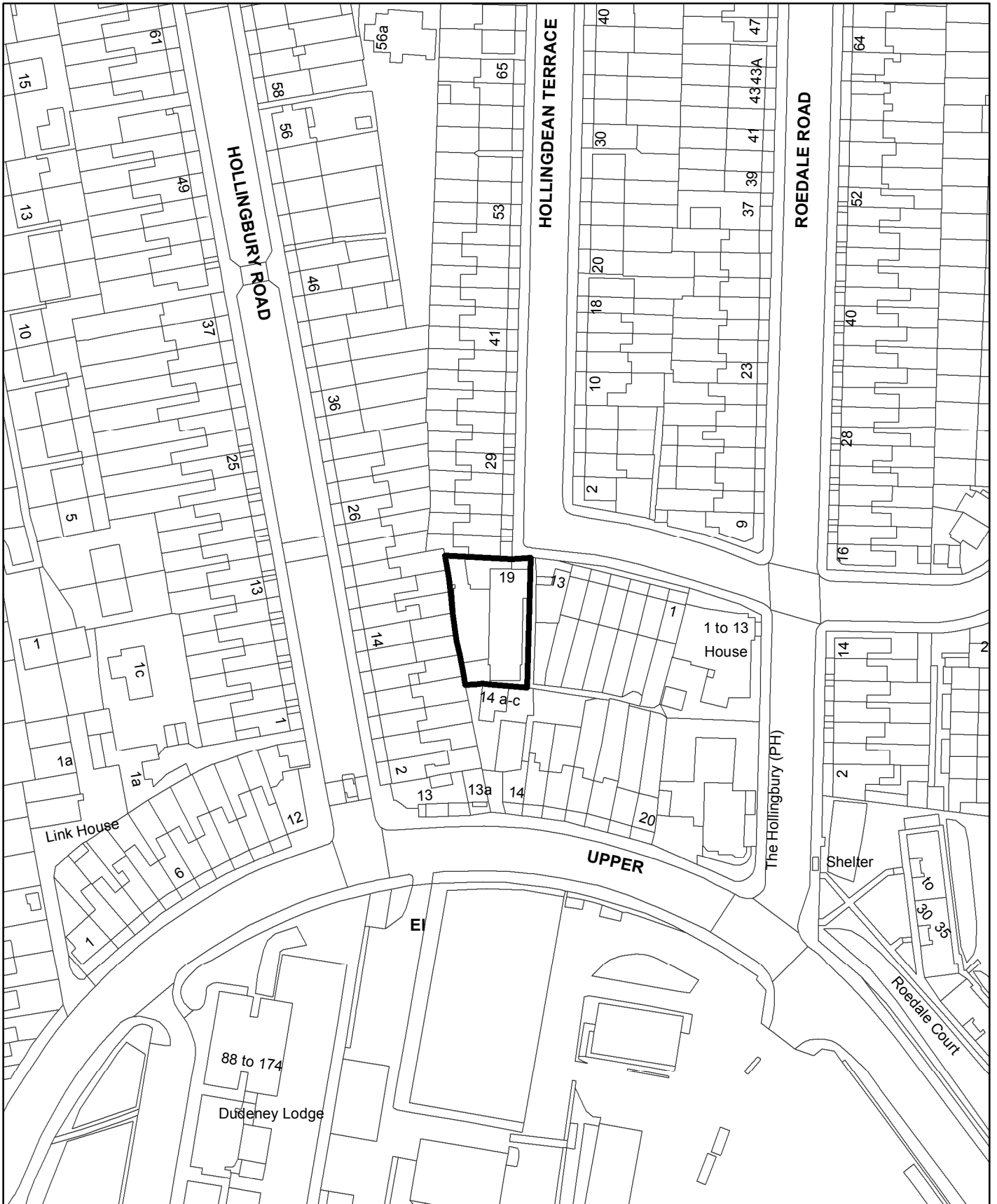
**19 Hollingdean Terrace  
BH2020/00018  
Full Planning**

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





# BH2020 00018 - 19 Hollingdean Terrace



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00018</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>19 Hollingdean Terrace Brighton BN1 7HB</b>		
<b><u>Proposal:</u></b>	<b>Demolition of the existing buildings (Sui Generis) and dwellinghouse and erection of buildings containing flexible floor space (B1a/b/c) and four residential dwellings comprising 3, two bedroom two storey houses and a two bedroom flat with landscaping.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 296520	<b><u>Valid Date:</u></b>	14.01.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	10.03.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Whaleback Trinity Cottage Boxgrove Chichester PO18 0NW		
<b><u>Applicant:</u></b>	Mrs Patricia Camping C/o Whaleback Trinity Cottage Boxgrove Chichester PO18 0NW		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and Block Plan	TA 1208 /01		03 January 2020
Block Plan	TA 1208 /09	A	07 April 2020
Proposed Drawing	TA 1208 /10	C	15 May 2020
Proposed Drawing	TA 1208 /11	D	10 July 2020
Proposed Drawing	TA 1208 /12	C	10 July 2020
Proposed Drawing	TA 1208 /13	B	10 July 2020
Proposed Drawing	TA 1208 /14	A	03 January 2020
Proposed Drawing	TA 1208 /15	A	27 February 2020
Proposed Drawing	TA 1208 /16	A	03 January 2020
Proposed Drawing	TA 1208 /17	A	15 May 2020
Proposed Drawing	TA 1208 /18	A	15 May 2020
Proposed Drawing	TA 1208 /19	A	03 January 2020
Proposed Drawing	TA 1208 /20	A	03 January 2020
Proposed Drawing	TA 1208 /21	A	15 May 2020
Proposed Drawing	Transport Statement		06 April 2020

Proposed Drawing	Sunlight Impact Assessment		03 June 2020
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2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. No development, excluding demolition, of the scheme hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
  - a) physical samples of all brick, render and tiling (including details of brick bond, pointing and mortar as well as the render colour); and
  - b) specifications for the proposed windows, doors, lead cladding, fascias, rainwater pipes and gutters.
 Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies QD5 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
  
4. The new hard surfaces hereby approved, shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding from run-off and rain water and increase the level of sustainability of the development in compliance with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.
  
5. Prior to the first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include type, position and materials;
  - b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes;
  - c. details of all boundary treatments, including the bollard, to include type, position, dimensions and materials.
 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of future occupiers and to comply with Policies QD15

and QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained tree, in accordance with BS 5837:2012, including a Tree Protection Plan (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 tree the subject of a TPO and which is 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, CP12 of the Brighton & Hove City Plan Part One and SPD06.
7. No development, excluding demolition, of the scheme hereby permitted shall take place until full details of all new windows (including their reveals and sills) and doors including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies QD5 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
8. The first floor windows in the west-facing elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy QD27 of the Brighton & Hove Local Plan.
9. No extension, enlargement, alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with Policies QD5 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
10. 11 swift bricks shall be incorporated within the external walls 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 SPD11.

11. 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 Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
12. The development hereby permitted shall not be occupied until a scheme for separate and secure cycle parking facilities for the occupants of, and visitors to, the office and residential units 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.
13. Within three months of the date of first occupation a framework travel plan for the office and residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include the following:
  - i) evidence that a three year car club membership shall be offered to future occupiers of each dwelling and the commercial space;
  - ii) details of pedestrian and cycle routes in the local area; and
  - iii) public transport timetable / maps.The framework travel plan shall thereafter be fully implemented in accordance with the approved details.  
**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with Policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
14. 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.
15. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One.

16. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
17. The office use hereby permitted shall not be carried out except between the hours of 07:00 and 19:00 on Mondays to Fridays and 08:00 and 17:00 on Saturdays, and not at all on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 8.
3. Swift bricks be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The water efficiency standard required under Condition 15 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.

6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).

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

- 2.1. The application site is located at the south-western corner of Hollingdean Terrace and is comprised of single storey buildings occupying most of the site collectively identified as 19, 19A and 19B Hollingdean Terrace with the largest building known as 'Coachwerks'. This building has a roller shuttered front entrance and been much altered on an ad-hoc basis. At present it is in mixed use containing a variety of non-self-contained uses (Sui Generis) including a grocery shop (the only part that is regularly open to the public), several artist / craft studios, a music / recording studio, a photography dark room, a printing studio and communal areas. The other main building is a self-contained residential studio (Use Class C3) within the pitched roof building to the north-western corner of the site.
- 2.2. The road is predominantly residential, characterised by two storey terraced dwellings, although immediately to the east is a modern terraced development (nos. 1-13) and a four storey flatted building to the corner of Hollingdean Terrace and Roedale Road (Harrington House).
- 2.3. The building does not lie within a conservation area, is not a listed building or in the vicinity of one and is not within a Controlled Parking Zone (CPZ), although CPZ G is immediately to the west on Hollingbury Road. The Sycamore tree on site is the subject of a Tree Protection Order (TPO).
- 2.4. Planning permission is sought for the demolition of all the existing buildings and the erection of buildings containing flexible office/light industrial floor space (Use Classes B1a/b/c) and four residential dwellings (Use Class C3) comprising 3, two bedroom two storey houses and a two bedroom flat with landscaping and cycle parking. Changes were made during the course of the application to add a bollard preventing vehicle access, to the location of the cycle and refuse storage and to retain the protected tree.

## **3. RELEVANT HISTORY**

- 3.1. **BH2001/02168/FP**: Demolition of existing bungalow & replacement with 2 storey house. Refused 23 July 2002



- 3.2. **BH2007/04273:** Demolition of existing buildings and change of use from B1/B2 to residential. Erection of 7 x 2 bedroom live/work units with the provision for 10 cycle spaces. Withdrawn 21 February 2008
- 3.3. **PRE2019/00177:** The demolition of the existing building and the construction of a three storey office (B1) building and four, two storey dwellings (C3), together with landscaping, cycle spaces and refuse storage. Advice issued 28 August 2019:
- The principle of development is objectionable due to the loss of an existing employment site, and it has not been demonstrated that the site would be unsuitable for continued use solely for employment;
  - The provision of three new net dwellings would, however, be supported subject to the site layout being revised and the proposals otherwise being of a high design quality;
  - The impact upon neighbours from the proposed site layout raises sunlight, daylight, overshadowing and privacy concerns;
  - The proposed site layout also provides substandard accommodation for future occupiers in terms of the lack of natural light, outlook and a useable external amenity space, as well as noise and disturbance from office workers passing by in front of the proposed dwellings.

#### 4. REPRESENTATIONS

- 4.1. **Eighty one (81) objections** from separate properties, of which five would be directly affected by the proposed development, were received raising the following concerns:
- The loss of a protected tree
  - The serious intensification in use of a site with restricted access and road space
  - There is no car parking provision
  - Domestic deliveries would be more difficult and would cause congestion
  - The planning history has been distorted to help support the proposal
  - The proposal attempts to ignore the site's employment use and shift perception of its use from B1 to Sui Generis, despite a change of use not previously being required
  - If the building was fully demolished, the environmental impact during construction would be proportionately larger than other similarly sized sites. There is no indication that current materials on site would be re-used
  - Knotweed may linger deep within the soil, which would be uncovered by demolition.
  - Affordable workspace, which is essential for start-ups, cannot be provided within new buildings or those that have undergone significant refurbishment
  - Existing tenants would be unable to take the new B1 space as their businesses would fail during the construction period because there is nowhere for them to go locally at affordable rents, and the new units would cost most than their current rent

- The layout of the B1 space is not viable for most businesses needing employment space due to deliveries, access and proximity to residential
- The building's demolition is not supported since it is a much-used community hub
- The proposal would worsen the parking problem at this end of Hollingdean Terrace
- It would cause noise, dust, dirt, air pollution and traffic to the residents in the immediate vicinity and would exacerbate health problems
- The area's utilities might not be able to sustain the extra strain imposed by this build
- Coachwerks provides a focal point for the local community and should not be turned into another characterless money spinning development
- The proposed housing density is far too high, leaving each dwelling without an adequate garden for safe play, washing hanging, food growing and storage
- It is unclear how each of the dwellings would be accessed by visitors / tradespeople
- The new dwellings will be higher than the existing building thus reducing privacy, the light and views of the sky / visual amenity for neighbours
- The proposed two storey development is too close to all boundaries
- The claim about use of bikes by future occupiers of the site cannot be substantiated
- The new housing amounts to unwelcome intensification / overdevelopment
- Harmful overspill parking from the new homes and offices would result as the street is increasingly used by non-residents who park here instead of in their own CPZ
- The proposed development could negatively affect house prices in the area
- The proposal seems not to consider the privacy and well-being of future inhabitants
- The land is subsiding which would put a strain upon it
- A climate emergency should override a new development, especially when it involves demolishing a useful local resource and risks increasing the area's carbon footprint. It is at odds with BHCC's commitments to become a carbon neutral city and to developing sustainable communities
- This area is already short on community facilities
- The proposed dwellings will be crammed between the existing with limited access
- The Coachwerks site is an Asset of Community Value (ACV)
- The employment spaces are just a token gesture
- Doing away with an interesting space would result in a bland and monotonous area
- This proposal includes the demolition of the dwelling on site, which would make two people homeless
- There is no need for additional housing in the area
- Squeezing another 3 or 4 dwellings into this land space will likely create more carbon emissions; these should be kept low

- Enough space should be provided for bin storage to cope with the waste produced
- 4.2. **Two (2)** representations of support were received for the following reasons:
- The current place is not very community oriented or welcoming to others
  - This sort of mixed use development should be encouraged so that commercial B1 spaces are retained and homes are added. Increased density is good for the city, the environment, public transport and housing needs
  - It makes the most of building up and filling in space
  - There is no material justification for rejecting this development and with the housing crisis as it is, the city should be stimulating opportunities like these
- 4.3. **Councillors Osbourne and Fowler** have objected to the application as submitted. Copies of the correspondence is attached to the report.

## 5. CONSULTATIONS

### 5.1. Planning Policy:

The proposal would result in the net loss of approx. 1,232m<sup>2</sup> floorspace and approx. 15 studio / workshop spaces, which are considered likely to provide affordable, flexible workspace for a range of creative industries. Creative industries are acknowledged as having a key role in the local economy, with there being a local need for workspace that meets their needs, as identified in the Creative Industries Workspace Study 2008.

- 5.2. The applicant states that the lawful use of the site is C3 and Sui Generis, with the Sui Generis part being as such due to it being “one planning unit” within which none of the activities have a primary, ancillary or incidental relationship to each other. It is recommended that the Case Officer seek legal opinion on this point.
- 5.3. The applicant also states that the Sui Generis use is lawful by virtue of the passage of time. Images from street view are provided which appear to show the site being occupied by the Coachwerks since April 2009. However, street view images available online also show the site without Coachwerks signage in 2012. It is therefore not considered conclusive that the site has been in this continual use since 2009. It is recommended that a Lawful Development Certificate should be sought to confirm the use.
- 5.4. The applicant also states that the building was previously in use as a coach depot and repair centre, and car repair garage and MOT centre, which they consider to be classed as Sui Generis uses. However, planning application BH2007/04273 for this site, which was subsequently withdrawn, describe the site as being of B1/B2 use.
- 5.5. **Following clarification and further information being provided, the following comments were given:**

It is noted that the case officer has since sought legal clarification on the legal use of the site, in relation to it being one planning unit, and this has been confirmed to be the case. It is also acknowledged that additional information has been submitted by the applicant to demonstrate that the site has been in this use continuously since 2008. No further issues are raised with this.

- 5.6. Given above, the requirements of Policy CP3 do not apply. Although there is no policy to explicitly protect sui generis uses, the site evidently provides affordable, flexible workspace for a range of creative industries.
- 5.7. The proposal would deliver 168m<sup>2</sup> modern flexible B1 (a, b ,c) floorspace comprised of two smaller rooms of 11m<sup>2</sup> and 18m<sup>2</sup>, and two larger rooms with potential for subdivision. Delivery of new B1 floorspace contributes towards meeting the need for it over the plan period as recognised in CP2.3. However, the proposal would result in the loss of commercial floorspace and the uptake of this new B1 workspace by some of the existing occupants of The Coachwerks cannot be guaranteed.
- 5.8. The existing dwelling on site is approx. 22m<sup>2</sup> GIA and therefore does not meet the Nationally Described Space Standards. The proposal would result in 4 new dwellings, with a net gain of 3, therefore contributing to the city' housing target, identified under Policy CP1. All new dwellings exceed the NDSS.
- 5.9. 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).
- 5.10. As a windfall site, Policy CP19 requires proposals to have considered housing mix and local assessments. All dwellings provided would be 2 bed. Local assessments indicate that the greatest demand for market housing is for 2 bed units (34%). However, there is also demand other sizes, including for 1-bedroomed units (24%) and 3-bedroomed units (31%). The applicant could consider whether one of the units could be delivered as a 3 bed unit in order to help meet the identified need for family housing.
- 5.11. All dwellings have private outdoor amenity space. There is also a communal courtyard area. No issue raised with Policy HO5.
- 5.12. Although the applicant states that some of the requirements of policy CP8 will be met in relation to energy and water standards, the applicant does not appear to have submitted a Sustainability Checklist nor addressed how other requirements relating to CP8 will be implemented; this should be requested.
- 5.13. There is no on-site car-parking provision for the dwellings or employment floorspace. Cycle parking is shown on the proposed site plan, but it is not

clear whether this meets the requirements set out in SPD14 Parking Standards.

- 5.14. The entire site is covered by a TPO. The proposal seeks to remove an existing tree on site. Comments from the Arboriculturalist should therefore be sought.
- 5.15. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A fully completed SWMP with sufficient information to demonstrate compliance with that policy will be required by condition.
- 5.16. The plans submitted show the specific location of bin stores and there is no issue with this in compliance with Policy WMP3e.
- 5.17. In summary, although the proposal would result in the loss of affordable, flexible workspace for a range of creative industries, there is no basis to object to this proposal on the grounds of the loss of sui generis uses.
- 5.18. **Transport:**

With regards to any potential parking associated with the development the applicant states that the site would be car-free and that "*There is a Controlled Parking Zone in place in the area surrounding the site which would ensure that harmful overspill parking would not result*". The site, however, is in an uncontrolled area on the edge of two Controlled Parking Zones (CPZs), G and J.
- 5.19. SPD14 Parking Standards states: "When applications are considered for developments which do not provide on-site parking to address the demand they may create, the impact of potential overspill parking needs to be considered. These impacts may include localised increases in demand for on-street parking which can cause highway safety risks and can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase... Outside of the CPZ's, the Local Planning Authority will usually not be in a position to control overspill parking associated with proposed developments. In such locations, the applicant will be required to demonstrate the likely parking demand associated with the proposed development; the capacity for on-street parking in the immediate vicinity of the site and in the surrounding area; and any mitigation measures which are proposed as part of the supporting case for the planning application".
- 5.20. In this instance there is concern that parking in the vicinity of the site may be high. It is considered that due to the site's location on the edge of a CPZ, within streets that are not restricted, there is likely to be a problem from parking overspill already occurring due to resident and visitor parking associated with the neighbouring CPZ(s) who may be unable to park in their zone or wishing to park for free.

- 5.21. Therefore, the applicant is required to provide an independent transport report of the current parking situation and forecast demand / impact of the new development. It must also give consideration to the impact of other proposed and committed development impacts in the vicinity of the site (as per the Lambeth Methodology).
- 5.22. The applicant is proposing that the site is car-free, but the proposed width of the entrance is approximately 2.4m. This would allow vehicles to enter the site and onto the hardstand that would be able to accommodate 2+ parked vehicles. If cars were to park on the hardstand it would unacceptably obstruct pedestrian and cycle access, cause damage to the footway and generate an increase in excessive vehicle manoeuvres and movements. A permanent perimeter structure that restricts vehicle movement onto the site is therefore required.
- 5.23. SPD14 requires a minimum amount of cycle parking spaces for B1 office and residential use. Access to the dedicated cycle parking for the northern-most dwelling is poor with tight corners and narrow entry points for a person walking with their bicycle. The layout and location needs to be amended. The cycle parking layout for the adjacent property also needs to be amended as it is not conveniently accessed. In addition, the type of cycle parking stands should be detailed on a drawing, including how they are spaced and covered, although this can be conditioned.
- 5.24. Disabled parking to be in line with Parking Standards SPD14. If there is no space on site then alternatives should be considered and detailed for users of the site.
- 5.25. There are no details of how servicing takes place for the B1 and C3 uses.
- 5.26. Refuse and recycling collection points and arrangement details for the B1 and C3 uses are needed. For new developments, refuse and recycling must not be left on the highway / footway, even temporarily on collection day.
- 5.27. A forecast of the difference in overall person trips between the site's existing and proposed uses is required.
- 5.28. Following the submission of a Transport Statement and further information being provided, the following comments were given:**  
The applicant appears to have been addressed the majority of the concerns sufficiently, although the bay window still makes the pathway to the cycle parking store associated with the northern-most dwelling too narrow and the adjacent shrubs / bushes proposed may obstruct this further. The applicant may also wish to provide further information and agree the spacing details and specifications of the cycle stores and Sheffield stands prior to determination to void the need for a condition.
- 5.29. Access to the site appears to be level and is considered acceptable. The proposed bollard should prevent parking on site and pedestrian access being obstructed.

- 5.30. The applicant is proposing 8 cycle parking spaces for the 168m<sup>2</sup> business space and 1 cycle parking space for each dwelling. This is above the required amount for this development and welcomed. Further details are required via condition for the stores associated with the residential units to ensure they are covered, accessible and secure.
- 5.31. No disabled parking is provided. However, there are no accessible residential units and there are 3 disabled bays on street close to the site. No objection is raised on these grounds.
- 5.32. A refuse and recycling area is proposed on site. It is stated that deliveries shall take place on street as is existing with the mixed-use site. The applicant makes the case that deliveries are unlikely to be more frequent than the existing arrangement. It is noted that most deliveries for the business space are likely to take place during the daytime when parking demand on street in this area is likely to be lower, that the site frontage is constrained and that delivery bays on site are not possible. On consideration of these matters no objection is raised on these grounds.
- 5.33. The applicant has provided a transport statement that discusses travel and car parking matters. The case is made that that there is unlikely to be an increase in parking from the existing use to the proposed B1 element, however there may be up to 3 cars associated with the additional dwellings being proposed. The applicant is prepared to provide 3 years car club membership to occupiers to mitigate this uplift. A car club bay is situated nearby on Hollingdean Terrace. Additional cycle parking is also being proposed for the office above the minimum required by SPD14. This is welcomed as such measures are likely to reduce the likely impact on the highway and promote sustainable travel.
- 5.34. Therefore, travel plan measures are requested, including the proposed car club membership. The scheme should include the following measures to be given to all new occupiers on the site in the first 3 years: details of pedestrian and cycle routes in the local area; public transport timetable/maps; and 3 year car club membership.
- 5.35. There is unlikely to be a significant increase in trips from the existing use to the proposed B1 office. Trips generated by the net increase of 3 dwellings are not deemed to be a significant uplift that would warrant a reason for objection or refusal.
- 5.36. **Environmental Health:**  
No objection in principle to this change of use. However, the site is potentially contaminated. The Council's historical records indicate that the following existed within the footprint of the submitted site plan; in 1926 a Laundry named 'Hollinbrook Laundry' and in 1956 an Engineers named 'Lech & Price Ltd'.
- 5.37. With respect to this site, I would like to stress the importance of the term 'potentially contaminated land', as to call a site 'contaminated land' has a

very specific legal meaning, which carries with it associated consequences. The responsibility for the safe development and secure occupancy of the site rests with the developer.

- 5.38. As such, it is appropriate in this instance to apply conditions in respect of the discovery of contamination and the hours of operation of the proposed B1a/b/c uses between the hours of 07.00 and 19.00 Mondays to Saturdays.

## 6. MATERIAL CONSIDERATIONS

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

- 6.2. The development plan is:

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

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

## 7. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The Council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development



CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP14	Housing Density
CP19	Housing mix

Brighton & Hove Local Plan (retained policies March 2016)

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
QD5	Design - street frontages
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM9	Mixed uses and key mixed use sites

Supplementary Planning Documents

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

Other Documents

Urban Characterisation Study 2009

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

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, density, the design of the proposal, landscaping and biodiversity, its impact on neighbouring amenity and on highways as well as the standard of accommodation created.

**Principle of development:**

- 8.2. No objection is raised to the loss of the existing residential studio on site since it is significantly undersized when compared to current space standards for dwellings, thereby offering a poor standard of accommodation.
- 8.3. 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.
- 8.4. 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).

- 8.5. The site counts as a small 'windfall site', bringing the benefit of providing three additional housing units to the city, and contributing to the City's ongoing five year supply requirements. A net increase of three dwellings (such as that in this proposal) would be a small contribution to meeting that supply.
- 8.6. As a 'windfall site', Policy CP19 requires proposals to have considered housing mix and local assessments. All of the dwellings proposed to be provided would have two bedrooms. Local assessments indicate that the greatest demand for market housing is for two bed units (34%). Although there is demand for other units such as one beds (24%) and three beds (31%), it is considered that a combination of the garden sizes and no off-street car parking means that the site is better suited to dwellings which can accommodate small families or couples.
- 8.7. The principle of redeveloping unallocated sites for mixed uses, and which are readily accessible by public transport is supported. Existing companies should be retained, the growth of new businesses is encouraged and new floorspace should be flexible to support small and medium sized enterprises (SMEs), particularly in the knowledge-based economy, creative industries and environmental technologies. Table 2 of City Plan Policy SS1 shows that 11,257m<sup>2</sup> of New Employment Floorspace is to be located within the built up area, in which this site falls.
- 8.8. Given the proposed loss of several independent, small businesses, some of which may be start-ups, it is considered important that the proposed 168m<sup>2</sup> of B1 floorspace is sufficiently flexible to accommodate the existing businesses on site if they wish to stay, to be subdivided and to allow the space to be suitable for use by B1(a), B1(b) and B1(c) occupiers. The proposed commercial space has been laid out such that there could be four self-contained spaces, but equally one business could occupy the entire space over the first and second floors. They have been marked as offices on the floor plans, but could also be used for a variety of uses with the B1 use class, and which could be compatible with the residential dwellings proposed on site, subject to a restriction on a B1 use and opening hours.
- 8.9. In terms of the loss of the businesses within the existing building, it is considered to be in a poor state of repair with poor light and outlook; economically unviable to bring it up to modern standards; unsuitable for uncontrolled employment uses due to the close proximity of adjoining dwellings; unsuitable for wheelchair users; unsafe for future intensive use as currently occurs; and unsuccessfully marketed.

- 8.10. Given that the businesses are not self-contained, cumulatively they fall under the Sui Generis category, which means they are not protected by planning policy, other than the accommodation being affordable, flexible and suitable for a range of creative industries. However, the new floorspace would also be flexible and suitable for many businesses in addition to being modern, better lit and ventilated, higher quality, and efficiently laid out. The new accommodation would represent a significant upgrade on the existing building, which is in a poor state of repair, insufficiently lit and heated, a fire risk and unsafe. Whilst no guarantees can be made about rents, the existing buildings would be likely to deteriorate further as the rental income generated at present cannot viably fund maintenance, repair and upgrading works. These matters are given weight in the decision-making process. It is also noted that the use of the building is considered to be Sui Generis through the passing of time and that the building and the residential studio are, together, one planning unit.
- 8.11. As regards 'The Coachwerks' potentially being a community use, Local Plan Policy HO20 makes reference to community uses being hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, creches, public toilets, church and community hall, theatres and cinemas. Since only a small part of the site is an art gallery for exhibitions, it is not considered that this policy applies here.
- 8.12. This development in many respects therefore represents a significant improvement over the existing employment offer of the site, and a genuine long-term employment use of the site which would contribute towards meeting the future demands of the city. As such, the principle of development is considered acceptable.
- Density:**
- 8.13. This site falls within the Hollingdean neighbourhood and the Urban Characterisation Study for the area outlines that the average gross density is approx. 35 dwellings per hectare (dph). The morphology and typology of the area is very mixed: two storey terraced and semi-detached housing within a less formal suburban street layout of sweeping roads and cul-de-sacs, terraced flat blocks and bungalows all feature.
- 8.14. On the basis that the application site is 2,170m<sup>2</sup>, the density of the proposed development of four dwellings is 18.5dph. This figure is well below the prevalent dph and will only be found acceptable where it can be adequately demonstrated that the development would reflect the neighbourhood's positive characteristics, would meet the housing needs of a particular group or groups within the community and would better contribute towards creating a sustainable neighbourhood.
- 8.15. It has already been demonstrated that the proposed development would meet the greatest demand for market housing. The site is within the Upper Hollingdean character area, which comprises two storey terraced housing and has a sense of place, much like the proposed development. It also

proposes to employ brick, which is the predominant material in the area, with simple pitched roofs and features bays like the Edwardian housing. As such, it is also considered that the proposal would reflect the neighbourhood's positive characteristics and is therefore acceptable in terms of proposed density.

- 8.16. Compliance with Policies CP14 and SA6 will be assessed further within the relevant sections of this report.

**Design and Appearance:**

- 8.17. Through the pre-application process, the design of the proposal has much evolved, particularly the plot layout that has driven the quantum of development, height, amenity space and access to the commercial and residential elements.
- 8.18. Given the resultant impact on external amenity space and neighbouring amenity, it is therefore considered acceptable for the dwellings to not follow the building line of the terrace to the west side of Hollingdean Terrace. Whilst the proposed dwellings may not be arranged in the predominant terrace typology, through their scale, massing, form and materiality, they are considered to respect the mixed character of the neighbourhood and contribute positively to its sense of place within the city.
- 8.19. Furthermore, Officers consider that the proposed dwellings do not seek to compete with the surrounding buildings but are subordinate to them. As such, the scale and massing are considered to be acceptable.
- 8.20. It is considered that the proposal is contextually appropriate in that the proposal picks up on design cues from the surrounds; the use of brick as the predominant material, pitched roofs with gable ends, bay windows and front porches to some of the dwellings. In terms of the external appearance of the proposed dwellings, further details of the materials are recommended to be secured by condition. The limited use of render, which can sometimes be of poor quality and discolours quickly, is welcomed.
- 8.21. It is considered necessary to restrict permitted development rights to the dwellinghouses to avoid enclosed porches being built, which would be incongruous with the surrounding buildings.
- 8.22. As such, the proposal would be compliant with NPPF paragraph 122 that supports development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.
- 8.23. As such, the application would be of a high standard of design and would comply with City Plan Part One Policies CP12 and CP14, Local Plan Policy QD5 and paragraphs 127 and 130 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area. Furthermore, the latter

paragraph makes it clear that design should not be used as a valid reason to object to development where it accords with clear expectations in plan policies.

**Landscaping and Biodiversity:**

- 8.24. Following revised drawings submitted, the mature *acer pseudoplatanus* (sycamore) tree the subject of a TPO is to be retained, which is supported. Any works required to cut it back or crown reduce it would require a separate application. A condition is recommended to be added to ensure measures are put in place to protect the tree.
- 8.25. Planting including small trees is proposed, but no details have been given of numbers, species, size, etc so a condition for a landscaping scheme to include appropriate drainage solutions is recommended. The new trees to be planted should be of a native species, and this is supported by point 9 of Policy SA6. The ratio of hard to soft landscaping is, however, weighted in favour of the latter, which is to be encouraged. An additional condition is recommended to ensure that hard surfacing is porous and / or permeable.
- 8.26. Whilst the new planting could help to deliver a biodiversity net gain on site in line with City Plan Part One Policy CP10 and the Environment Bill, swift bricks are the Council's preferred measures and relevant conditions are recommended.

**Impact on Neighbouring Amenity:**

- 8.27. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.28. Whilst the height of the buildings on site would increase from single storey to two storeys plus roofspace, it is not considered that the proposal would reduce daylight and sunlight to the windows of neighbouring properties. The 45° lines on the submitted section drawings demonstrate that levels of diffuse daylight would not be affected.
- 8.29. However, there is the potential for the proposal to overshadow the gardens of adjoining properties. Therefore, a Sunlight Impact Assessment has subsequently been submitted to address this point. Officers consider that the assessment adequately demonstrates that the centre of the gardens to 10-20 Hollingbury Road would receive at least two hours of sunlight on 21st March.
- 8.30. All of the west-facing office windows at first floor level would be obscure glazed, and it is recommended that they be conditioned as such. One bedroom at first floor level would also need to have one of its west facing windows obscurely glazed too. The south-facing first floor windows that are not obscure glazed serve bedrooms, but face towards the roof and blank northern elevation of the new-build dwelling at 14 Upper Hollingdean Road given it is sited at a lower ground level than the proposed buildings. It is considered that the southern-most dwelling would have less of an impact on light and outlook than the existing fence.

- 8.31. The proposed development is not considered to have an overbearing impact upon the rear garden of the dwelling to the east side of the application site and there would not be any harmful mutual overlooking.
- 8.32. It is considered necessary to restrict permitted development rights to the dwellinghouses to avoid any adverse impact upon neighbouring amenity from any kind of extension or new opening.
- 8.33. Regarding the proposed commercial uses, Use Classes B1(a), (b) and (c) are, by definition, those that can be carried out in any residential area without detriment to the amenity of that area. As such, this mix of B-uses is considered to be acceptable and would cause less disturbance to neighbours than the previous and existing uses of the site, which have been unauthorised and uncontrolled (by conditions). A condition is therefore recommended to be imposed regarding the opening hours of the commercial uses being restricted to 07:00 and 19:00 on Mondays to Fridays and 08:00 and 17:00 on Saturdays, and preventing their use on Sundays, Bank or Public Holidays.
- 8.34. As such, it is not considered that this proposal would have any additional impacts on neighbouring amenity, including in terms of noise and disturbance from either the future residential or commercial occupiers.

**Standard of Accommodation:**

- 8.35. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.36. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.37. The application proposed 3 No. two bed dwellinghouses, two of which would have double bedrooms, plus a two bed, three person flat. In terms of Gross Internal Areas (GIAs), Unit R1 would have 76m<sup>2</sup>, R2 80m<sup>2</sup>, R3 82m<sup>2</sup> and R4 67m<sup>2</sup>. As such, all would exceed the figures in the NDSS, as would the bedroom sizes.
- 8.38. The floor to ceiling height at ground and at first floor would be 2.4m, and between 1.2m-2.7m to the second floor, which is considered acceptable. It is noted that Section EE shows that the flat-roofed passageway to Unit R2 forming part of a bedroom would have a floor to ceiling height of 2.2m, but

this is acceptable as only 75% of the GIA of a dwelling has to be 2,3m or over and R2 complies in this respect.

- 8.39. Each flat would be provided with its own external amenity space comprising gardens and, in the case of Units R1 and R2, a patio too. Each are considered to be sufficiently private, useable and of an appropriate size.
- 8.40. In terms of outlook, ventilation and natural lighting, R1 has double aspect to the north and south, R2 has double aspect to the west and south, and both R3 and R4 have double aspect to the east and west thereby allowing for cross-ventilation. As such, all the units would have acceptable amounts of outlook, ventilation and natural lighting.
- 8.41. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and HO5 as well as point 8 of SA6 and point 6 of CP14 that requires the provision of outdoor recreation space appropriate to the demand the application would generate.

**Highways:**

- 8.42. The site is an 11 minute walk from London Road, 20 minutes from Moulsecoomb and 25 minutes from Brighton train stations respectively, as well as a two minutes' walk from the closest bus stops (served by routes between Sussex University and Brighton station via the town centre). As such, the development would be easily accessible by sustainable transport in addition to being well served by local services and community facilities on Ditchling Road, as required by points 4 and 5 of CP14.
- 8.43. The site is outside of a CPZ, but the boundary of CPZ G is immediately to the west with the nearest part of CPZ J 105m away further to the west. Particularly given that no car parking, either on-street or off-street, is proposed by this application, consideration must be given to overspill parking even when the streets to the north, south and east in the vicinity of the site are not within a CPZ either. Overspill parking cannot therefore be controlled and the applicant has submitted a transport statement to address this.
- 8.44. It is clear from the site visit and objections received from local residents that on-street parking in the vicinity of the site is high, no doubt due to residents and visitors associated with properties in the neighbouring CPZs wishing to park for free. The Transport Statement discusses travel and car parking matters, including an assessment of the current parking situation and forecasted demand from existing properties and proposed / committed development. It concludes that there may be up to three cars associated with the proposed dwellings and that there is unlikely to be an uplift from the existing commercial element to the proposed B1 space.
- 8.45. In order to mitigate this impact, it is proposed that three years of car club membership would be offered to future occupiers of each dwelling and the commercial space. Furthermore, 12 cycle parking spaces are to be provided, exceeding the SPD14 requirement of eight. These measures are welcomed

and considered to reduce the likely impact on the highway as well as promote sustainable travel. This can be secured through a travel plan, which is recommended to be conditioned.

- 8.46. Following the provision of a bollard, no vehicles would be able to enter the site, which is an improvement on the existing situation where a vehicle could park on the existing front hardstanding. Access for pedestrians and cyclists would be level and it is considered that future occupiers would be able to move around the site without obstruction.
- 8.47. In terms of cycle parking, it has previously been mentioned that the number of spaces proposed would exceed those required by SPD14. The stores have been separated between residential and commercial and further details of their type, dimensions and specifications can be secured by a prior to condition in the event of an approval.
- 8.48. As regards refuse and recycling bins for the B1 and C3 uses, these have been shown to the eastern side of the site close to the entrance to allow for easy collection. No objection is raised to this arrangement, subject to a condition to secure it in perpetuity.
- 8.49. Deliveries and servicing would take place on street as per the existing situation, but unlike the current businesses that have more varied and greater needs, those for the proposed commercial space would be more infrequent and during the daytime when parking demand on the street is likely to be lower. Particularly since it would not be possible to provide delivery bays, this is considered acceptable.
- 8.50. There is unlikely to be a significant increase in trips from the existing uses on site to the proposed uses such that the impact on the surrounding highway and transport network is considered not to be severe.
- 8.51. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

**Sustainability:**

- 8.52. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards.
- 8.53. A Sustainability Checklist was provided that commits to the use of materials that have low embodied energy and that offer an enhanced durability with timber from certified sustainable sources. It also specifies that the commercial element will meet BREEAM rating Very Good, which is required by City Plan Part One Policy CP8. A condition is recommended to ensure that this is the case and evidence is provided. As such, the proposal would comply with point 6 of SA6 to promote and support environmental sustainability improvements to new buildings.



**Issues raised by consultation:**

- 8.54. Issues regarding construction disruption and mess, utilities and, house prices are not relevant planning considerations and therefore have not been taken into account in the determination of this application. It is also worth noting that there is no evidence that the land on site is subsiding and that the 'Coachwerks' building is not designated as an Asset of Community Value (ACV).

**9. CONCLUSIONS**

- 9.1. The scheme makes a welcome contribution to the Council's housing targets and the City's supply of B1 floorspace, which would be of a much improved standard than the existing. The scheme otherwise satisfactorily overcomes the issues raised by Officers during the pre-app process and represents effective use of the site, without significantly compromising on design, neighbouring amenity, standard of accommodation, highways safety and sustainability. As such, this application is recommended for approval subject to conditions.

**10. EQUALITIES**

- 10.1. Unit R4 could be suitable for use by wheelchair users or those with a mobility-related disability given that level access is provided at ground floor level. The winding staircase within Units R1, R2 and R3 as well as the commercial space would make it difficult to adapt in the future for accessible accommodation. On that basis, no disabled parking is provided, which is considered acceptable as a result.



**Cllr. Martin Osborne  
BH2020/00018 – 19 Hollingdean Terrace**

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

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Overdevelopment
- Residential Amenity

Comment: I object to this application for a number of reasons.

- The loss of almost 1250 metre square of socially valuable space, which is a hub for the community and in particular for local arts and crafts, is unforgivable and something which we should all be working towards keeping rather than trying to 'smarten up'.
- There may be 168 square metres of office space which could be a place for additional full time employment but this doesn't recognise the volunteers or freelancers that use the site or the fact
- that currently the site is used during evenings and weekends, an opportunity which this application won't provide as a private residence.
- There is no proposed car parking spaces so if cars are used by the expected people living there, an increase of 1 house to 3 homes and a flat, or by the people employed there, this will exacerbate parking concerns, which are a significant issue in the local area. The same increase will cause additional traffic to and from the site and causing disruption to those living in this residential area and affecting their amenity.
- The whole foods grocery that runs out of the current development and which will be lost is a source of fresh foods and helps to provide the local community with a healthy alternative. It is also plastic-free and therefore environmental sustainable.

The site is of immense social value to the community and would be a huge loss for the community. I think there is some acceptance that improvements to the site can be made but this is overdevelopment and goes far beyond what may be acceptable. I note this application has already received a significant response from the local community, highlighting the feeling in the community and I would request that this application is brought forward to committee.





PLANNING COMMITTEE LIST  
COUNCILLOR REPRESENTATION

**Cllr. Theresa Fowler**  
**BH2020/00018 – 19 Hollingdean Terrace**

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

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment

Comment: I am object to this planning development. Coach works is a great space for the community. The Wholefoods shop also serves the community and would be a great loss.



# **ITEM B**

**Hove Manor, Hove Street  
BH2020/00727  
Full Planning**

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





# BH2020 00727 - Hove Manor, Hove Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00727</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Hove Manor Hove Street Hove BN3 2DF</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey extension at roof level to create 2no two bedroom dwellings &amp; 1no three bedroom dwelling (C3) with front terraces.</b>		
<b><u>Officer:</u></b>	Michael Tucker, 292359	tel: <b><u>Valid Date:</u></b>	04.03.2020
<b><u>Con Area:</u></b>	Old Hove	<b><u>Expiry Date:</u></b>	29.04.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mohsin Cooper Limited 16 West Barnes Lane Raynes Park SW20 0BU		
<b><u>Applicant:</u></b>	Rimex Investments Limited New Burlington House 1075 Finchley Road London NW11 0PU		

## 1. RECOMMENDATION

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

**Conditions:**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	0222-P036	-	4 March 2020
Proposed Drawing	0222-P037	-	4 March 2020
Proposed Drawing	0222-P038	-	4 March 2020
Location and block plan	0222-P-001	-	4 March 2020
Proposed Drawing	0222-P-020	A	9 June 2020
Proposed Drawing	0222-P-021	-	4 March 2020
Proposed Drawing	0222-P-023	-	4 March 2020
Proposed Drawing	0222-P-022	-	4 March 2020
Proposed Drawing	0222-P-024	-	4 March 2020
Proposed Drawing	0222-P-025	A	9 June 2020
Proposed Drawing	0222-P-026	-	4 March 2020
Proposed Drawing	0222-P030	-	4 March 2020
Proposed Drawing	0222-P031	-	4 March 2020
Proposed Drawing	0222-P032	-	4 March 2020
Proposed Drawing	0222-P033	-	4 March 2020
Proposed Drawing	0222-P034	-	4 March 2020
Proposed Drawing	0222-P035	-	4 March 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. The development hereby permitted shall not be commenced until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) details of all brick and render (including details of the colour of render/paintwork to be used)
  - b) details of the proposed window, door and balcony treatments
  - c) details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and Policies CP12 and CP15 of the Brighton & Hove City Plan Part One.
  
4. 4Prior to first occupation of the dwellings hereby permitted details of the proposed privacy screening for the terraces shall have been submitted to and approved in writing by the Local Planning Authority.  
 Development shall be carried out in accordance with the approved details and retained as such thereafter.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
  
5. 5 Prior to first occupation of the development hereby permitted a scheme for the soundproofing of the building between the lift shafts and the new residential units shall be submitted to and approved in writing by the Local Planning Authority.  
 The approved scheme shall be implemented in strict accordance with the approved details within 3 months of the date of approval and shall be retained as such thereafter.  
**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. 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.

7. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the residents of the new development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to resident's on-street parking permits.  
**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 City Plan Part One.
8. The development hereby permitted shall not be occupied until a car park management plan has been submitted to and approved in writing by the Local Planning Authority, detailing that the residents of the new development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to on-site resident's parking permits. The car park management plan shall thereafter be fully implemented in accordance with the approved details.  
**Reason:** 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 City Plan Part One.
9. Access to the roof of the existing block shall be limited to those areas marked as terrace on the approved drawings. Those areas marked as 'maintenance access only 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.
10. 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.
11. 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.
12. 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.

13. 13 Six (6) swift bricks/boxes shall be incorporated within the external walls 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 the scheme required to be submitted by the above condition 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 that the development is car-free.
3. 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.
4. The water efficiency standard required by the above condition 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.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a large, six-storey flat-roofed block of flats with commercial uses at ground floor on the eastern side of Hove Street. The site is in the Old Hove Conservation Area and overlooks the Pembroke and Princes Conservation Area, both of which predominantly comprise late 19th century two storey housing, although other mid-rise blocks are peppered within these areas, along with surviving earlier origins of this part of Hove.
- 2.2. The properties to the immediate north, Regent House and Audley House, are included on the Council's list of Local Heritage Assets, as is the flint wall forming the southern boundary to this site (remnants of the garden wall to the former Hove Manor that occupied this site), and the more distant No3, Hove Street. Slightly further away are Barford Court at 157 Kingsway and Hove Library on Church Road which are listed Grade II.
- 2.3. Due to its height and footprint, this property is already a dominant element of the streetscene and can be seen in views from neighbouring streets; however the use of red brick provides an element of association with its setting.
- 2.4. Planning permission is sought for the erection of a single-storey extension at roof level to create 2no. two-bedroom flats (C3) and 1no. three-bedroom flat (C3), each with front terraces. The extension would replace existing single-storey rooftop structures including the central caretaker's flat.

## 3. RELEVANT HISTORY

- 3.1. **BH2018/02786** - Erection of a single storey extension at roof level to create 2no three bedroom dwellings & 1no two bedroom dwelling (C3) with external terraces. Refused, appeal dismissed
- 3.2. **PRE2018/00148** - Erection of additional storey to create 5no additional flats (C3)
- 3.3. **BH2001/00987/FP** - Demolition of 3 redundant plant rooms on roof and proposed cladding of existing lift rooms with boarding to match existing brick structure. Approved

## 4. REPRESENTATIONS

- 4.1. **Twenty-seven (27)** letters have been received, objecting to the proposal for the following reasons:
  - Adversely affects Conservation Area
  - Inappropriate height
  - Overdevelopment

- Poor design
- Application follows a recent refusal for a similar scheme
- Waste of Council time and money
- Out of character for existing building
- Are residents distracted by coronavirus?
- Looks like a Lego block
- Overlooking
- Noise disturbance
- Problems for elderly people that live in Hove Manor
- Adversely affects listed building
- Detrimental effect on property value
- Restriction of view
- Further applications should be blocked
- Loss of privacy
- Damage to trees
- Additional car parking demand
- Disruption during construction
- Set a precedent for higher buildings
- Changes that have been made since previous application are not significant
- Loss of light for neighbouring properties
- New flats won't help housing shortage
- Good design
- Likely to lead to additional service charges
- Lifts out of action
- Is the plumbing sufficient
- Rear staircase not suitable for disabled people or as a fire escape
- Loss of existing utility area
- New flats being centred around lift shafts and motors will cause nuisance for new residents
- Fire safety concerns
- White render requires increased maintenance
- Disturbance from activity on terraces
- Windows do not match the existing building

4.2. **One (1)** letter has been received, supporting the proposal for the following reasons:

- Tick boxes on the comment form not equitable between reasons for objection and support
- Additional overlooking will not be significant compared to the existing overlooking from the building
- No additional overshadowing
- The Council shouldn't pander to the Nimby element

## 5. CONSULTATIONS

5.1. **Heritage:** Initial comment: Further information required



Significant amendments have been made to the scheme as currently submitted; the footprint has been reduced and the side and rear elevations moved away from the edge of the existing roof. The windows now align with the position of windows below, and brick chimneys have been added to the front elevation referencing the strong rhythm of the host building and relieving the horizontality of the roof addition.

- 5.2. In addition, deep roof overhangs align with the projecting balconies of the existing building and following their forms, thereby providing interest with shadow lines and further relieving horizontality.
- 5.3. It is hoped that the vertical brickwork features will serve as routes for flues and venting, thereby avoiding the need for any visible vents and flues on the elevations - please seek confirmation of this.
- 5.4. It is noted that the outside spaces are divided in to private terrace areas and maintenance access. Please seek details of how these spaces will be defined and whether any barriers would be visible from the public realm.

**Heritage:** Updated comment following receipt of clarifications: No objection

- 5.5. Further information has been provided regarding the proposals for flues and vents and it is explained that although the extended brick chimney features will not accommodate the new ventilation equipment, this will be routed to emerge on the flat roof such that facades will not be affected. The Heritage Team considers that this is an acceptable solution.
- 5.6. Clarification and further details regarding the screens separating private terraces from maintenance areas has been provided, and this indicates that they will be glass balustrades with the height tapering towards the roof edge. It is considered that they will therefore not detract from the appearance of the proposal and are acceptable.
- 5.7. As a result, the Heritage Team is now able to support the application.
- 5.8. **Environmental Health:** No comment received
- 5.9. **Housing Strategy:** No comment received
- 5.10. **Private Sector Housing:** No comment
- 5.11. **Sustainable Transport:** No objection  
The application seeks planning permission for the creation of three units (C3). This site has been subject to a similar planning application under ref: BH2018/02786 that was refused and subsequently dismissed at appeal. It should be noted that the application was not refused due to transport related reasons.

**Site Access**  
Pedestrians

- 5.12. The existing pedestrian access is from Hove Street, and this is to remain the case for the proposed site. We on behalf of the Highway Authority have no objections.

#### Vehicular

- 5.13. The site does not have an existing vehicular access, and this is to remain the case for the proposed site. We have no objections.

#### Parking

- 5.14. In accordance with SPD14, in Key Public Transport Corridors, the maximum car parking for C3 two-bedroom unit is 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors, and 1 space per dwelling plus 1 space per 2 dwellings for visitors for three bedroom units. There is no car parking provision proposed to serve this development. The impact of any overspill parking is discussed in the section below.
- 5.15. In terms of cycle parking provision, SPD14 requires 1 cycle parking space per unit for two bedroom units, and 2 cycle parking spaces per unit for three bedroom units. Therefore, it is required for 4 cycle parking spaces to be provided.
- 5.16. No cycle parking provisions have been included as part of the proposals. In this case, this is not considered acceptable as, where possible, cycle storage should be provided. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be located in a safe, secure and covered location and accessible. It is noted that a previous application at this site provided a cycle store on the ground floor to the rear of the building. It is recommended that further details are secured by condition

#### Travel Forecasts

- 5.17. The proposed development would result in three additional dwellings. It is not considered the additional dwellings would result in a significant uplift in person and vehicle trips and therefore we would not consider the development to have a severe impact on the highway and surrounding transport network.

#### Operational impact

- 5.18. As previously stated, there is the potential for some overspill parking. Based on the 2011 Census, car ownership levels of approximately 0.66 per household could be expected for the Central Hove ward and therefore the proposal has the potential to generate a demand of approximately one vehicle. The site is located within the Controlled Parking Zone (CPZ) N which will ensure any additional on-street parking in the immediate vicinity is managed.
- 5.19. SPD14 outlines how restrictions in access to on-street parking permits will be considered for developments where the impact of overspill parking is considered unacceptable. These impacts may include localised increases in demand which can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase.

- 5.20. Where there is potential for overspill parking, a parking survey is normally utilised to determine whether there is capacity on-street for the additional demand within close proximity to the development.
- 5.21. In lieu of a parking survey, we utilise permit uptake data to assess parking occupancy levels within CPZs. Given the potential variance in uptake across a CPZ, where permit uptake is over 85% over the previous 12 months, no additional overspill parking is permitted without a supporting parking survey.
- 5.22. Recent permit uptake within Zone N indicates high demand for parking over 98%. Therefore, if car parking cannot be accommodated on-site it is recommended that all of the residential development is made car free and that this is secured by condition.
- 5.23. Should the applicant wish to undertake a parking survey demonstrating there is sufficient capacity, or a parking demand assessment demonstrating there is no increase in demand compared to the existing use then we may reconsider.
- 5.24. **Fire Brigade:** No comment received
- 5.25. **Brighton & Hove Archaeological Society:** No objection  
This planning application lies within an area of archaeological sensitivity. Finds from around this location have included Neolithic arrow heads, Bronze Age palstaves and the local church may have Saxon origins.
- 5.26. The Brighton and Hove Archaeological Society would suggest that the County Archaeologist is contacted for their recommendations.
- 5.27. **County Archaeology:** No comment  
Based on the information supplied, it is believed that no significant below ground archaeological remains are likely to be affected by these proposals.
- 5.28. For this reason there are no recommendations to make in this instance.
- 5.29. **Conservation Advisory Group:** No objection  
Since the last application the applicant has improved the visual conjugation of the seventh floor with the rest of the building. By adding a further floor with further setbacks at each end satisfies concerns about the structure being over dominant. Though still the Group would like to see the central section be set back further from the front facade.
- 5.30. Hove Street has a varied mix in styles and heights and the Group does not believe a further floor will detract from the character of the CA.
- 5.31. The fenestration design changes and proposed similar materials to be used, as in the host building, are welcomed.

## 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 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### 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
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing

#### Brighton and 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
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

Supplementary Planning Guidance:

SPG15	Tall Buildings
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## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the design of the proposal and its impact on the character and appearance of the existing building and the Old Hove Conservation Area and the setting of the Pembroke and Princes Conservation Area, and the impact of the proposal on neighbouring amenity and nearby listed buildings. The standard of accommodation to be provided, sustainability and transport matters are also material 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).

**Background:**

- 8.4. The current application follows BH2018/02786, which proposed a single-storey extension at roof level to create 2no three-bedroom and 1no two-bedroom residential units.

- 8.5. BH2018/02786 was refused by the Planning Committee for the following reason:

*"The proposed development, by reason of scale, mass and bulk would have a significant and detrimental impact on the character and appearance of the existing building and the setting of the Conservation Area. In addition, the proposal fails to enhance the Conservation Area. The development is therefore contrary to retained policies QD14, HE6 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One."*

- 8.6. An appeal of this decision was submitted to the Planning Inspectorate, which was subsequently dismissed. The Inspector considered that the scheme would have appeared incongruous and visually dominant, failing to relate well to the existing building and detracting from its Art Deco character. The Inspector highlighted the minimal set-back in comparison to the overall width and depth of the building, the materiality and window arrangement as areas of concern.
- 8.7. The current application has adopted a revised design approach compared to the previous scheme in an effort to overcome the reason for refusal and the Inspector's concerns.

**Principle of Development:**

- 8.8. The proposal would result in the creation of 3no additional dwellings at a time when the LPA is unable to demonstrate a five-year supply, and this is given increased weight in accordance with the 'tilted balance' in favour of housing delivery.
- 8.9. Paragraphs 122 & 123 of the NPPF encourage development proposals which make efficient and optimal use of existing sites, especially where there is a shortage of land for new housing. The proposal would serve to achieve this aim.
- 8.10. The Inspector for BH2018/02786 found there was *"no objection in principle to 'capping' the existing building nor to introducing a contemporary design."*
- 8.11. Therefore, and subject to an assessment of other material planning considerations, the proposal is considered to be acceptable in principle.

**Design and Appearance:**

- 8.12. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.13. 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.

- 8.14. 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".
- 8.15. SPG15 Tall Buildings sets out that tall buildings are defined as buildings of 18m (6 storeys) or taller, and that applications relating to tall buildings should be accompanied by a Tall Building Study. Similar to the previous application, the submission does not include a Tall Building Study. The submission does, however, include a detailed Design and Access Statement with visual studies of the development from various vantage points in the vicinity of the site, as well as a Heritage Statement, which address some of the key points in a Tall Building Study.
- SPG15 states that new tall buildings should not generally be located within conservation areas. However, it is noted that the existing building is already classed as a mid-rise tall building, and the proposed extension would not change this classification. As will be assessed below it is considered that the proposed extension would not appear as a full additional storey, and that the extended building would relate appropriately to the surrounding context which comprises several other tall buildings of a similar height such as Prince's Court opposite, Viceroy Lodge at the junction with Kingsway to the south, and Dolphin Court near the junction with Church Road to the north.
- 8.16. As aforementioned, the current scheme has adopted a revised design approach since the refusal and dismissal at appeal of BH2018/02786. Notable differences include:
- An increased set back from the edges of the roof by an additional approximately 1m on each side and approximately 1.1m to the rear (for a total set back of 2.5m on each side and 2.6m from the rear);
  - A decrease in the overall footprint of the proposed extension by approx. 97sqm (from approx. 539sqm to approx. 442sqm);
  - Use of render with brick chimney detailing rather than metal cladding;
  - Revised window sizes and alignments;
  - The addition of deep roof overhangs aligned with the balconies on lower floors.
- 8.17. It is considered that the revised scheme has responded positively to the reason for refusal of BH2018/02786, as well as the concerns raised by the Inspector during the appeal. The increased set back and lesser overall footprint has reduced the scale, mass and bulk of the proposal, while the use of white render with brickwork chimney detailing, the revised window pattern and the projecting roof overhangs would each reflect design features of the existing building. The proposal, as a whole, would relate better to the existing building than the previous scheme, appearing as less of a dominant additional storey and more as a subordinate extension at roof level.
- 8.18. Balustrades separating the terrace areas are to be glazed, tapering down to the edge of the building to reduce their visibility.

- 8.19. The Council's Heritage team have reviewed the scheme and after receiving clarification that the balustrading would taper down towards the edge of the building have given their support to the application.
- 8.20. The Conservation Advisory Group have also reviewed the scheme and have supported approval, welcoming the significant amendments made since the previous refusal and considering the extension would not detract from the character or appearance of the Conservation Area.
- 8.21. As such, it is considered that the proposed extension has overcome the reason for refusal/dismissal at appeal, and as amended, would appear as an appropriate addition which would not cause harm to the character or appearance of the existing building or the wider Old Hove Conservation Area. No harm would be caused to the setting of the Pembroke & Princes Conservation Area.
- 8.22. It is further considered that the proposal would not have a detrimental impact upon the setting of the Locally Listed heritage assets to the north and south of the site, by reason of its set back from the roof edge and reduced scale compared to the previous proposal and in consideration of the size and scale of the existing building.

**Impact on Amenity:**

- 8.23. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.24. The existing building provides five storeys of residential accommodation over the ground floor commercial uses. It is considered that 3no additional residential units would be unlikely to have a significant additional impact in terms of noise disturbance on existing residents.
- 8.25. Views from the main living areas and bedrooms of the proposed dwelling would be directed north, west and south, with the eastern (rear) windows serving the communal access corridor and the corridors within units 1 and 3. All windows facing north, east and south would be obscure glazed. It is considered that the additional views from the proposed units would not be more intrusive or harmful than the views currently available from the higher floors of the existing building, with the obscure glazing and set back from the building edge restricting views of the closer neighbouring buildings and amenity spaces. The neighbouring properties most sensitive in terms of overlooking are those to the south; however no significant concerns are held in this regard due to the set back from the building and edge and the obscure glazing.
- 8.26. The outdoor amenity terraces would each be located on the front edge of the western projections, above and in line with the balconies of the flats on the lower floors. The terraces would be set in from the sides of the roof with



obscured privacy screening on the side to avoid overlooking directly into the lower flats. A condition is recommended to require the submission of further detail of this screening and its implementation prior to occupation of the dwellings. Subject to this condition it is considered that the proposed terraces would not have a significant detrimental impact upon neighbouring amenity through either noise disturbance or loss of privacy. Access to the remainder of the roof area will be for maintenance purposes only and it is recommended this be secured by condition.

- 8.27. The proposed roof extension would introduce additional bulk at roof level, with the potential to result in a loss of daylight and increased overshadowing for nearby properties.
- 8.28. The application includes a cross-section drawing illustrating the relationship between Hove Manor and the nearest properties to east and west. The proposed roof extension would result in a 2 degree (east) and 3 degree (west) loss of outlook compared to the existing building, which is considered not to result in significant enough harm so as to warrant the refusal of the application.
- 8.29. The previous application BH2018/02786 included a Daylight and Sunlight Assessment (DSA) for the closest property to the east (22 Vallance Gardens), which concluded that there would be no harmful overshadowing or loss of outlook for no. 22. As this property was the closest eastern property to the application site, this also meant that no other properties would be negatively affected to a harmful degree.
- 8.30. The current application does not include a DSA, however it is stated within the submission that due to the increased setback from the existing parapet now proposed, the impact upon neighbours in terms of overshadowing and loss of outlook would be reduced compared to BH2018/02786. Officers concur with this view.
- 8.31. It is therefore considered that the proposal would not have a detrimental impact upon neighbouring amenity to an extent sufficient enough to warrant refusal of the application.

**Standard of Accommodation:**

- 8.32. The proposed dwellings comprise 2no two-bedroom flats (Flat 1 and Flat 2) and 1no three-bedroom flat (Flat 3).
- 8.33. Flat 1 would have a total area of approx. 90sqm with bedrooms of 11.6sqm and 8.6sqm. Each habitable room would have access to natural light and outlook and provide space for furniture and circulation, however the layout would be somewhat irregular with the main living areas separated from the bedrooms by a long corridor circumventing a chimney and lift room.
- 8.34. Flat 2 would have a total area of approx. 77.5sqm with bedrooms of 11.8sqm and 7.5sqm. Each habitable room would have access to natural light and outlook and provide space for furniture and circulation.

- 8.35. Flat 3 would have a total area of approx. 127.6sqm with bedrooms of 11.6sqm, 12.5sqm and 8.1sqm. Each habitable room would have access to natural light and outlook and provide space for furniture and circulation, however similarly to Flat 1 the layout would be irregular with the main living areas separated from the bedrooms by a long corridor circumventing a chimney and lift room.
- 8.36. Each flat would have access to outdoor amenity space in the form of a front terrace and this is considered acceptable.
- 8.37. Whilst the layout of Flats 1 and 3 is less than ideal, it is recognised that this is a symptom of the location of existing functional spaces which it is necessary to retain. The layouts of each flat would be viable for residential use without causing significant harm to the amenity of future occupiers and as such this is considered not to warrant the refusal of the application.
- 8.38. It is considered appropriate to secure soundproofing measures of the area of each dwelling adjacent to the lift rooms by condition to prevent an unacceptable level of noise and vibration disturbance.
- 8.39. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new dwellings. Policy DM1 of the draft City Plan Part Two proposes to adopt the NDSS.
- 8.40. In order to meet the minimum standards for a comparator dwelling as stipulated by the NDSS, Flats 1 and 2 would need to have a minimum area of 61sqm, and Flat 3 would need to have a minimum area of 86sqm. Each dwelling exceeds this minimum requirement.

**Sustainable Transport:**

- 8.41. The proposal is unlikely to result in a significant enough uplift in trip generation to warrant a financial contribution. No changes to pedestrian or vehicular access are proposed and this is not objectionable.
- 8.42. SPD14 requires a total of four cycle parking spaces for the development. None are included in the application and space is available on the site, so further details will be secured by condition. Cycle parking facilities should be convenient, covered and secure.
- 8.43. No car parking is proposed as part of this application to serve the additional dwellings. At current car ownership levels for households in the Central Hove ward, the development has the potential to generate demand for approximately one additional vehicle. The site is located within Controlled Parking Zone (CPZ) N which will ensure any additional on-street parking in the immediate vicinity is managed. CPZ N has a permit uptake rate of over 98% and a condition is therefore recommended to remove the access of future occupiers of the proposed dwellings to on-street car parking permits.
- 8.44. It is understood that use of the on-site car park is restricted by the building management agents who issue Residents' Parking Permits on an unallocated

basis to current leaseholders. It is recommended that future occupiers of the proposed dwellings access to on-site car parking permits is restricted through a car park management plan secured by condition.

**Sustainability:**

- 8.45. Energy and water efficiency standards in accordance with the requirements of policy CP8 of the Brighton and Hove Local Plan can be secured by condition.
- 8.46. Communal refuse and recycling facilities are available on the public highway.

**Other Considerations:**

- 8.47. Conditions requiring a bee brick and six swift bricks/boxes have 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.
- 8.48. The concerns raised by members of the public including disturbance during construction works, reduction in value of property, potential for increased service charges, plumbing and fire safety are noted, however these variously do not form material planning considerations and are covered under separate legislation and so cannot be taken into consideration.

**Conclusion:**

- 8.49. The provision of 3no dwellings would make a contribution to the housing supply of the city, and in view of the guidance within Paragraphs 122 and 123 of the NPPF and the Inspector's comments for the previous application, the proposal is considered to be acceptable in principle. The reduced scale and revised materiality of the current scheme is considered to have overcome the reason for refusal and dismissal at appeal of the previous application, with the proposed design and appearance considered acceptable.
- 8.50. The impact of the proposal on neighbouring amenity would be reduced compared to the previous application, is unlikely to be significantly detrimental and is considered not to warrant refusal. Transport implications can be addressed through conditions, as can ecology and sustainability matters. The proposal has responded positively to the reasons given by the Inspector for the dismissal of BH2018/02786. Approval is therefore recommended, subject to conditions.

**9. EQUALITIES**

- 9.1. Policy HO13 seeks to secure access standards above normal Building Regulations requirements. The proposed flats would be served by the central lift which is wheelchair accessible. As the scheme could be accepted without the installation of the central lift, and a step free access could not be achieved without the lift, it is considered that a condition requiring compliance with the M4(2) Building Regulations Standard is not necessary.



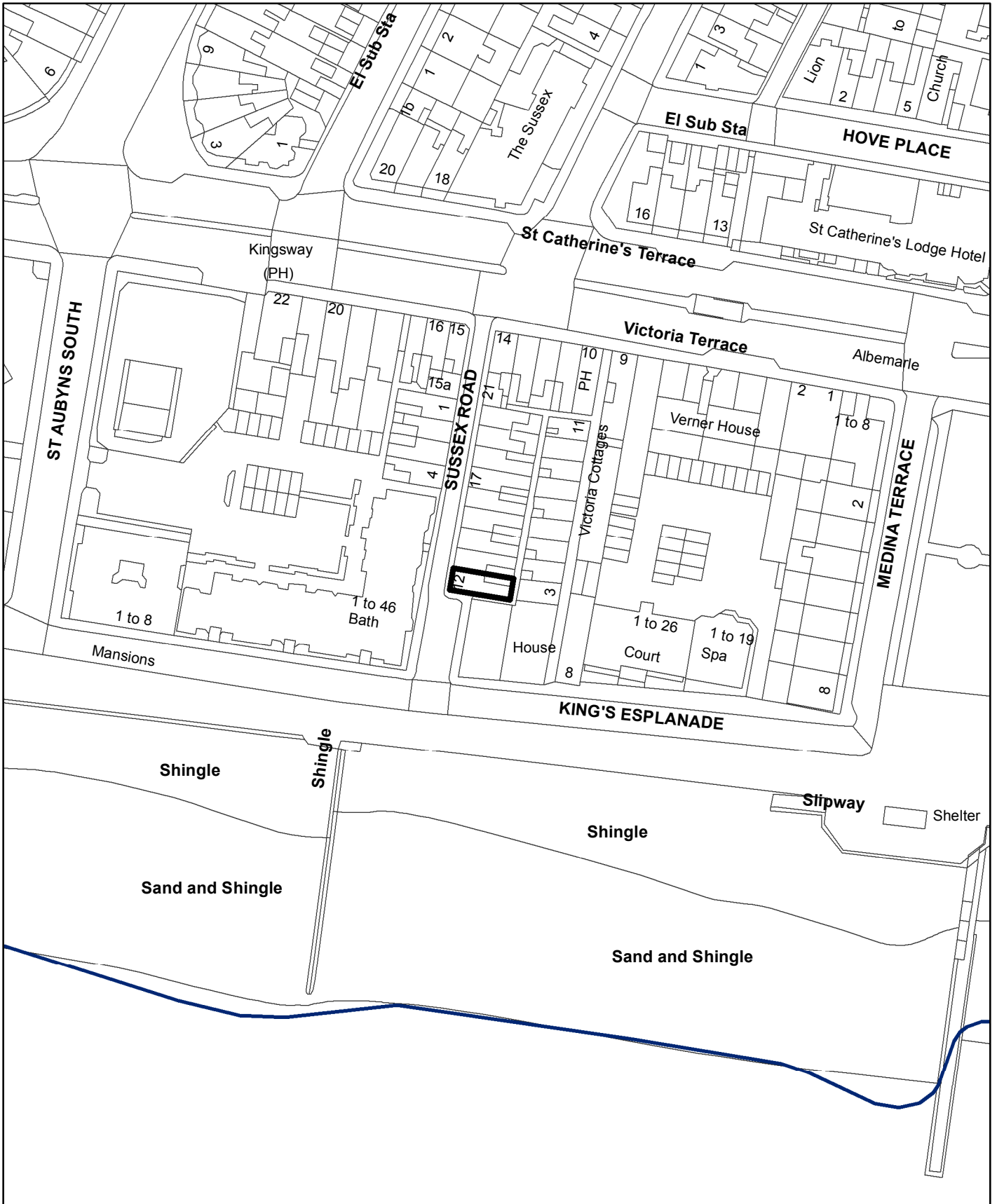
# **ITEM C**

**12 Sussex Road  
BH2020/00867  
Householder Planning Consent**

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



# BH2020 00867 - 12 Sussex Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2020/00867</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>12 Sussex Road Hove BN3 2WD</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey side extension and the installation of 3no. rooflights.</b>		
<b><u>Officer:</u></b>	Sam Bethwaite, 292138	tel: <b><u>Valid Date:</u></b>	20.03.2020
<b><u>Con Area:</u></b>	Cliftonville	<b><u>Expiry Date:</u></b>	15.05.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	HADAI 19 Lancaster Court Kingsway Hove BN3 2TQ		
<b><u>Applicant:</u></b>	Mr And Mrs Leslie 12 Sussex Road Hove BN3 2WD		

## 1. RECOMMENDATION

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

**Conditions:**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	01		20 March 2020
Block Plan	02		20 March 2020
Proposed Drawing	04		20 March 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The powder coated aluminium windows hereby approved shall be coloured white and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
4. The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

5. 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. 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 a three-storey end of terrace house with a converted roof space that provides an additional bedroom, bathroom and roof terrace. Located at the southern end of Sussex Road on the east side, it is within the Cliftonville conservation area.
- 2.2. The proposal is for the erection of a single storey extension in the rear courtyard space. This will have a mono-pitched glazed roof, a rendered finish and powder coated aluminium doors. Three rooflights are to be installed in the roof of the existing outrigger. The slate roof tiles of the outrigger are to be replaced with fibre cement tiles. New powder coated aluminium windows are proposed to existing apertures that are to be reduced in size in the lower ground floor reception room and first floor bathroom.

## **3. RELEVANT HISTORY**

### **3.1. BH2008/02579**

Creation of a new first floor rear extension, alteration of windows to south elevation and extension of existing stair enclosure at second floor. - Refused 04.11.2008 - Appeal Dismissed

### **3.2. BH2003/02570/FP**

Alterations to existing rear dormer and alterations to windows and doors on the rear ground floor. - Approved 03.10.2003

## **4. CONSULTATIONS**

- 4.1. **Arboriculture:** No Objection

There is no mention of it within the application, online objections make note of a tree located within the rear garden of 12 Sussex Road. It is rare to find any tree established in such close proximity to the shoreline, as such Arboriculture requested further information with a visibility assessment being undertaken.

- 4.2. Unfortunately, the unspecified species (the current COVID-19 requirements have made a formal site visit impossible, photographs provided by the applicant do not enable a clear species identification) is not visible from a public space, with a very restricted view even via the rear alleyway. Although consideration is taken for rarity within the street scene as well as threat from development, the condition of the tree, limited lifespan, siting within a raised bed in close proximity to a boundary wall, coupled with a lack of visibility to the public at large, means the tree does not have sufficient merit on the TEMPO (Tree Evaluation Method for Preservation Orders) assessment for an order to be served.
- 4.3. Arboriculture have no formal objection to the proposed development.

## 5. REPRESENTATIONS

- 5.1. **Seventeen (17)** letters have been received, objecting to the proposed development on the following grounds:
- Removal of a protected tree that is rare for the setting and important to local wildlife
  - Increased sense of enclosure
  - Overdevelopment of site
  - Detrimental impact on neighbouring amenity
  - Light pollution
  - Increased noise
  - Reduction in privacy
  - Potential use of property as Air B&B or a party house
  - Increase pressure for local car parking
  - Inappropriate materials

## 6. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

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

QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE6	Development within or affecting the setting of a conservation area

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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**7. CONSIDERATIONS & ASSESSMENT**

- 7.1. The main considerations in the determination of this application relate to the design and appearance of the extension, its impact upon the wider conservation area and the impact upon neighbouring amenity.

Design and Appearance

- 7.2. The mono-pitched roof design of the proposed extension relates well to the roof form of the existing outrigger. The glazed roof is acceptable as it is located to the rear of the site not visible in the street scene. The rendered finish to match the existing house is welcomed.
- 7.3. The fenestration on site is a mix of white painted timber and white UPVC units. The proposed powder coated aluminium units will add another material to the rear of the site. However, as they are to the rear of the building and given the tight pattern of development, the rear is not widely visible and thus do not cause harm to the conservation area. The windows will be conditioned to be coloured white to match the existing fenestration. This will prevent them from jarring with the site and wider area.
- 7.4. The addition of three rooflights to the roof of the outrigger is considered acceptable. Rooflights are not an incongruous feature to the rear of the wider terrace and as such are considered an appropriate addition for the site. A condition will be attached requiring the rooflights to be conservation style and coloured either black or dark grey.
- 7.5. 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.
- 7.6. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".

7.7. In this particular instance, the proposal is not considered to cause harm to the conservations in terms of its character or appearance and accordingly the proposed extension and alterations are considered suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD12 guidance.

#### Impact on Amenity

7.8. The existing site has a small courtyard that is approximately 6.6m long and 2m wide. This will be reduced to approximately 2.8m in length with no reduction in width. This does not constitute a large amount of external space for a four bedroom dwelling. In this instance the presence of a roof terrace, that adds 4.78 sqm of external amenity space and so the property will retain a commensurate level of amenity space with similarly sized properties in the street. The close proximity of the seafront provides additional amenity space options. As a result of this the proposed extension does not have a detrimental impact on the amenity of current or future occupiers of the site.

7.9. The property most directly affected by the proposed extension is the neighbour to the north, 13 Sussex Road. The existing boundary between the sites is a rendered wall with a timber slatted fence above. The boundary will be replaced by the flank wall of the proposed extension. The existing boundary is taller than the northern elevation of the proposed extension. It is noted that the timber slatted fence is not an entirely solid structure and that the replacement structure will be a masonry wall. It is considered that the proposed extension will change the outlook slightly for this neighbour but any perceived sense of additional enclosure would not be to a level sufficient to warrant refusal of this application.

7.10. The proposed extension will not result in a significant increase in overshadowing towards no.13 as a result of the orientation of the site and the presence of taller structures.

7.11. The proposed windows and rooflights will not result in additional overlooking towards the neighbouring properties on Sussex Road and Victoria Cottages.

7.12. The impact on the adjacent properties at 13 Sussex Road, 3 & 4 Victoria Cottages and Medina House has been fully considered in terms of daylight, sunlight, outlook and privacy following review of site photographs provided by the agent and no significant harm has been identified.

#### Other Considerations

7.13. Comments have been received raising concerns about the potential use of the site as a short term let or party house. This application does not include a change of use of the site and as such any potential issues relating to a change of use are not material to this application.

7.14. 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.

- 7.15. The loss of the tree from within the garden of the application site as a result of the proposed extension is regrettable. The tree has been assessed against the criteria for protection under a Tree Preservation Order (TPO) by the Arboricultural Officer. It was found not to merit protection and as such its removal does not warrant refusal of this planning application.

**8. EQUALITIES**  
None identified.

# **ITEM D**

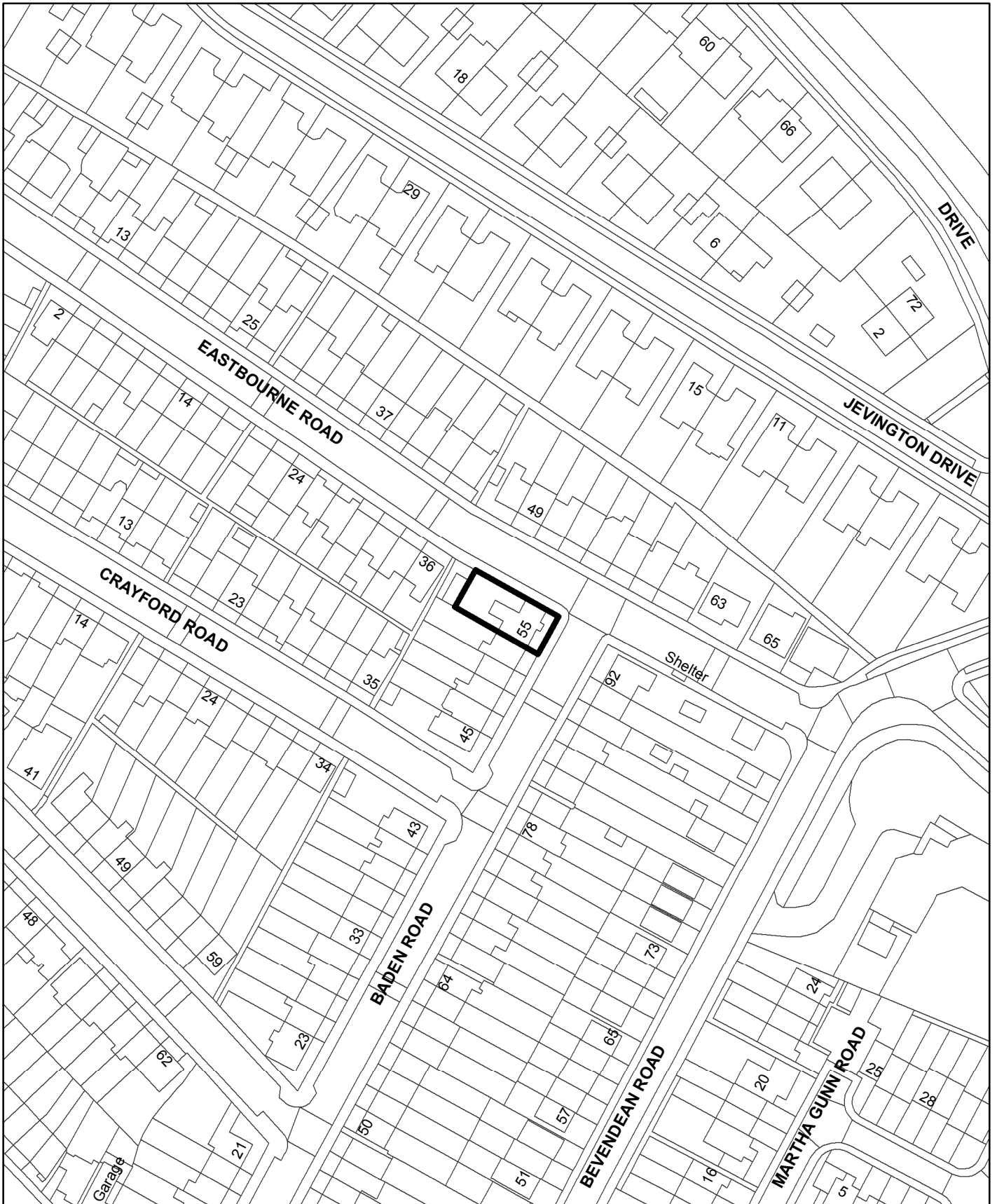
**55 Baden Road  
BH2020/01365  
Householder Planning Consent**

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





# BH2020 01365 - 55 Baden Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/01365</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>55 Baden Road Brighton BN2 4DP</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey side extension with extension of roof above.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel:	<b><u>Valid Date:</u></b>	19.05.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	14.07.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	14.08.2020
<b><u>Agent:</u></b>	PB Plans Ltd 26 Windermere Road Coulsdon CR5 2JA		
<b><u>Applicant:</u></b>	Christine Verjee 55 Baden Road Brighton BN2 4DP		

## 1. RECOMMENDATION

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

**Conditions:**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PBP1308/03		19 May 2020
Block Plan	PBP1308/03		19 May 2020
Proposed Drawing	PBP1308/02		26 June 2020
Proposed Drawing	PBP1308/05		17 July 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. 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.
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.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. The property is currently registered as a private dwelling classed as C3 and no change of use is proposed as part of the current application, therefore if the property was intended to be used as an HMO at any point in the future planning approval would be required.

**2. RELEVANT HISTORY**

None

**3. CONSULTATIONS**

**3.1. Sustainable Transport: No Objection.**

No objection to loss of garage due to retention of crossover and hardstanding area at rear. However, two cycle spaces should be provided for the property to meet policy requirements.

**4. REPRESENTATIONS**

- 4.1. **Fourteen (14)** total letters have been received, **five (5)** of which were repeat comments from the same person. Therefore, a total of **nine (9)** representations objecting to the scheme.

Original scheme:

- 4.2. **Five (5)** unique letters have been received objecting to the proposed development on the following grounds:

- Potential use as student house/HMO (house in multiple occupation)
- Noise increase through potential use as HMO
- Traffic increase through potential use as a HMO
- Overdevelopment as too many HMO in area
- Effect on property values if changes to a HMO
- Extension at first floor would affect views.

Amended Scheme:

- 4.3. **Four (4)** unique letters and five (5) repeat letters have been received objecting to the amended proposed development on the following grounds:

- Potential use as student house/HMO (house in multiple occupation)
- Noise increase through potential use as HMO
- Traffic increase through potential use as a HMO
- Overdevelopment as too many HMO in area
- Effect on property values if changes to a HMO
- Extension at first floor would affect views and overlooking.

## 5. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of Amenity

CP10 Biodiversity

#### Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

SPD11 Nature Conservation & Development

## 6. CONSIDERATIONS & ASSESSMENT

6.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider streetscene, and the amenities of adjacent occupiers.

6.2. The application relates to a two-storey, end-of-terrace property located on the western side of Baden Road. Planning permission is sought for the erection of a two-storey side extension, with pitched roof extension above.

#### Design and Appearance

6.3. During the application process the agent was requested to make alterations to improve the visual appearance of the scheme in the public realm. Amended plans were submitted on the 26th of June inserting windows into the proposed flank wall facing onto Eastbourne Road, improving the appearance and detailing by visually breaking up a large area of proposed brickwork.

- 6.4. Neighbours were reconsulted on the amended plans to 15 July 2020.
- 6.5. The proposed side extension would be constructed in brick with painted render to match the existing dwelling. The new roof would be hip ended with concrete red tiles to match the existing. The new fenestration would be constructed in white UPVc to also match the existing.
- 6.6. The two-storey extension design is would appear subordinate to the host property as it would be set back from the existing front elevation, the new ridge height would be lower, and the eaves would run at the same height. The new windows would match the existing in style and material, with the extra windows on the proposed flank wall providing visual interest on the elevation that is presented to the public realm on Eastbourne Road.
- 6.7. The removal of the existing garage is not considered detrimental to the appearance of the property, as it provides no architectural merit. .
- 6.8. Overall, the proposed extensions are deemed a suitable design that would substantially increase the utility of the dwelling for the existing and future occupiers with no adverse effect on visual amenity. Schemes of a similar nature have been built on the neighbouring property opposite at number 92 Baden Road, which is also a corner plot and has two storey side extension. The proposal is not considered to be out of keeping of development in the wider area.
- 6.9. Therefore, the proposed extensions and works are considered to be a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

#### Impact on Amenity

- 6.10. The position of the extension and new roof design to the side and set back from the boundary, would not lead to any increased overlooking or substantial harm to the privacy of neighbouring properties in excess of the existing situation.
- 6.11. The location at the side of an end of terrace and separated from adjacent properties would lead to no loss of light, or outlook to surrounding properties. The visual amenity in the public realm would suffer no substantial harm as the extension relates well to the host property and would not appear incongruous, with an appropriately designed finish to the row of terraced properties.
- 6.12. Therefore, it is not considered that the proposed extension and works would cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan.

#### Other Matters

- 6.13. An off-street parking area would remain, albeit reduced, as would the dropped kerb providing access. The Local Highway Authority has raised no objection to

the proposal, due to the retention of the crossover and off-street parking area. However, cycle storage for two bikes is requested to meet planning policy requirements for sustainable transportation provision. Although the requested cycle spaces have been shown on the supplied plans it is not considered reasonable to condition the provision of these facilities as the application is for the extension of an existing property - not to create a new residential unit.

- 6.14. All the comments received raised concerns that the extended property could be used as an HMO (House in Multiple Occupation) for students, and the potential negative effects of that use.
- 6.15. The Council has been aware of concerns of this type for a considerable period and introduced a citywide 'Article 4 Direction' on 3 June 2020, while in this area it was introduced on the 5th April 2013. This removes 'permitted development' rights and means that a planning permission is required to change the use of a single dwelling house (defined as C3) to a property lived in by between three and six people where facilities such as a kitchen or bathroom are shared (C4 use class).
- 6.16. The property is currently registered as a private dwelling in planning use class C3 and no change of use is proposed as part of the current application. If the property was intended to be used as an HMO at any point in the future, a planning permission would be required. An informative will be attached to advise the applicant of this fact.
- 6.17. Since November 2019 the Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site. 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.

**7. EQUALITIES**  
None identified





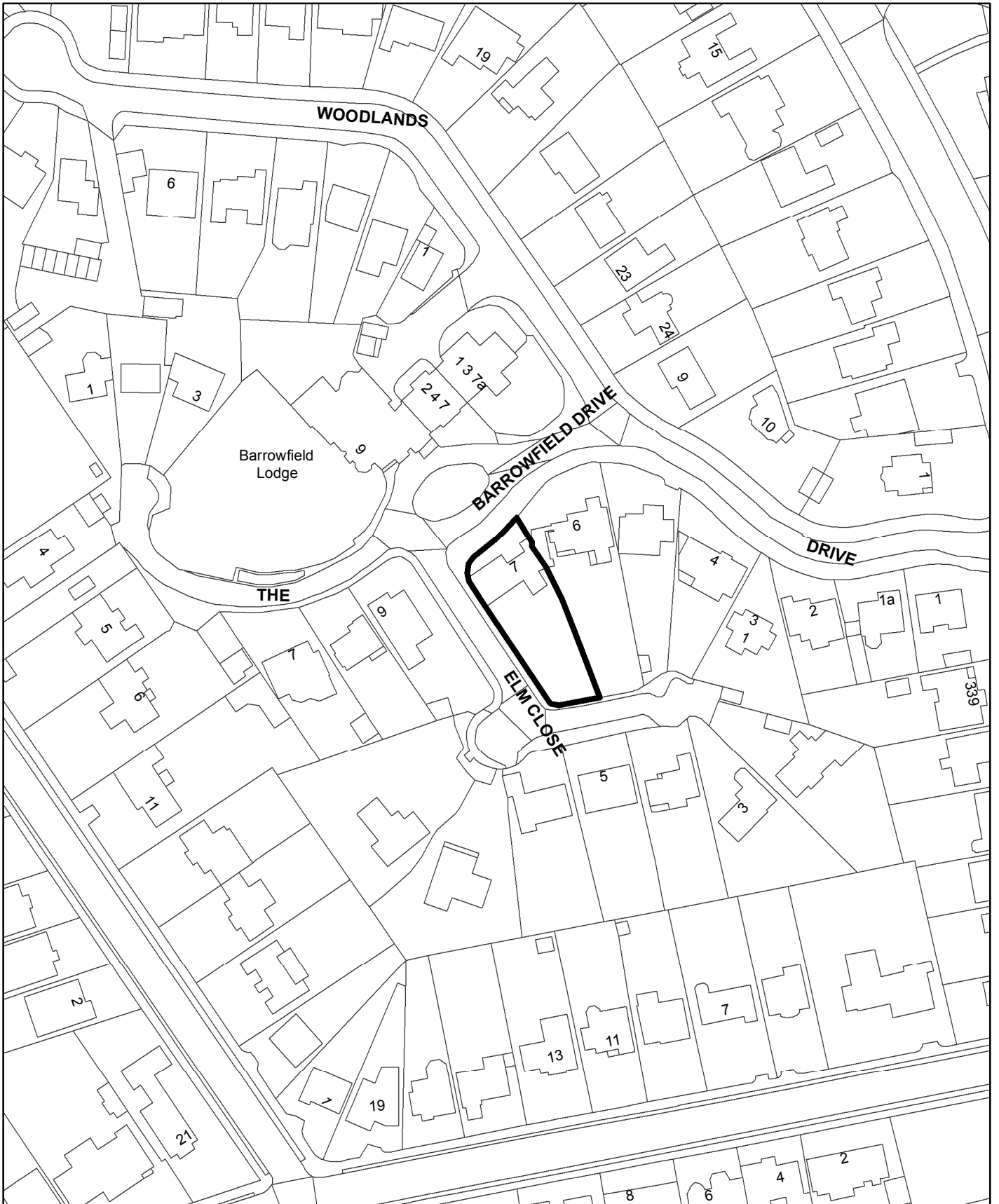
# **ITEM E**

**7 Barrowfield Drive  
BH2020/01399  
Full Planning**

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



# BH2020 01399 - 7 Barrowfield Drive



N



**Scale:** 1:1,250



<b><u>No:</u></b>	<b>BH2020/01399</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>7 Barrowfield Drive Hove BN3 6TF</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no two bedroom two storey house (C3).</b>		
<b><u>Officer:</u></b>	Michael Tucker, 292359	tel: <b><u>Valid Date:</u></b>	22.05.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	17.07.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	ABIR Architects Ltd Unit 1 Beta House St Johns Road Hove BN3 2FX		
<b>Applicant:</b>	Mr K Woolley 7 Barrowfield Drive Hove BN3 6TF		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	0431.EXG.010	-	22 May 2020
Proposed Drawing	0431.PL.010	-	22 May 2020
Proposed Drawing	0431.PL.011	B	22 May 2020
Proposed Drawing	0431.PL.012	B	22 May 2020
Proposed Drawing	0431.PL.013	-	22 May 2020
Proposed Drawing	0431.PL.014	-	22 May 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 permitted shall not be commenced (including demolition and all preparatory work) until a pre-commencement meeting is held on site and attended by the developer's appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall

thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

**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 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

4. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) 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 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

6. The development hereby permitted shall not be occupied until the dwelling hereby permitted has 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.

7. The residential unit hereby approved shall not be occupied until the 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.

8. The residential unit hereby approved not shall be occupied until the 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.

9. The development hereby permitted shall not be occupied until the new crossover and access has been constructed.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 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 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.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in

the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

13. Access to the area of flat roof 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.

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

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

15. 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.

16. 3 (three) swift bricks/boxes shall be incorporated within the external walls 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.

17. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

18. 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.

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 in the condition above 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 planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host

building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

7. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
8. The proposed development may lie over an existing public foul sewer. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
9. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

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

- 2.1. The application relates to a two-storey detached property on the southern side of Barrowfield Drive, at the junction with Elm Close. Barrowfield Drive and Elm Close are part of an estate of individually designed houses, built in the Sussex vernacular, generally of brick and tile with hipped roofs. Properties on the estate are set around narrow curved roads with grass verges instead of pavements. There are substantial garden plots, deep front gardens and mature trees, which give the estate a semi-rural wooded character. Although the site is not in a Conservation Area, Barrowfield was previously defined as an area of High Townscape Merit in the Hove Local Plan 1995 and has a strong character worthy of preservation.
- 2.2. Planning permission is sought for the erection of a two-storey detached dwelling in the rear garden of no. 7 Barrowfield Drive. The proposed dwelling would front onto Elm Close.

## **3. RELEVANT HISTORY**

- 3.1. **BH2019/02576** - Erection of 1no two bedroom two storey house (C3). Approved
- 3.2. **BH2016/05241** - Erection of 1no two bedroom two storey house (C3). Refused, appeal dismissed

## 4. REPRESENTATIONS

4.1. **Eight (8)** letters have been received, objecting to the proposal for the following reasons:

- Adversely affects Conservation Area
- Overdevelopment
- Residents were not consulted on previous application
- What has changed to make this acceptable compared to the previous refusals
- The tree survey is for the old application
- Living spaces at first floor will overlook neighbours
- Development will harm protected trees
- Will set a precedent for further back garden development
- Will damage the hedging on the boundary
- Construction works will hamper access to homes including for deliveries/refuse collectors
- Detrimental effect on property value
- Too close to the boundary
- Design not in keeping for area
- Increased traffic
- Overshadowing
- Access route dangerous bearing in mind the tight bend and large sycamore tree

4.2. **Councillor Brown** has objected to the proposal and asked for it to be considered at planning committee if the officer recommendation is to approve. A copy of this correspondence is attached to this report.

## 5. CONSULTATIONS

5.1. **Southern Water: Comment**

The attached plan shows that the proposed development will lie over an existing public foul sewer which will not be acceptable to Southern Water. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

5.2. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- The 225 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
  - No new soakaways should be located within 5 metres of a public sewer.
  - All existing infrastructure should be protected during the course of construction works.
- 5.3. Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.
- 5.4. In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.
- 5.5. Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 5.6. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:
- 5.7. A formal application for connection to the public sewerage system is required in order to service this development.
- 5.8. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.
- 5.9. **Sustainable Transport: No objection**  
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives.
- Pedestrian & Mobility & Visually Impaired Access
- 5.10. The applicant is proposing new pedestrian access arrangements onto the public highway that will be shared with the vehicle access and for this development this is deemed acceptable.
- Cycle Access, Parking and Use
- 5.11. SPD14 Parking Standards states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds and 2 for 3 plus beds and 1 space per 3 units for visitors after 4 units. For this development of 1

residential unit with 2 beds the minimum cycle parking standard is 1 cycle parking space in total (1 for residential units and 0 visitor spaces). The applicant has kindly offered to install a cycle store for 2 cycles in the garden to the side of the pedestrian and vehicle access near the main entrance in their supporting evidence however further than that there is at least a lack of design, materials, dimensioned detail, 1.2m minimum width footpath to and from and at the cycle store (a shared one could be designed to incorporate the bin store as well) and lighting therefore notwithstanding the proposal hereby permitted cycle parking is requested by condition and informative.

#### Disabled Parking

- 5.12. There are opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated, for sole use only on-site disabled car parking to be a reason for refusal.

#### Servicing & Deliveries (including goods & people pick up / drop off)

- 5.13. The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and for this development this is deemed acceptable.

#### Vehicular Access

- 5.14. The applicant is proposing changes to the existing vehicle access arrangements onto the public highway and for this development this is deemed acceptable in principle.
- 5.15. Therefore, notwithstanding the proposal hereby permitted the Highway Authority requests that the New/extended crossover condition and informative is attached to any permission granted to seek approval for a (detailed) licence from the Highway Authority to make any necessary changes to the existing vehicle access arrangements onto the public highway.
- 5.16. Also the driveway and hardstanding materials should be porous and/or permeable and no surface water should run-off (for example, in heavy prolonged rain) onto the public highway (this should be prevented by levels and/or frontage gully leading back to on-site drainage) therefore notwithstanding the proposal hereby permitted the Highway Authority requests that the Hard surfaces condition and informative is attached to any permission granted.

#### Car Parking

- 5.17. SPD14 Parking Standards states that the maximum car parking standard for 2 bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 2 car parking spaces for each 2 bedroom property within the Outer Area. For this development of 1 residential unit the maximum car parking standard is 1

space (1 per unit and 0 visitor space). Therefore the proposed level of car parking (two spaces) is not in line with the maximum standards. However two spaces were previously approved for this site (possibly due to the smaller than usual width shared use carriageways in this area with verges in places and no footways leading to a lack of suitable on-street parking spaces) therefore 2 car parking spaces will be deemed acceptable in this case too.

- 5.18. The Highway Authority also requests that a "Retention of parking area" condition is attached to any permission granted to ensure that on-site parking provision is maintained, particularly as the shared use carriageways are of a smaller than usual width with verges in places and no footways.
- 5.19. Regarding on-street parking management, overspill, permits and 'car-free' housing, the proposed vehicle access off the road to the rear of 7 Barrowfield Drive (Elm Close) is located outside of any managed Controlled Parking Zone (CPZ) in the city so any overspill cannot be controlled and the site cannot to be made 'car free' (restricted from applying for any future permits if a 'Barrowfield Area' CPZ is ever created) and like their neighbours, the future occupants of the site will not be able to apply for any residents parking permits in any of the cities other CPZs.
- 5.20. Alternatively, if the future occupants of the site need access to vehicles (vans as well as cars) there are on-street 'car club' bays within the vicinity of the site with vehicles that can be effectively hired by the hour by personal, joint and corporate members.

#### Trip Generation - Vehicles and Highway Impact

- 5.21. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.

#### Equality Impacts

- 5.22. Identified equality impacts have been in relation to disabled parking issues and the objective justification is that this is dealt with by existing nearby on-street disabled parking bay facilities and the parking exemptions that a Blue Badge holder has as described above.

- 5.23. **Environmental Health:** No comment received

- 5.24. **Arboriculture:** No objection

The Arboricultural submission does not deviate from the previous application to which comment was made 21/09/2019, the application having been approved and consent granted.

- 5.25. As there are no significant changes relating to trees, there would be no objection from arboriculture to the amended proposal on the premise the original Arboricultural Impact Assessment submitted as part of

BH2019/02576 is adhered to, with no encroachment into previously stated root protection areas.

## 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 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### 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
CP13	Public streets and spaces

CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
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
SPD11	Nature Conservation & Development
SPD14	Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed dwelling and the impact of the proposal on neighbouring amenity. The standard of accommodation to be provided, arboriculture, transport implications and sustainability are also material 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).

### **Background:**

- 8.4. The current application proposes amendments to a previously approved application for a new dwelling on the site (BH2019/02576) which remains



extant. BH2019/02576 was itself a resubmission of a previously refused (and dismissed at appeal) application BH2016/05241.

- 8.5. BH2016/05241 was refused due to concerns regarding potential impacts on the prominent trees (some of which are protected by TPOs) surrounding the site. It was considered that the close proximity of the proposed dwelling to these trees would lead to increased pressure for reduction/removal of the trees, which would have a consequential detrimental impact upon the visual amenity of the area and a net loss of biodiversity in the area.
- 8.6. A subsequent appeal of this decision was dismissed, with the Inspector finding that *"the proposed development would be acceptable in terms of its effect on biodiversity", but that "the proposed development would cause harm to the character and appearance of the area with particular reference to trees and this is sufficient reason to dismiss the appeal"*.
- 8.7. BH2019/02576 included additional information and clarification regarding the impact upon trees. The Council's Arboriculture team reviewed the proposal and raised no objection, considering that direct damage to the trees could be satisfactorily mitigated. Concerns regarding the apprehension the trees would pose were considered not to warrant refusal as the LPA retains ultimate control over the maintenance of the TPO trees, and that the non-TPO trees were located outside of the proposed site and so could not be removed without the respective landowners consent. On this basis it was considered that the concerns raised by the Inspector regarding arboriculture no longer applied. BH2019/02576 was considered to be acceptable in all other regards and was approved subject to conditions.
- 8.8. The amendments proposed under the current application to the extant permission BH2019/02576 include:
  - An increase in footprint of approx. 7sqm to the south/southeast, outside of the Root Protection Areas;
  - A revised roof form;
  - Revised pattern of fenestration and detailing;
  - The addition of a floating bay window to the front (west) elevation.
- 8.9. The material planning considerations relevant to the current application will be assessed as follows.  
  
**Principle of Development:**
- 8.10. The proposal would result in the provision of an additional residential unit in an established residential area, making a contribution towards the housing supply of the city at a time when the Council is unable to demonstrate a five-year supply. This is given increased weight in accordance with the 'tilted balance' in favour of housing delivery.
- 8.11. The principle of a new dwelling on the site has been established as acceptable by way of the most recent application on the site BH2019/02576, which remains extant. It is considered that there has been no change in

national or local planning policy, or the circumstances of the site, to indicate that a different position should be taken now.

- 8.12. As such, is it considered that the proposal is acceptable in principle.

**Design and Appearance:**

- 8.13. The proposed plot size is identical to the extant permission, which although relatively small for the area was considered acceptable. No objection is therefore raised to this.

- 8.14. The overall form and scale of the proposed dwelling would be similar to the extant approval, being two storeys in height with a gabled frontage and hipped wing. However, the revised roof form would result in the front gable ridge being approx. 0.3m higher than previously approved, with the side hipped wing being set lower and including a hidden roof lantern. The additional footprint to the south/southeast would be stepped back again from the side wing, although with the same roof height. The bay window would be to the gabled frontage. These amendments are considered not to be objectionable on design grounds, with the proposed dwelling remaining in keeping with the neighbouring properties on Elm Close and Barrowfield Drive.

- 8.15. The palette of materials is considered appropriate in principle for the context of the Barrowfield estate, with the proposed building predominantly comprising facing brickwork, with areas of tile hanging to the first floor of the hipped wing. The roof would be clay tiled, with the cantilevered porch roof and window frames in grey aluminium composite frames. It is considered appropriate to secure further details of the proposed materials by condition to ensure an acceptable appearance to the development.

- 8.16. A condition requiring the submission of a landscaping scheme is recommended to ensure the provision, retention and protection of planting to the site boundaries and to ensure any adverse visual impacts are mitigated and the verdant character of the area is retained.

**Impact on Amenity:**

- 8.17. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.18. The provision of an additional dwelling on the site would likely lead to an increase in noise disturbance for neighbours due to the intensification of the use of the site. However, any additional noise or disturbance generated would be of a residential nature compatible with the character of the area, and is unlikely to be to an unreasonable or harmful extent, or any greater than the approved, extant scheme.

- 8.19. The proposed building would be sited approximately 15m from no. 7 Barrowfield Drive and approximately 18m from nos. 5 and 6 Elm Close, and is therefore unlikely to result in additional overshadowing or overbearing impact on nearby properties. This is especially so in the context of the large trees surrounding the site. The proposed building would be in close proximity to the boundary with no. 6 Barrowfield Drive to the east, however only a small portion at the very rear of the garden would be impacted and this is considered not to be significantly detrimental to the amenity of occupiers of this neighbour.
- 8.20. The windows serving the main habitable areas of the proposed dwelling would predominantly be on the front elevation, facing southwest across Elm Close. There would be 1no window on each of the north and south elevations of the building, however these serve a staircase and a bathroom, respectively and as such would not give rise to significant or harmful overlooking subject to a condition securing obscured glazing.
- 8.21. Public representations have raised concerns regarding overlooking from the proposed dwelling, highlighting the proposed bay window and the internal layout placing the main living areas at first floor level as causes for concern.
- 8.22. The properties towards which views would be afforded from the proposed dwelling are the front of nos. 5, 6, 7 and 8 Elm Close, and the rear of no. 9 The Green.
- 8.23. In all cases the existing trees and greenery would go some way towards obscuring views. The front elevation of nos. 5 and 6 Elm Close would be at a distance of 20m+ from the proposed dwelling, and views towards these properties would be at an oblique angle. Nos. 7 and 8 Elm Close are at a distance of 40m+ from the application site. Views towards the rear of no. 9 The Green would again be at an oblique angle and at a distance of approx. 30m. As such, and whilst the concerns raised are recognised, it is considered that the proposal would not give rise to a degree of additional overlooking significant and harmful enough so as to warrant the refusal of the application. This is consistent with the assessment of the extant permission which proposed a similar window arrangement.

**Standard of Accommodation:**

- 8.24. The proposed dwelling would have a total floorspace of approx. 96.6sqm, spread over two storeys comprising an open-plan kitchen/living/dining area at first floor and 2no bedrooms of 14.7sqm and 7.8sqm and a family bathroom at ground floor. Each habitable room would provide space for furniture and circulation and, whilst the dwelling would effectively have a single southwesterly aspect, would also benefit from acceptable levels of natural light and outlook.
- 8.25. The level of private amenity space is considered acceptable in relation to the scale of the development, in accordance with policy HO5. The remaining garden for the use of occupiers at 7 Barrowfield Drive is also considered acceptable.

- 8.26. It is therefore considered that the proposed dwelling provides an acceptable standard of accommodation, in accordance with policies QD27 and HO5 of the Brighton and Hove Local Plan.
- 8.27. Although not adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference when assessing the standard of accommodation provided by a new dwelling. With an internal area of 96.6sqm, the proposal exceeds the minimum of 70sqm for a dwelling of a comparable scale as set out in the NDSS.

**Arboriculture:**

- 8.28. The arboriculture implications of the proposal are identical to the extant permission. This is because the additional footprint to the southeast does not extend into Root Protection Areas, and the bay window is of a 'floating' design above ground level. The Council's Arboriculture team have reviewed the application and raised no objection, subject to the same arboriculture conditions that were attached to BH2019/02576.

**Sustainable Transport:**

- 8.29. The proposal is unlikely to result in a significant increase in trip generation. A sustainable transport contribution is therefore not required in this case.
- 8.30. A condition is recommended to require the proposed crossover to be constructed prior to the occupation of the development, and for the proposed driveway and hardstanding to be made of porous/permeable materials to prevent surface water runoff.
- 8.31. Two (2no) on-site car parking spaces are proposed and whilst this is above SPD14 maximum standards, in view of the 2no spaces approved under BH2019/02576 this is considered not to be objectionable in this case. A condition is recommended to ensure that on-site parking provision is maintained.
- 8.32. The proposal includes cycle storage for 2no cycles in a convenient location to the front of the proposed dwelling. This is considered acceptable and a condition will be attached to require this cycle parking to be implemented and available for use prior to the occupation of the dwelling.
- 8.33. Refuse and recycling facilities for the proposed house would be provided within the front driveway and a condition is recommended to secure the implementation of these facilities.

**Sustainability:**

- 8.34. Conditions are recommended to secure energy and water efficiency standards in accordance with Policy CP8 of the Brighton and Hove City Plan Part One.

**Other Considerations:**

- 8.35. Conditions requiring a bee brick and 3no swift bricks/boxes have 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.
- 8.36. It is considered that any future extensions of the proposed dwelling would need to be carried out in a sensitive and considered manner to protect neighbouring amenity and the surrounding trees. A condition is therefore recommended to remove the permitted development rights of the proposed dwelling.
- 8.37. The representations received have raised concerns that the statutory public consultation exercise was not carried out for the previous approved application. Whilst not a material planning consideration in the determination of this application, the LPA's records indicate that the statutory requirements and responsibilities for notifying neighbours as set out in the Development Management Procedure Order were followed for BH2019/02576. It should be noted that additional neighbours were notified for this current application, beyond the statutory requirement.

**Conclusion:**

- 8.38. In view of the extant permission on the site, the proposal is considered to be acceptable in principle. The design and appearance of the proposed dwelling would not be out of keeping with the area, nor would there be a significant detrimental impact upon neighbouring amenity. The standard of accommodation to be provided is considered acceptable. Arboriculture concerns can be satisfactorily mitigated through appropriately worded conditions, as can potential transport implications. Approval is therefore recommended, subject to the recommended conditions.

**9. EQUALITIES**

- 9.1. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. It appears that a level access is feasible. A condition is recommended to secure compliance with Building Regulations Optional Requirement M4(2).



**Cllr. Vanessa Brown**  
**BH2020/01399 – 7 Barrowfield Drive**

**16<sup>th</sup> June 2020:**

This application for a house in the garden of 7 Barrowfield Drive is a larger version of the previous application BH2019/02576. This previous application was passed much to the consternation of all the neighbours as it appears that nobody was notified of the application so they had no opportunity to object as they would have done. One of the reasons for this previous application being passed was that there were no objections! I am still awaiting a reply to my query about this. This time the neighbours were notified.

In 2017 plans for a house in the garden were rejected and then also refused on appeal. One of the concerns then was around the lack of protection for trees. In 2019 a tree report was generated and agreed but the same report is being used again for this larger house. There are fears that this larger house would now impact on protected tree T9.

As councillors for Hove Park Ward we are very concerned about the number of applications that are being received for houses in gardens. It is altering the character of the area. The houses in Barrowfield Drive have good sized gardens but these form the character of the area. Elm Close which would form the entrance to the house is a small attractive wooded area which is unusual to find in an urban area. More building is going to erode this.

If this application should be recommended for approval we would like it to be before the Planning Committee for decision.





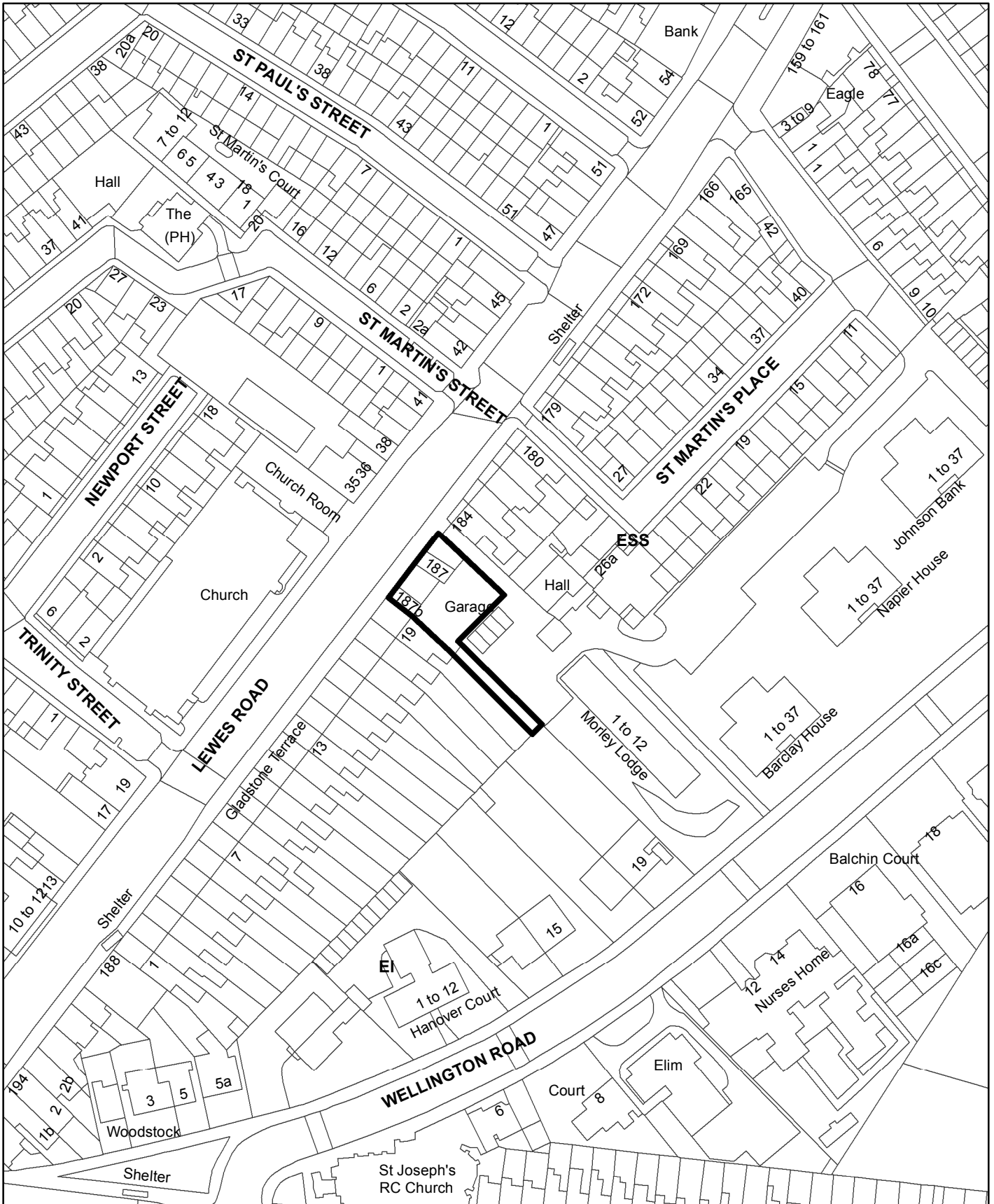
# **ITEM F**

**186-187 Lewes Road  
BH2020/00239  
Full Planning**

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



# BH2020 00239 - 186-187 Lewes Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00239</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>186 - 187 Lewes Road Brighton BN2 3LD</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing 3no. storey commercial and residential building. Erection of a 4no. storey mixed use development consisting of 9no. two bed flats (C3) over the four floors and 1no. commercial unit with A1-A5 use on the ground floor, with associated works.</b>		
<b><u>Officer:</u></b>	Mark Thomas, tel: 292336	<b><u>Valid Date:</u></b>	06.03.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	01.05.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	LCE Architects 164/165 Western Road Brighton And Hove BN1 2BB		
<b><u>Applicant:</u></b>	Mr John Blankson 186 Lewes Road Brighton BN2 3LD		

## 1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before 2 October 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9.1 of this report:

### Head of Terms:

1.2. In view of the considerations outlined above, a legal agreement with the following heads of terms will be sought.

### Affordable Housing Contribution:

1.3. £364,500 commuted sum towards affordable housing.

### Sustainable Transport Contribution:

1.4. £10,000 sum towards on-street improvements in the form of footway improvements, provision of a loading bay and on-street cycle parking.

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	19998/PA/005		24 January 2020

Proposed Drawing	19998/PA/006		24 January 2020
Proposed Drawing	19998/PA/007		24 January 2020
Proposed Drawing	19998/PA/008		24 January 2020
Proposed Drawing	19998/PA/009		24 January 2020
Proposed Drawing	19998/PA/010		24 January 2020
Proposed Drawing	19998/PA/011		24 January 2020
Location and block plan	19998/PA/001		24 January 2020
Report/Statement	J2858 dated 16/01/2020	Noise Assessment	24 January 2020
Report/Statement	9409 dated January 2020	Air Quality Assessment	24 January 2020
Report/Statement	LS 4576 dated 14/10/19	Land Science	24 January 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. No development above ground floor slab level of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority, including (where applicable):

- a) All brick, render and tiling (including details of the colour proposed)
- b) All cladding to be used, including details of their treatment to protect against weathering
- c) All hard surfacing materials
- d) The proposed window, door and balcony treatments
- e) All other materials to be used externally

The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of the character and appearance of the building and the visual amenities of the area and to comply with policy of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the submitted details, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times for the life of the development.

**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. Prior to the first occupation of the development hereby permitted a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The Scheme should include but not be limited to, the following measures:
- Free membership for 2 years to City Car Club
  - A free bus pass for a period of 3 months for each new tenant after first occupation.
  - Provision of walking, cycling and public transport information.

**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR4, and TR8 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

6. Prior to the first occupation of the residential element of the development hereby permitted the refuse and recycling storage facilities indicated on the approved plans shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times for the life of the development.

**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.

7. 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.

8. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard of using not more than 110 litres per person per day maximum indoor water consumption and the implemented measures shall remain operational for the lifetime of the development, unless agreed in writing by the local planning authority.

**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.

9. Prior to the first occupation of the non-residential development, a BREEAM Building Research Establishment issued Post Construction Review

Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good', or a detailed report as to why this has not been technically possible, shall be submitted to and approved in writing by the local planning authority.

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

10. Prior to occupation of the development hereby permitted and as per the recommendations and approved details contained within the document produced by Acoustics Associates Ltd, titled: "Planning Application Noise Assessment (2020)", dated: 16 January 2020, Project Ref: J2858, alternative ventilation that does not require the opening of windows to provide fresh airflow, does not compromise the facade insulation or increase internal noise levels shall be installed, in order to provide background ventilation. Each specified unit shall utilise a whole-house powered and attenuated assisted ventilation system - i.e. Mechanical Ventilation with Heat Recovery (MVHR) (or equivalent). The alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO<sub>2</sub> under Approved Document F. Regard should also be had to CISSE TM59 Design Methodology for the Assessment of Overheating Risk in Homes.

**Reason:** To protect the amenity of future residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

11. Prior to occupation of the development hereby permitted and as per the specification of glazing found on page 12 of the Acoustics Associates Ltd document titled: "Planning Application Noise Assessment (2020)", dated: 16 January 2020, Project Ref: J2858, glazing shall be installed as per the requirements provided in "Table 6: BS8233 Calculation Summary" in order to achieve levels equal to or greater than those specified in section 5.4 - Glazing:

- 4/12/4mm Rw = 31dB
- 10/12/6mm Rw = 38dB
- 10/200/6mm Rw = 49dB

**Reason:** To protect the amenity of future residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 12.

1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

- (a) A further site investigation and report as per the recommendations contained within the Phase I and Phase II Geo-Environmental Investigation, dated 14th October 2019, Reference: LS 4576, produced by Land Science and in accordance with BS10175: 2011:2013 + A1 Guidelines for the Code of Practice for Contaminated Land and CLR Report No. 4 Sampling Strategies.



And if notified in writing by the local planning authority that the results of the further site investigation are such that site remediation is required then:

- (b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)b that any remediation scheme required and approved under the provisions of condition (1)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).  
Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) Built drawings of the implemented scheme;
  - b) Photographs of the remediation works in progress;
  - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

13. The non-residential use in the development hereby approved shall not be open to customers except between the hours of 09:00 and 23:30 on Sundays to Thursdays and between the hours of 09:00 to midnight on Fridays and Saturdays.

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

14. Deliveries and waste collections associated with the non-residential use in the development hereby approved shall only be taken at or despatched from the site between 08.00 and 18.00 on Mondays to Saturdays, and not at any time on Sundays or on Bank or Public Holidays.

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

15. Prior to first occupation of each part of the non-residential development by a use that requires the fitting of odour control equipment, a detailed scheme of such equipment shall be submitted to and approved in writing by the local planning authority. The scheme shall include measures to control the odour emitted from the use together with sound insulation of the equipment. The approved details shall be implemented in full prior to the commencement of the use and shall be retained as such thereafter.

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

16. 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 8 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 details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
5. 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 concerns a site located on the east side of Lewes Road. The site recently contained a single storey building in use as a garage and storage use and a three-storey building containing a take away and vacant retail unit on the ground floor with 2 flats above. Partial demolition of the site has occurred following approval on appeal of BH2015/01736.

- 2.2. The area is of mixed use, however, immediately adjoining the site to the south is a terrace of three storey residential properties. To the north of the site there is a pedestrian alley way and then a terrace of further residential properties. The site lies outside of the Lewes Road District Shopping Centre.
- 2.3. The proposal is to develop the site with a four-storey building, attached to no. 19 Gladstone Terrace. The building would house a commercial (A1-A5) unit at ground floor as well as 1no two-bedroom flat. A further 8no two-bedroom flats would be provided on the upper floors.

### 3. RELEVANT HISTORY

- 3.1. **BH2015/01736** Demolition of existing building and erection of four storey building with 2no commercial units comprising retail, financial and professional services or take-away (A1/A2/A5) on ground floor and 8no two bedroom flats on upper floors with associated works. Refused 21/07/2016- Appeal Allowed 22/06/2017
- 3.2. **BH2013/00892** Change of Use from car sale and garage to garage and storage use (B8). (Retrospective) Approved 16/05/2013
- 3.3. **BH2012/02887** Demolition of existing building and erection of four storey building comprising of retail, financial and professional services and take-away (A1/A2/A5) on ground floor and 8no two bedroom flats on upper floors with associated works. Refused 18/02/2013
- 3.4. **BH1997/00724/FP** Change of use from vehicle sales business to vehicle rental business (Retrospective). Approved 28/11/1997

### 4. REPRESENTATIONS

- 4.1. **Seven (7)** letters have been received, objecting the proposed development for the following reasons:
- The rear building line is not in keeping with existing buildings.
  - The development would be overbearing.
  - Overlooking.
  - The properties from 108-185 would be boxed in by the development.
  - The proposed brickwork is not in keeping.
  - The building is too large and bulky.
  - Incongruous design.
  - Noise.
  - Stress on drainage.
  - Pressure on parking spaces.
  - Increased rubbish.
  - Overshadowing.
  - Loss of sunlight.

- The building would look too modern.

## 5. CONSULTATIONS

### 5.1. **Sussex Police:** Comment:

Various recommendations provided for the applicant's benefit with regards security at the proposed building.

### 5.2. **Environmental Health:** Comment:

This application is located in close proximity to a main road, residential and other various commercial premises. As such, it is reasonable to assume that occupiers of the proposed flats could potentially be exposed to frequent, prolonged, and varying levels of noise that could be associated with the general activities that may occur around the area.

5.3. Therefore, I have fully examined the document submitted with the application produced by Acoustics Associates Ltd, titled: "Planning Application Noise Assessment (2020)", written by Peter Attwood BSc MSc MCIOB MIOA MIDiagE, date: 16 January 2020, with a Project Ref: J2858. The assessment has made detailed reference to applicable standards and guidelines. The methodology used, and calculations made in the noise assessment are recognised techniques in predicting noise levels and the impact of them. All the noise monitoring data has been captured at appropriate days and times in order to make an assessment based on a worst-case scenario.

5.4. Crucially it is stated:

*"5.3 Noise Mitigation - Rear Facing Plots The noise model demonstrates that for rear facing plots on first and second floors the worst case noise level will be 46 dB(A) during the daytime and 45 dB(A) during the night time. Based on these levels, it is recommended that normal thermal glazing and standard trickle vents are fitted. Unless required for non-acoustic issues it is considered that mechanical ventilation systems will not be required. The night time noise levels mean that the BS8233 criteria can be achieved even with windows open. For third floor rear windows, the noise level is higher at 51dB(A) during the daytime and 50dB(A) at night. For these windows, the recommendations for attenuated ventilation in section 5.5 below apply."*

5.5. Section 5.5 states:

*"5.5 Mechanical Ventilation It is recommended that a "whole flat" Mechanical Ventilation Heat Recovery System (MVHR or similar) be installed within all plots where external noise levels do not permit the achievement of satisfactory background ventilation via openable windows. This means that appropriate levels of background ventilation can be supplied without the need for opening windows, though this remains an option for residents if they so choose in order to achieve rapid 'purge' ventilation or on high external temperature days."*

5.6. This includes:

- Ground Floor flat 1
- 1st Floor flats - 2 & 4
- 2nd Floor flats - 5 & 7
- 3rd Floor flats - 8 & 9

- 5.7. Such a system would feed air in to bedrooms and lounges and extract warm air (and recover heat) from kitchens and wet areas. The system would continuously provide background ventilation and would also have a boost function. The supply and extract terminals would be situated away from Lewes Road on the roof or the rear façade. An alternative to the MVHR system would be a Mechanical Extract Ventilation system (MEV), coupled with sound attenuating trickle vents. This may be appropriate if the air quality standards on the Lewes Road at this point permit."
- 5.8. Appropriate glazing standards are detailed in Section 5.4 of the assessment to also ensure that the adopted noise criteria are achieved.
- 5.9. The exact ventilation system ultimately falls to the developer and from an acoustics perspective, needs to ensure that fresh airflow can be achieved without the need for opening windows.
- 5.10. For each dwelling, the atmospheric side supply and extract points should be positioned, where practicably possible, on façades shielded from the roads by the building itself. Sound attenuation provided by this type of system is typically in the order of 40dB(A). The use of MVHR system will provide high-quality filtered air within each unit and will enable windows to be closed, vastly reducing internal noise levels and at the same time, improving thermal comfort and internal air quality.
- 5.11. The above can be secured by attaching an appropriately worded condition to any permission to develop.
- 5.12. I have examined the Phase I and Phase II Geo-Environmental Investigation, dated 14th October 2019, Reference: LS 4576, produced by Land Science and submitted as part of the application. The investigation concludes that further investigation will be required once the buildings have been demolished and removed. At present, no remediation is required but this is subject to the further site investigation. I have no reason to disagree with the recommendations of the investigation. The methods used and proposed are scientifically robust, are recognised techniques in addressing potentially contaminated land and adhere to the appropriate British Standards and codes of practise. As such, the recommendation can be secured by attaching an appropriately worded condition to any permission to develop.
- 5.13. **Arboriculture:** Comment  
This application is an amendment to the original approved application, with no material changes of an arboricultural nature.
- 5.14. **Housing:** Comment

The layout of Flat 1, 2 & 5 are not ideal from a fire safety view as the bedrooms are inner rooms entered from the open plan kitchen/living room space.

5.15. **Planning Policy: Comment**

There is an extant planning consent for this site (BH2015/01736), approved on appeal (APL2017/00054) for 4no. storey building providing 238sqm of A1/A2/A5 within 2no. commercial units at ground floor, and 8no. 2 bedroomed flats above. The original reason for refusal related to the applicant's initial refusal to pay an affordable housing contribution, and therefore was in conflict with CP20. There were no other reasons for refusal. The appeal was allowed as the applicant agreed to pay a S106 contribution towards affordable housing as required by the planning inspector. The principle of development to provide a mixed-use scheme on this site has therefore been established under BH2015/01736.

5.16. The application seeks to revise the extant application. Key changes with the current proposal include provision of 9 dwellings rather than 8; and provision of 168sqm of A1/A2/A5 floorspace in 1 unit rather than 238sqm within 2 units.

5.17. The proposal would result in 9 new dwellings, with a net gain of 7, therefore contributing to the city' housing target, identified under policy CP1. 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).

5.18. The site is adjacent to existing residential development and is well located in terms of access to facilities, being within Lewes Road District Centre, and has good bus links to other parts of the city.

5.19. As a windfall site, policy CP19 requires proposals to have considered housing mix and local assessments. All dwellings provided would be 2-bed. Local assessments indicate that the greatest demand for market housing is for 2-bed units (34%). There are therefore no concerns with the housing mix proposed.

5.20. The need for affordable housing in the city is high, as set out in the Assessment of Affordable Housing Need, 2012. Policy CP20 requires 20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 (net) dwellings. The proposed scheme would provide 7 net units therefore an affordable housing contribution should be sought. The applicant has provided an affordable housing statement which states that a contribution of £182,250 will be provided. This is equivalent to 1no 2bed affordable dwelling and is in accordance with the Developer Contributions Technical Guidance.

- 5.21. The proposed dwellings range from between 65sqm and 75sqm. All therefore meet minimum nationally described space standards for 2 bedroomed/3 person dwellings; some meet the NDSS for 2 bedroomed/4 person dwellings.
- 5.22. All dwellings have private outdoor amenity space. No issue raised with HO5. In addition, approximately 70sqm of outdoor communal private amenity space is provided on site.
- 5.23. The proposal will result in a reduction of c.122sqm A1/A2/A5 floorspace compared to the extant permission, and c.184sqm less A1 floorspace from current provision. The site is located within the Lewes Road District Centre, however is not within the defined primary or secondary frontage. Loss of A1 is therefore permitted in accordance with SR5, provided that the proposed use still attracts pedestrian activity. The mix of A1/A2/A5 is considered appropriate in this location, subject to any potential amenity issues being addressed. The site is considered to be edge-of-centre, however no concerns are raised as the amount of floorspace proposed is less than existing provision.
- 5.24. The site is situated within the DA3 Lewes Road Area. Provision of residential development, and development that meets the needs of local communities is supported in accordance with DA3.3. The scheme would result in a dwelling density of c.180dph, therefore meeting the requirements of policy CP14 for development areas.
- 5.25. The site's location on Lewes Road may raise issues around occupier amenity, particularly in relation to noise and air quality. DA3.7 requires new development to take into account the impact on local air quality and SU9 and SU10 seeks protection of occupiers from air and noise pollution. It is noted that Air Quality and Noise Impact Assessments have been submitted. Environmental Health should be consulted in this regard.
- 5.26. No Sustainability Checklist has been submitted for this application and should be requested. Both residential and non-residential development will be required to meet the standards as set out in CP8.1. The amount of floorspace proposed under the commercial element of the scheme falls within the threshold of "non-major" in relation to policy CP8; this element of the scheme should therefore be required to meet BREEAM Very Good.
- 5.27. The proposed scheme incorporates a communal courtyard area. The Planning Statement says this offers limited opportunities for landscaping. If suitable, consideration could be given to incorporate edible landscaping (fruit/nut-tree), to help meet requirements of CP8.2(p). Landscaping could also help to achieve a net gain in biodiversity, as required by CP10.2(c) if consideration is given to species as outlined in the Nature Conservation & Development SPD11.

- 5.28. The site incorporates trees which are protected by a TPO. QD16 allows development only where the amenity value and health of the tree are not damaged. The applicant has submitted an arboricultural assessment and tree protection plan. Comments from the arboriculturalist should be sought in this respect.
- 5.29. A Transport Assessment has been provided. The Planning Statement states that no parking for cars will be provided. 14 spaces for cycle parking will be provided which meets the requirements for parking standards as set out in SPD14. The Planning Statement refers to measures to promote sustainable travel, including car-club membership. This seems appropriate given the site's location on a sustainable transport corridor, however sustainable transport comments should be sought.
- 5.30. Waste Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in order to meet the requirements of the policy. A Waste Minimisation Statement has been submitted.
- 5.31. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location of bins is shown on the plans and there is no issue with this.
- 5.32. **Sustainable Transport:** Comment  
The existing pedestrian access is from Lewes Road. The new primary pedestrian accesses to the proposed development will be directly from Lewes Road. There are separate accesses to the commercial units and the residential units. We on behalf of the Highway Authority raise no objections.
- 5.33. Cyclist access will be from the Lewes Road and no objections are raised. Delivery and service vehicle access Servicing this commercial unit would be via Lewes Road, using the existing service bay, and no objections are raised.
- 5.34. The site has no existing vehicular access, and this is to remain as part of this proposal. We have no objections.
- 5.35. Parking Cycle parking SPD14 requires for A1 use 1 space plus 1 space per 150m<sup>2</sup> for short stay, and 1 space per 5 staff for long stay. There will be 158m<sup>2</sup> for A1 use, and 9 employees. Therefore, it is required for 3 cycle parking spaces to be provided for the A1 use. SPD14 requires for C3 use 1 cycle parking space per unit for long stay and, from a threshold of 5 units, 1 cycle parking space per 3 units for short stay. Therefore, it is required for 12 cycle parking spaces to be provided for the C3 use.



- 5.36. 14 cycle parking spaces are proposed. Therefore, the number of cycle parking spaces is in accordance with SPD14 guidance; however, we require further details of and amendments to the design. Sheffield stands are to be provided, which is acceptable. However, there is only 0.46m behind the racks, which is not sufficient clearance space to manoeuvre the bicycles in and out of the racks. Aisle widths should be 2.4m wide. This can be reduced to 1.8m for small stores and for parts of larger stores that serve only a few stands and where no through access is required. Therefore, it is requested the plans are revised to provide at least a minimum of 1.8m of clearance behind the racks.
- 5.37. The cycle store appears to be located on the first floor. It is unclear if the cycle stands will be accessed by a set of stairs. It is requested this information is clarified. In addition, the cycle store is accessed by passing the bins. It is requested the plans are revised such that the cycle store is not accessed by passing the bins first. It should be noted that cycle parking should be located in a safe, covered and convenient location in accordance with TR14 of Brighton & Hove Local Plan. We therefore request further details are provided on this prior to determination.
- 5.38. No disabled parking is to be provided. There are opportunities, if some what limited, in the form of on-street parking opportunities for disabled staff and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for 3 hours. Therefore in this instance the Highway Authority would not consider the lack on off-site disabled car parking to be a reason for refusal.
- 5.39. In accordance with SPD14, the maximum parking allowed for A1 shops in Key Public Transport Corridors is 1 space per 40m<sup>2</sup>, and for C3 residential units is 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors. There is no provision for car parking spaces. The proposal is therefore compliant in respect of general car parking, with further consideration of the operational impacts provided below.
- 5.40. The proposed development would result nine additional dwellings, in addition to 158sqm of A1 shops use. It is not considered the additional dwelling and reduced shop space would result in a significant uplift in person and vehicle trips compared to the extant permission and therefore we would not consider the development to have a severe impact on the highway and surrounding transport network.
- 5.41. In accordance with SPD14, the maximum parking allowed for A1 shop space located in Key Public Transport Corridors is one space per 40sqm, and for C3 residential units is 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors. However, these are maximums and lower levels are permitted subject to an assessment of overspill parking. Therefore, the provision of no car parking is in accordance with SPD14 in principle.
- 5.42. The commercial element of the site will reduce in size. Therefore, on-street parking associated with this use would be expected to decrease, although it

is noted that this is likely to be daytime demand and not night-time when residential demand is typically highest.

- 5.43. The proposed residential dwellings would be expected to increase demand for on-street parking. Based on the 2011 Census, car ownership levels of approximately 0.76 per household could be expected for the Hanover And Elm Grove ward and therefore the proposal has the potential to generate a demand of approximately seven vehicles. However, the site is located within the Controlled Parking Zone (CPZ) V which will ensure any additional on-street parking in the immediate vicinity is managed.
- 5.44. SPD14 outlines how restrictions in access to on-street parking permits will be considered for developments where the impact of overspill parking is considered unacceptable. These impacts may include localised increases in demand which can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase.
- 5.45. Where there is potential for overspill parking, a parking survey is normally utilised to determine whether there is capacity on-street for the additional demand within close proximity to the development.
- 5.46. In lieu of a parking survey, the Highway Authority utilises permit uptake data to assess parking occupancy levels within CPZs. Given the potential variance in uptake across a CPZ, where permit uptake is over 85% over the previous 12 months, no additional overspill parking is permitted without a supporting parking survey. Recent permit uptake within Zone V indicates high demand for parking as 99%. Therefore, it is recommended that all of the residential development is made car free and that this is secured by condition. Should the applicant wish to undertake a parking survey demonstrating there is sufficient capacity, or a parking demand assessment demonstrating there is no increase in demand compared to the existing use then we may reconsider.
- 5.47. The Equality Act 2010 places a range of duties on the Council. Amongst others these require decision makers to be aware of the potential impacts of its decisions, at the point when they take them, on people with characteristics that are protected by the Act. There must be a reasonable evidence base for this. If there are likely to be any negative impacts then, amongst other things, the decision maker must be satisfied that there is a reasonable 'objective justification' for these.
- 5.48. For the benefit of decision makers, we set out below those aspects of the proposals that are likely to have negative impacts in respect to transport. We also consider if there is a reasonable objective justification for these in transport terms. Where there is not then decision makers will need to be satisfied that a suitable objective justification exists for non-transport reasons. Note that we do not consider planning policy in this section.

- 5.49. In this case, our only concern is the absence of provision for disabled parking. However, it is noted that there are some opportunities for this demand to be met on-street. Additionally, cycle parking is currently located on the upper floor which is not considered accessible to all. Further details have been requested with regard to cycle parking
- 5.50. As previously requested for BH2015/01736 a contribution of £10,000 is sought towards on-street improvements in the form of footway improvements, provision of a loading bay and on-street cycle parking. This is in order to provide for sustainable and safe access to the site and cater for the increase in trips in accordance with Brighton & Hove City Plan Part One policy CP7.
- 5.51. Due to the nature of the development, there would be expected to be a uplift in person trips. Measures to promote sustainable travel to and from the development should be proposed, through the provision of travel packs to all new households. This can be secured by condition. Measures and offers to include in the packs are referenced in the condition. Additional Comments It is highlighted that doors of the commercial unit should not open outwards on to the public highway in order to comply with Section 153 of the Highways Act 1980. The applicant is therefore advised to amend this aspect of the proposals.

## **6. MATERIAL CONSIDERATIONS**

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

## **7. POLICIES**

The National Planning Policy Framework (NPPF)

### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
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
SPD11	Nature Conservation & Development
SPD14	Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of the proposed development, the suitability of the site to

accommodate the proposed development having regard to the amenity requirements for the dwellings, affordable housing, the affect upon the character of the area and neighbouring residential amenity, traffic impact and sustainability.

**Provision of Housing:**

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).

**Background:**

8.4. The application is an amendment to BH2015/01736. Whilst that application was granted on appeal in June 2017 with a three-year period to begin development, the government announced on 22nd June 2020 that any planning permissions due to expire between the beginning of lockdown and the end of 2020 would be automatically extended until 1 April 2021. BH20015/01736 remains extant, and the ability to implement that consent is given significant weight in the determination of the current application.

**Amendments to BH2015/01736:**

8.5. The key differences between BH2015/01736 and the current application are as follows:

- The building footprint is reduced at the front. BH2015/01736 permits a single storey front projection to the southern end of the building to house a commercial unit. This projection is removed from the scheme, and the number of commercial units proposed overall is reduced from 2 to 1.
- The northern commercial unit is enlarged, to take in part of the floor space previously allocated to the second unit.
- One additional 2-bedroom flat is proposed at ground floor. This is positioned in what would have been the rear section of the removed second commercial unit.
- Minor increase in overall height of 0.3m.

8.6. The key similarities are as follows:

- The overall positioning, building lines, footprint, bulk and form remains largely the same, other than the modest increase in height and the removed single storey front projection.
- The design, materials and detailing are the same.
- The shopfront design for the retained commercial unit is the same.

- The flats proposed at first, second and third floors are the same size and layout, other than a minor reduction in the floor area of the southern flat at first floor (<1m<sup>2</sup>) to facilitate a revised terrace detail.
- Bin and cycle storage retained in position at the rear of the building.

**Principle of Development:**

- 8.7. Policy CP3 seeks to resist the loss of employment uses unless the site can be shown to be redundant in some way. The existing uses on the site are a car showroom and sales (sui generis) and take away (A5) at ground floor with 2 flats above. The proposals would retain commercial use at ground floor comprising 168sqm of A1/A2/A5 (subject to occupation).
- 8.8. The proposed mixed use of residential and retail is considered acceptable in this location, where there are also other nearby examples of existing development with commercial uses at ground floor and residential over.
- 8.9. The existing building on the site is of no particular merit and its removal is not objected to.

**Affordable Housing:**

- 8.10. CP20 of the City Plan Part One requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance Paper, the proposed 7 additional two-bedroom units within Zone 2 would require a contribution of £182,250 (equivalent to one two-bedroom unit). The contribution has been agreed by the applicant subject to a S106 agreement.

**Design and Appearance:**

- 8.11. City Plan policy CP12 requires new development to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged. Policy QD5 requires new development to pay particular attention to street frontages.
- 8.12. The application is a resubmission following grant on appeal of a similar scheme which remains extant (BH2015/01736). The key difference is the removal of the single storey front projection. There is a minor increase in height although the overall size, form, positioning, bulk and detailing of the building would remain otherwise the same. The Inspector raised no objections on design grounds, nor did the Local Planning Authority.
- 8.13. The planning officer's report for BH2015/01736 states the following (the previous application referred to is BH2012/02887):
- 8.14. *The current application has addressed the previous concerns by fully setting back the section of the proposals immediately adjacent to Gladstone Terrace, so that the 3 storey element of the scheme now closely follows the existing development on the site in terms of height and mass. The fourth*

*storey has been set further back significantly by between 3.9 and 5m so that it is also now in line with Gladstone Terrace. Detailing has also been added to the side south west facing elevation which the inspector was critical of. The view is considered to be an improvement over the existing situation which consists of a blank wall with a large hoarding placed on it.*

- 8.15. *The overall design remains contemporary with the use of detailed recessed brick panels on both the front and side elevations and it is noted that the inspector had no issue with the design approach itself and described the front elevation as having 'appropriate articulation and visual interest'. The changes to the design are welcomed and it is considered that changes have addressed the previous concerns of both the LPA and inspector.*
- 8.16. There have been no material changes in the council's adopted design policies or in the character and appearance of the site and surrounding area which would warrant taking a different view now, particularly whilst BH2015/01736 remains extant.

**Impact on Amenity:**

- 8.17. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.18. There is a small increase in overall height although the overall bulk and positioning of the building remain as per BH2015/01736 where the LPA and Inspector raised no concerns in terms of overlooking, overshadowing, loss of light or increased sense of enclosure to occupiers of neighbouring properties. For that application the officer report states that:
- 8.19. *the Local Planning Authority's concerns over the impact on Gladstone Terrace have been addressed by the set back of the upper floors and overall reduction of the scheme in general, so that the only projection in front of Gladstone Terrace closely follows the existing development on the site.*
- 8.20. The further reduction in the forward projection of the building would lessen the building's impact in these regards. The modest increase in height would not have a significant impact. The replacement of the second commercial unit with a flat is likely to reduce noise generated within the building over the extant scheme. The reduction in the size of a first-floor rear outdoor terrace would also reduce the availability of views towards neighbouring properties from outside spaces available to future occupants of the new flats.

**Standard of Accommodation:**

- 8.21. Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers.

- 8.22. The size and layout of the flats at first, second and third floor remain largely the same as BH2015/01736. The proposals make the following floorspace provisions with predicted occupation levels determined by bedroom sizes (double room 11.5m<sup>2</sup>+, single room 7.5-11.4m<sup>2</sup>):
- 8.23. Ground Floor Flat:
- Flat 1: 76m<sup>2</sup> overall; bedroom 1- 14.3m<sup>2</sup>; bedroom 2- 12.2m<sup>2</sup> (2 beds; 4 occupants)
- 8.24. First Floor Flats:
- Flat 2: 73.2m<sup>2</sup> overall; bedroom 1- 18.9m<sup>2</sup>; bedroom 2- 10.4m<sup>2</sup> (2 beds; 3 occupants)
  - Flat 3: 65.2m<sup>2</sup> overall; bedroom 1- 16.4m<sup>2</sup>; bedroom 2- 9.1m<sup>2</sup> (2 beds; 3 occupants)
  - Flat 4: 70.1m<sup>2</sup> overall; bedroom 1- 19.6m<sup>2</sup>; bedroom 2- 10.5m<sup>2</sup> (2 beds; 3 occupants)
- 8.25. Second Floor Flats:
- Flat 5: 73.7m<sup>2</sup> overall; bedroom 1- 19.3m<sup>2</sup>; bedroom 2- 10.1m<sup>2</sup> (2 beds; 3 occupants)
  - Flat 6: 71.8m<sup>2</sup> overall; bedroom 1- 20.6m<sup>2</sup>; bedroom 2- 11.7m<sup>2</sup> (2 beds; 4 occupants)
  - Flat 7: 69.7m<sup>2</sup> overall; bedroom 1- 19.3m<sup>2</sup>; bedroom 2- 10.5m<sup>2</sup> (2 beds; 3 occupants)
- 8.26. Third Floor Flats:
- Flat 8: 72.1m<sup>2</sup> overall; bedroom 1- 21.1m<sup>2</sup>; bedroom 2- 8.9m<sup>2</sup> (2 beds; 3 occupants)
  - Flat 9: 68.2m<sup>2</sup> overall; bedroom 1- 14.0m<sup>2</sup>; bedroom 2- 12.4m<sup>2</sup> (2 beds; 4 occupiers)
- 8.27. Whilst not adopted policy, DCLG: Technical housing standards - nationally described space standard (2015) provides guidelines for floorspace provision in new residential development. A single bedroom should be no less than 7.5m<sup>2</sup> and a double no less than 11.5m<sup>2</sup>. It is welcomed that the proposed bedrooms would exceed these sizes. The guide also sets out that for 2-bedroom flats, 61m<sup>2</sup> should be provided for 3 occupiers (one double; one single rooms); and 70m<sup>2</sup> for 4 occupiers (two double rooms). Flats 1-8 would all exceed these sizes. Flat 9 would marginally fall short of the provision for 4 occupiers but would exceed that for 3. Notwithstanding this, all the flats are considered of reasonable size, and could comfortably accommodate required furniture and circulation spaces.
- 8.28. All bedrooms and living rooms would benefit from acceptable natural light and a reasonable outlook. It is noted that the outlook at the rear of the ground floor flat would be restricted, being subterranean and looking onto a small courtyard. The main living room, however, is double aspect, and it is considered that fenestration to the front elevation would prevent the overall standard of accommodation for this flat from feeling unacceptably gloomy. It



is noted that the standard of accommodation for flats 2-9 has previously been deemed acceptable by the LPA and the Planning Inspector.

- 8.29. The flats would all benefit from a small terrace or courtyard. Whilst these are small-scale, the provision is not below what can reasonably be expected from a flatted development in this location.
- 8.30. A noise assessment has been submitted, which assesses noise from the heavily trafficked Lewes Road. Mitigation is proposed, including Mechanical Ventilation (to prevent the frequency of windows having to be opened) and enhanced glazing. An air quality assessment has also been submitted to address vehicle emission pollution. This report also recommends mechanical ventilation, with extract away from the road (rear elevation). Subject to compliance with these recommendations, the proposals are considered to adequately address the issues of noise and pollution for future occupiers. The mitigation measures shall be secured by condition.
- 8.31. BH2015/01736 includes conditions specifying that a further submission shall be required if a use requiring odour controlling equipment intends to occupy the ground floor commercial unit. The submission should include details of odour control and sound insulation. Further conditions restrict operation hours of the commercial use to between 09:00 and 23:30 Sundays-Thursdays, and 09:00 and midnight on Fridays and Saturdays; and deliveries to the premises to only be between 08:00 and 18:00 on Mondays to Saturdays, and not at any time or Sundays and Bank Holidays. These conditions shall be reapplied to the current application.

**Sustainable Transport:**

- 8.32. Policy CP9 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport.
- 8.33. 14 cycle parking spaces are proposed which is in accordance with guidance within SPD14. The cycle store is the same location and size as that for BH2015/01736. Further details of the cycle store were required by condition for that application, and the same shall be applied here.
- 8.34. In accordance with SPD14, the maximum parking allowed for A1 shops in Key Public Transport Corridors is 1 space per 40m<sup>2</sup>, and for C3 residential units is 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors. There is no provision for car parking spaces. The proposal is therefore compliant in respect of general car parking.
- 8.35. It is not considered that additional dwelling and reduced shop space would result in a significant uplift in person and vehicle trips compared to the extant permission. The development is not considered to have a severe impact on the highway and surrounding transport network.
- 8.36. The proposed residential dwellings would be expected to increase demand for on-street parking. Based on the 2011 Census, car ownership levels of

approximately 0.76 per household could be expected for the Hanover And Elm Grove ward and, therefore, the proposal has the potential to generate a demand of approximately seven vehicles. The site is located within Controlled Parking Zone (CPZ) V which will ensure any additional on-street parking in the immediate vicinity is managed.

- 8.37. SPD14 outlines how restrictions in access to on-street parking permits will be considered for developments where the impact of overspill parking is considered unacceptable. These impacts may include localised increases in demand which can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase. On the basis that BH2015/01736 makes no restriction on resident access to parking permits, and that the expected parking demand would be similar, it is not considered reasonable in this instance to restrict parking access beyond the extant permission.
- 8.38. As previously requested for BH2015/01736, a contribution of £10,000 is sought towards on-street improvements in the form of footway improvements, provision of a loading bay and on-street cycle parking. This is in order to provide for sustainable and safe access to the site and cater for the increase in trips in accordance with Brighton & Hove City Plan Part One policy CP7. This contribution can be secured by condition.
- 8.39. The Unilateral Undertaking submitted for BH2015/01736 also includes provision for membership of a car club and a residential travel pack (including a one bus saver ticket valid for three months, a two-year membership to a car club, and information on local public transport, cycling and walking). These details can be secured by condition.
- 8.40. In conclusion it is considered that the transport issues are acceptable subject to a condition requiring further details of the cycle parking and S106 for the Sustainable transport contribution and travel plan type measures.

**Sustainability:**

- 8.41. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This shall be secured by condition.
- 8.42. CP8 also requires non-residential development to achieve a BREEAM rating of at least 'Very Good'. This can also be secured by condition.

**Other Considerations:**

- 8.43. A land contamination assessment has been submitted with the application. The investigation concludes that further investigation will be required once the buildings have been demolished and removed. At present, no remediation is required but this is subject to the further site investigation. The recommended additional investigation can be secured by condition.
- 8.44. It is noted that the Environmental Health Officer has requested that a Construction Environment Management Plan be secured by condition. Such

a plan was not previously requested by LPA or Inspector, and the scheme is very similar in scale and scope to BH2015/01736. It is not considered reasonable to add this additional condition to this condition in the absence of relevant material differences, and given that the former consent remains extant.

- 8.45. Policy CP10 states that the council will develop programs and strategies which aim to conserve, restore and enhance biodiversity and promote access to it. One such initiative, introduced since the previous application, is the requirement for new development to incorporate bee bricks. This provision can be secured by condition.

## **9. SECTION 106 HEADS OF TERMS:**

- 9.1. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to provide a financial contribution towards affordable housing contrary to policies CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  2. The proposed development fails to provide a financial contribution towards transport improvements contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

## **10. EQUALITIES**

- 10.1. The planning inspector made the following statement for BH2015/01736:

*The Council have also requested a condition requiring compliance with optional requirement M4(2) (accessible and adaptable dwellings) of the Building Regulations. However, the adopted policy referred to does not include M4(2) or set out the proportion of new dwellings which should comply with the requirement, as advised by the PPG. Furthermore, it is unclear whether step free access could be achieved to any of the flats. In this light, I do not consider such a condition necessary.*

- 10.2. Given that the permission is extant, it is not considered reasonable to take a different view in this matter at this stage. No other issues have been identified.



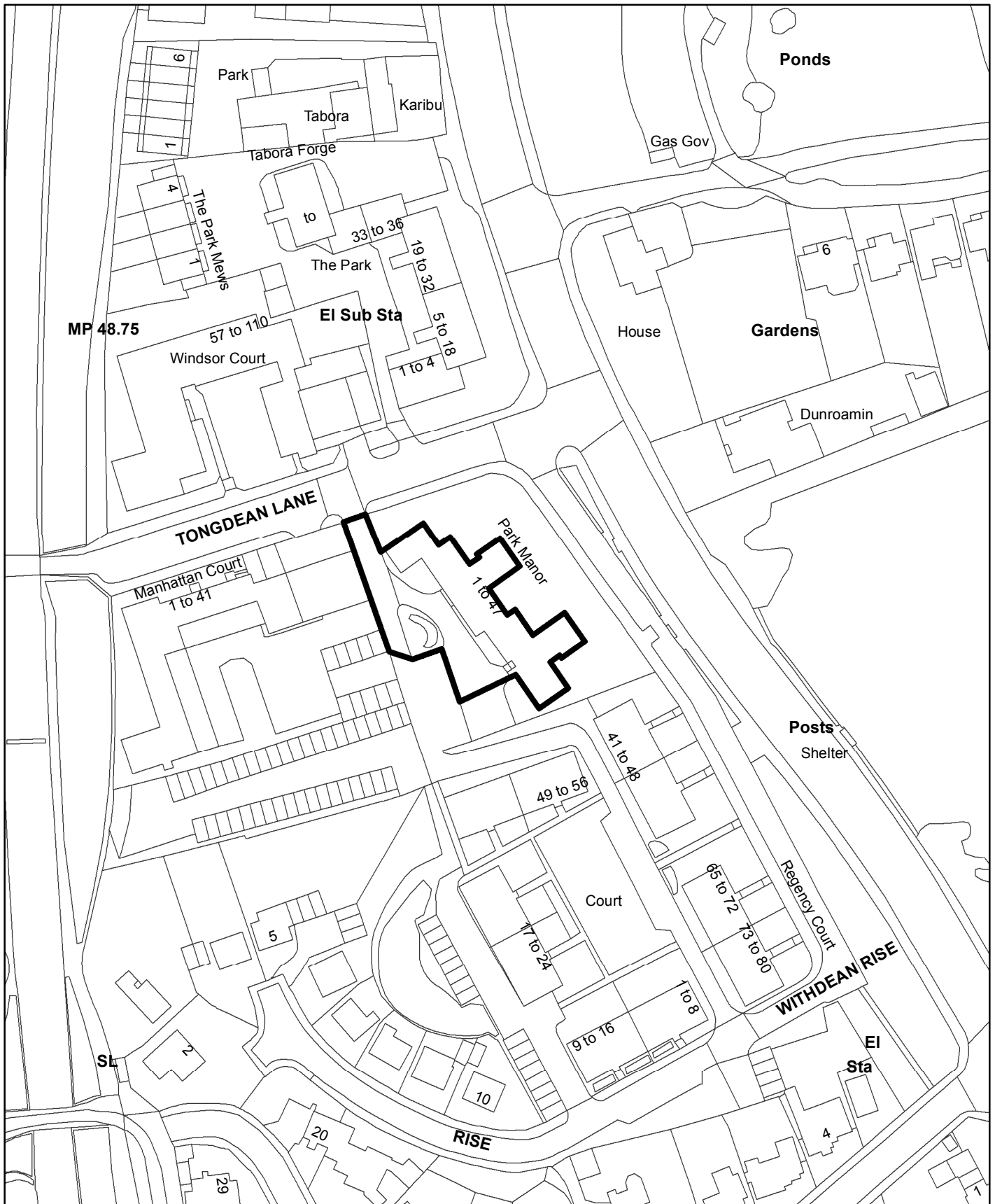
# **ITEM G**

**Park Manor, London Road  
BH2020/01081  
Removal or Variation of Condition**

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



# BH2020 01081 - Park Manor, London Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2020/01081</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Park Manor London Road Preston Brighton BN1 6YP</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of conditions 2, 4, 7, 8, 9, 11 &amp; 12 of application BH2013/01800 (Roof extension to form 4no one bedroom flats and 2no two bedroom flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store) to include changes in housing units to 2no. 1 bedroom flats and 4no. 2 bedroom flats (C3), increase in floorspace, alterations to elevations &amp; fenestration.</b>		
<b><u>Officer:</u></b>	<b>Helen Hobbs, tel: 290585</b>	<b><u>Valid Date:</u></b>	<b>17.04.2020</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>12.06.2020</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>DowsettMayhew Planning 63A Ship Street Brighton BN1 1AE</b>		
<b><u>Applicant:</u></b>	<b>Anstone Properties C/o DowsettMayhew Planning 63A Ship Street Brighton BN1 1AE</b>		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	A0620/01		17 April 2020
Proposed Drawing	A0620/06 B		17 April 2020
Proposed Drawing	A0620/08 E		17 April 2020
Proposed Drawing	A0620/09 A		17 April 2020
Proposed Drawing	A0620/10		17 April 2020
Proposed Drawing	A0620/11 A		17 April 2020
Proposed Drawing	A0620/13		17 April 2020
Proposed Drawing	A0620/14 B		17 April 2020
Other		Cover Letter	17 April 2020
Report/Statement		Planning Statement	17 April 2020

2. Access to the flat roof over the extension 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.

3. The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, 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.

4. 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.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

5. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

6. No development above the existing roof level hereby permitted shall take place until details of the proposed lift plant and machinery to be used on the premises have been submitted to and approved in writing by the Local Planning Authority. The details shall indicate the lift plant and machinery enclosed with sound- insulating materials and mounted in a way which will minimise transmission of structure borne sound. Development shall be carried out in accordance with the approved details.

**Reason:** To protect residential amenity of the occupiers of the building and to comply with policy QD27 of the Brighton & Hove Local Plan.

7. The development shall be built in accordance with the bicycle storage details submitted on 16th May 2014 approved under BH2014/01619.

**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.

8. No development above the existing roof level hereby permitted shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in

writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

9. The development shall be built in accordance with the refuse and recycling details submitted on 16th January 2014 approved under application BH2014/00137.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

10. 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 City Plan Part One.

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

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

12. The development shall provide a maximum of 6no flats only.

**Reason:** To ensure that the Local Planning Authority retains control over the density of the development, the proposed standard of accommodation and any impacts arising from the overall scale of 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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to a 7 storey block of flats situated on the corner of London Road and Tongdean Lane. This application relates to the 3 storey element of the building which fronts Tongdean Lane, adjacent to the access drive leading to the rear car parks. The building dates from the late 1960s and is constructed in light brown bricks with white windows; some of the flats have balconies which protrude from the front elevation. The roof of the building includes large additions for lift housing.

- 2.2. Application BH2013/01800 granted permission for a roof extension to form 6no flats, creation of 4no parking spaces, 1 disabled parking space and new

cycle store. The works to the car park and the cycle store have been completed on site. The works at roof level are yet to commence, however the permission is considered extant as some of the work has been implemented within the time limit.

- 2.3. The application seeks permission to vary the following conditions of application BH2013/01800:
- Condition 2 (Approved Plans)
  - Condition 4 (Lifetime Homes)
  - Condition 7 (Plant and Machinery Details)
  - Condition 8 (Cycle Parking Facilities)
  - Condition 9 (Materials)
  - Condition 11 (Interim Code for Sustainable Homes Certificate)
  - Condition 12 (Final/Post Construction Code for Sustainable Homes)
- 2.4. The amendments are sought to extend the approved additional top storey of the building to provide an alternative mix of units and an increase in floorspace. Conditions 11 and 12 need updating to reflect the fact that the Code for Sustainable Homes is no longer in use.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/01819** Non Material Amendment. Amendment to the description of development to remove reference to the mix of flats permitted. Approved.
- 3.2. **BH2020/01156** Creation of 3no additional car parking spaces to the north of the site. Under Consideration.
- 3.3. **BH2016/05327** Application for approval of details reserved by condition 7 and 9 of application BH2013/01800. Approved 24.11.2016.
- 3.4. **BH2016/01501** Application for removal of conditions 11 and 12 of application BH2013/01800 (Roof extension to form 4no one bedroom flats and 2no two bedroom flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store) that required a Code for Sustainable Homes rating of level 3 to be achieved in details to be submitted to and approved by the Local Planning Authority. Approved 01.07.2016.
- 3.5. **BH2015/00105** Application for Approval of Details Reserved by Condition 8 of application BH2012/03981. Approved 13.04.2015.
- 3.6. **BH2014/00137** Application for Approval of Details Reserved by Conditions 8 and 10 of application BH2013/01800. Split decision 05.08.2014.
- 3.7. **BH2013/03993** Roof extension to form 4no three bedroom penthouse flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store. Approved 04.04.2014.

3.8. **BH2013/01800** Roof extension to form 4no one bedroom flats and 2no two bedroom flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store. Approved 27.11.2013.

3.9. The cycle store and car parking spaces have been implemented on site within the time limit, therefore the permission is extant.

#### **4. REPRESENTATIONS**

4.1. **Seven (7)** letters have been received objecting to the proposed development for the following reasons:

- Increase in traffic
- Lack of parking
- Further development would disturb the existing landscaping and gardens
- Pedestrian safety
- Structural safety of the building
- Noise and disturbance
- Impact on the usability of the lift
- Materials will look unsightly
- Overdevelopment
- No provision for refuse and recycling

4.2. **One (1)** letter commenting that the application has been received.

#### **5. CONSULTATIONS**

5.1. **Environmental Health:** Comment

Condition 7 (Plant and Machinery Details): Previously details in respect of plant and machinery were required 'prior to commencement'. In light of changes to Government Guidance, it is respectfully requested, where this condition is deemed necessary, it is not attached as a 'prior to commencement' condition.

5.2. **Planning Policy:** 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 JAAP (adopted October 2019).

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP20	Affordable housing

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

TR4	Travel plans
TR14	Cycle access and parking
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 Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
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 on the character and appearance of the building and the surrounding area, impact on neighbouring amenity, standard of accommodation as well as transport and sustainability issues.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. The amendment to the approved drawings consists of extending the roof level in line with the side elevations of the building. A set back would still be retained from the front elevation. This set back ensures that the roof level remains subservient and reads as a sympathetic modern addition. The fenestration has also been revised, with the window openings being reduced in size and mostly positioned in line with the floors below. The materials proposed would be similar to that of the previously approved scheme. The proposed extension to the approved roof level is therefore considered acceptable in design terms and would not significantly impact the character and appearance of the main building or the surrounding area.
- 8.5. The proposed flats would all provide a good standard of accommodation for future occupiers in terms of size and layout, with bedrooms and overall unit sizes meeting the Government's Technical Housing Standards. All primary rooms would have good levels of light and outlook. The flats would still be provided with small outdoor terraces, which are considered acceptable for the scale of the development.
- 8.6. The extension to the roof level is unlikely to result in any detrimental impact on neighbouring properties. Park Manor is significantly larger than the adjacent neighbouring blocks of flats. Given the set back of the extension to the front and the position and height of Park Manor in relation to its immediate neighbours, the scheme would not result in a significant impact on the amenity of any adjacent residents in respect of loss of light, overlooking or loss of outlook. The proposed roof terraces, these would remain in a similar positions to the previously proposed scheme, however have been

reduced in size. No harm was previously identified, and this remains the case.

- 8.7. Application BH2013/01800 was determined prior to the adoption of City Plan Part One Policy CP20 Affordable Housing and as such no contribution was required at the time. Whilst it is acknowledged that the units being proposed in this current application are slightly larger, the overall unit number remains the same and it would therefore be unreasonable to request an Affordable Housing contribution, when a similar scheme already has planning permission.

#### Other Matters

- 8.8. The application also seeks to vary a number of other conditions.
- 8.9. Condition 4 of application BH2013/01800 relates to lifetime home standards. Following the introduction of the national technical standards, the current Lifetime Homes condition is no longer applicable. For development with step free access, the dwelling shall be conditioned to be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).
- 8.10. Condition 7 requires details of the lift plant and machinery to be submitted prior to commencement of works. It is considered acceptable to amend this to a pre-occupation condition.
- 8.11. Conditions 11 and 12 of application BH2013/01800 relate to The Code for Sustainable Homes, which has been withdrawn by Government and therefore it is recommended that the conditions applied by the Local Planning Authority be removed and replaced by a condition to secure the national technical standards for energy consumption and water consumption (Condition 13 and 14), as secured in policy CP8 of the City Plan Part One.
- 8.12. In regard to all other planning conditions, these are updated from those applied to BH2013/01800 to acknowledge any details which have been submitted and agreed since this approval was granted.
- 8.13. Application BH2013/01800 was subject to a Section 106 agreement seeking developer contributions of £4,500 to help finance off-site highway improvement schemes such as footway improvements in the local area. These monies have been received by the Local Planning Authority and the S106 agreement included a clause ensuring that any subsequent Section 73 granted after this deed shall relate and bind to the any new permission. On this basis, no further contribution is requested.

- 9. EQUALITIES**  
None identified.



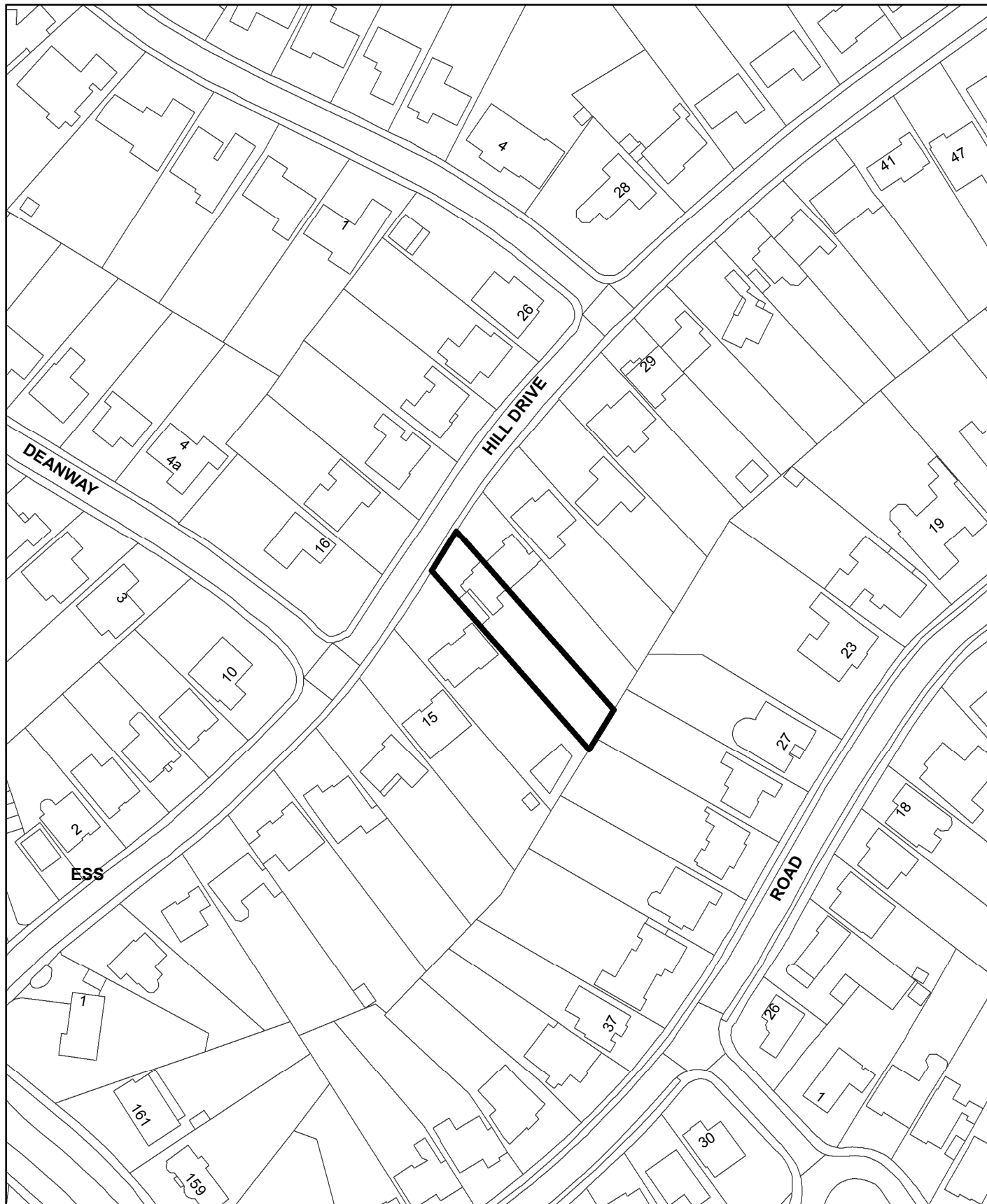
# **ITEM H**

**19 Hill Drive  
BH2020/01476  
Householder Planning Consent**

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



# BH2020 01476 - 19 Hill Drive



N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2020/01476</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>19 Hill Drive Hove BN3 6QN</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage and erection of two storey side extension, single storey rear extension and revised rear balcony, 2no rear dormers, revised front entrance and access, widening of existing crossover with associated alterations</b>		
<b><u>Officer:</u></b>	Ayscha Woods, 292322	tel:	<b><u>Valid Date:</u></b> 08.06.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	03.08.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	DPS Sussex Ltd 6 Newlands Close Keymer Ditchling Hassocks BN6 8BG		
<b><u>Applicant:</u></b>	Mr and Mrs Lau 19 Hill Drive Hove BN3 6QN		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Other	Cycle Stoage Details (The Annexe Shed)	-	2 June 2020
Proposed Drawing	HDH.005	H	25 June 2020
Location and block plan	HDH.005	H	25 June 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. Other than the hardstanding, 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. Other than the terrace area hereby approved, access to the flat roof over the extension 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. 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.

6. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until the new/extended crossover and access has been constructed.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

8. 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.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team ([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

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

- 2.1. The application site relates to a two storey semi-detached property located to the south-east side of Hill Drive. The site is not located within a conservation area and there are no Article 4 directions covering the site. As existing, the property is finished in brickwork with a tile hung hipped roof form.

## **3. RELEVANT HISTORY**

None relevant

## **4. REPRESENTATIONS**

- 4.1. **Six (6)** letters have been received objecting to the proposed development on the following grounds:
  - Poor design
  - Overdevelopment
  - Excessive scale and bulk
  - Not subservient
  - Out of keeping
  - Appear as three storey block with no visible roof
  - Overbearing
  - Noise disturbance
  - Detrimental affect on property value

- Inappropriate Height of Development
- Overshadowing
- Residential Amenity
- Restriction of view
- Loss of outlook
- Extended crossover would affect street parking bay
- Bike shed to front out of keeping
- Concerns regarding debris and rubbish from construction works/impact on living quality
- Concerns of vibrations impacting movement with glass/framework
- Despite amended plans objection and views remain

## 5. CONSULTATIONS

- 5.1. **Sustainable Transport:** Verbal comment received 24/06/20 - No objection  
The proposal includes the loss of an existing garage with revised front access and widened crossover. The plans submitted include cycle parking which is secure and accessible. This is acceptable and a welcomed addition.
- 5.2. The proposal would allow two cars to be parked on the front hardstanding. SPD14 states 1 car parking space however given that two cars can already park on the existing enlarged hardstanding, the cars are already crossing the footway, therefore the increased crossover width would actually improve the existing arrangement.
- 5.3. The Highway Authority has no objection to this proposal subject to a new/extended vehicle crossover and informative.
- 5.4. **Brighton and Hove Archaeological Society:** Comment  
The proposed development lies within an area of archaeological sensitivity.
- 5.5. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for recommendations.
- 5.6. **County Archaeology:** No objection  
Although this application is situated partly within an Archaeological Notification Area, based on the information supplied, County Archaeology do not believe that any significant archaeological remains are likely to be affected by these proposals.

## 6. MATERIAL CONSIDERATIONS

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



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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

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

TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity

#### Supplementary Planning Guidance:

SPD14	Parking Standards
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#### Supplementary Planning Documents:

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

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. Permission is sought for the demolition of the existing garage and erection of a two storey side extension, a single storey rear extension and revised rear balcony, first floor rear extension, rear dormer, a revised front entrance and access, and the widening of the existing crossover with associated alterations.
- 8.2. It is noted that minor amendments have been sought throughout the course of the application which are discussed later within the report below.
- 8.3. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building and the wider street scene, and the amenities of adjacent occupiers.

### **Design and Appearance:**

#### Two storey side extension/rear dormer:

- 8.4. As originally submitted, the proposed two storey side extension included a gable end roof form with a large dormer to the rear which assimilated into the gable end, and which extended back over a proposed first floor extension at the rear and across the full width of the rear roof slope.
- 8.5. A two storey side and rear extension was considered acceptable in principle; however, the original design approach was considered excessively scaled and would have result in an overdevelopment of the building. Given its location, the proposal would be highly visible in the streetscene and was not supported. Amendments were sought throughout the course of the application to address the design concerns. These are discussed below.
- 8.6. As originally submitted, the proposed two storey side extension included a gable end and was set back from the frontage of the main building by 0.3m with a matching ridge height.
- 8.7. The proposed gable end would balance the appearance of the semi-detached pair with no. 21 to the north-east and is considered acceptable. However, amendments were sought throughout the course of the application for the extension to be set back further from the frontage and the ridge height set down from the main ridge to be in accordance with design guidance contained within SPD12. The scheme was amended accordingly; the extension would be set back from the frontage by 0.5m and set down from the main ridge by 0.3m. In addition, it would also be set 1m away from the side boundary. Following amendments, the proposed side extension would appear as a later addition to the main building and set sufficiently away from the boundary, in accordance with SPD12.
- 8.8. The original submission included rear dormer assimilated into the gable end of the two storey side extension with no visual separation. It was also

proposed that the dormer be built up to the ridge height and extend across the full rear of the roof slope with large areas of cladding.

- 8.9. This design approach would have resulted in an excessively scaled large box dormer which would not form a subservient addition to the main roof and was directly contrary to our guidance contained within SPD12 and was not supported.
- 8.10. Amendments were sought throughout the course of the application for the dormer to be a clearly separate structure to the gable end/main roof, and to form a subservient addition, clearly set down from the ridge, set in from the sides and away from the eaves, with minimal areas of cladding. The scheme was amended accordingly, and whilst the dormer remains somewhat large, it would be set appropriately within the roofspace with minimal areas of cladding, as per guidance contained within SPD12.
- 8.11. The proposed fenestration to the south-west elevation of the side extension is acceptable on design grounds.

Ground and First floor Rear Extensions & terrace:

- 8.12. The proposed two storey rear extension would have a flat roof, and whilst this design is usually resisted, given the flat roof of the proposed dormer and ground floor extension, this design would relate acceptably to the roof forms to the rear of the building and is considered acceptable in this instance.
- 8.13. The ground floor extension would have a flat roof and terrace above. The extension would form a suitable and subservient addition to the rear of the building and whilst the terrace would be larger than existing, given the existence of a first floor rear terrace, it is considered acceptable in this instance. It is also noted that whilst first floor terraces do not form a characteristic of the area, a search of planning history provides evidence to show that the existing structure has been in situ for more than 4 years and is therefore lawful. The enlarged terrace would not harm the building or wider area given the existing situation.

Front entrance and access and landscaping:

- 8.14. The proposed front entrance, new access steps and hardstanding to the front would have a suitable appearance to the frontage and given that some soft landscaping would be retained, the proposed is considered acceptable on design grounds.
- 8.15. Overall and following amendments, the proposed development and would not harm the appearance of the building, streetscene or wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

**Impact on Amenity:**

- 8.16. A site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans provided and aerial

imagery of the site. In addition, the applicants provided photos of the site throughout the course of the application.

- 8.17. The impact on the adjacent properties at 17 and 21 Hill Drive has been fully considered in terms of daylight, sunlight, outlook and privacy, and no significant harm has been identified.
- 8.18. The proposed two storey side extension to the south-west elevation would not appreciably impact on no. 21 to the north-east. The first floor rear extension above the proposed single storey rear extension would be set away from the boundary with no. 21 and would not result in a significantly harmful loss of light or overshadowing to this property enough to warrant refusal of this scheme. In addition, it would not project significantly beyond the rear elevation of no. 17 and would not result in a significantly overbearing impact.
- 8.19. The application property is located in a forward position to that of no. 17 to the south-west and the extensions would not extend beyond the rear elevation of no. 17. As such, the proposal would not have an overbearing impact on this property. Given its position the north of no. 17, it would not result in any significant loss of light or overshadowing to this property.
- 8.20. The property has an existing terrace at first floor level. The proposed terrace, whilst a little larger than the existing, would be set away from no. 21 and would not project beyond the rear elevation of no. 17. This, in addition to the existence of a first floor terrace would not result in a significantly harmful situation in terms of overlooking or loss of privacy.
- 8.21. It is noted that concerns have been raised regarding noise disturbance and associated debris/rubbish from construction works. This is not a material planning consideration and does not affect the determination of this application.

**Sustainable Transport:**

- 8.22. The proposal includes the loss of an existing garage with revised front access and widened crossover. The plans submitted include cycle parking which is secure and accessible. This design is an acceptable and welcomed addition to the property.
- 8.23. The proposal would allow two vehicles to be parked on the front hardstanding. Whilst SPD14 parking standards usually allow one parking space to a single dwellinghouse of this size, it is acknowledged that under the existing arrangement, two vehicles can already park on the existing enlarged hardstanding and are likely already crossing the footway. Therefore, the increased crossover width to allow for two vehicles to be parked to the front of the property would actually improve the existing arrangement and is acceptable in this instance. The proposed cycle parking mitigates the new extended crossover and hardstanding.

- 8.24. The Highway Authority has no objection to this proposal subject to a new/extended vehicle crossover and informative

**Other Matters:**

- 8.25. Since November 2019 the Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. 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.

**9. EQUALITIES**

None identified.



# **ITEM I**

**89 Valley Drive  
BH2020/01533  
Householder Planning Consent**

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





# BH2020 01533 - 89 Valley Drive



N



**Scale: 1:1,250**



<b>No:</b>	<b>BH2020/01533</b>	<b>Ward:</b>	<b>Withdean Ward</b>
<b>App Type:</b>	<b>Householder Planning Consent</b>		
<b>Address:</b>	<b>89 Valley Drive Brighton BN1 5FF</b>		
<b>Proposal:</b>	<b>Erection of detached single storey outbuilding in rear garden and associated landscaping.</b>		
<b>Officer:</b>	Ayscha Woods, 292322	tel: <b>Valid Date:</b>	09.06.2020
<b>Con Area:</b>		<b>Expiry Date:</b>	04.08.2020
<b>Listed Building Grade:</b>		<b>EOT:</b>	
<b>Agent:</b>	Miss Jessica Vieira Ground Floor Flat 30 Bridge Road Worthing BN14 7BX		
<b>Applicant:</b>	Ground Floor Flat 30 Bridge Road Worthing BN14 7BX		

## 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	0012	C	13 July 2020
Proposed Drawing	0013	C	13 July 2020
Proposed Drawing	0101	C	13 July 2020
Proposed Drawing	0102	C	13 July 2020
Proposed Drawing	0103	C	13 July 2020
Proposed Drawing	0200	C	13 July 2020
Proposed Drawing	0201	C	13 July 2020
Proposed Drawing	0202	C	13 July 2020
Proposed Drawing	0300	C	13 July 2020
Location and block plan	0100	C	13 July 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. 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.

4. The outbuilding hereby approved shall only be used for purposes incidental and ancillary to and in connection with the use of the main property as a residential unit and shall at no time be occupied as a separate or self-contained unit of accommodation.

**Reason:** To ensure the use of the development hereby permitted is appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with policies QD27 of the Brighton & Hove Local Plan.

5. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

6. Access to the flat roof over the extension 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.

7. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. details of railings or other measures to physically restrict access to the flat roof of the building proposed. Once agreed in writing such measures shall be retained in perpetuity;
- c. 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;
- d. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link: **[southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)**

Southern Water initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

## **2. RELEVANT HISTORY**

- 2.1. **BH2011/00580** - Construction of vehicle crossover and dropped kerb - Approved - 31/05/11
- 2.2. **BH2006/00155** - Creation of vehicle crossover - Approved - 01/03/06

- 2.3. **95/0281/FP** - Erection of single storey extensions to side and rear and enlargement of roof to provide accommodation in roofspace - Approved - 16/05/95
- 2.4. **BH1998/02043/FP** - Proposed extension to rear of existing garage - Approved - 27/10/98

### 3. CONSULTATIONS

- 3.1. **Arboriculture:** No objection
- 3.2. **Southern Water:** No objection subject to informative

### 4. REPRESENTATIONS

- 4.1. **Five (5)** letters have been received objecting to the proposed development on the following grounds:
- Noise disturbance
  - Overshadowing
  - Overlooking
  - Loss of Privacy
  - Overdevelopment
  - Too close to the boundary
  - Bulk and height
  - Out of keeping
  - Detrimental affect on property value
  - Living accommodation/Not for occasional use

### 5. RELEVANT POLICIES

#### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity

CP12 Urban Design

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

QD14 Extensions and alterations  
QD18 Species protection  
QD27 Protection of Amenity

Supplementary Planning Documents:

SPD11 Nature Conservation and Development  
SPD12 Design Guide for Extensions and Alterations

## **6. CONSIDERATIONS & ASSESSMENT**

- 6.1. The application site relates to a single storey detached dwelling located to the south side of Valley Drive. The property is located on a spacious plot with a generously sized rear garden.
- 6.2. Permission is sought for the erection of a detached single storey outbuilding in the rear garden and associated landscaping. The outbuilding would provide annex accommodation in connection with the main building. It is noted that amendments were received throughout the course of the application and this is discussed within the report.

### **Principle of Development/Proposed Use:**

- 6.3. The essential expectation for annex accommodation is that, for it to be acceptable, any accommodation provided on site should be ancillary to the main residential use of the site and a clear dependency is retained at all times with the host building. Only on this basis can it be regarded as not forming a separate residential unit.
- 6.4. Guidance within SPD12 states that attached annexes will be acceptable where they follow the general guidance for extensions and a clear dependency is retained at all times with the main building. Dependency can be demonstrated through the sharing of facilities/links with the main building, including the sharing of garden space, kitchen/bathroom facilities, site access and the retention of internal links.
- 6.5. As originally submitted, the proposed annex included an open plan layout including a kitchen, dining and living area, an office with bathroom and storage, and a gym area. External decking with seating was also proposed.
- 6.6. Following amendments received throughout the course of the application which has resulted in a reduced scale of the outbuilding, the revised floor plans include an open plan kitchen/living/dining area with a study area, storage and a bathroom. An outside seating area is also proposed.
- 6.7. The proposed annex would provide additional separate living accommodation to the main building. However there are no bedrooms proposed, and the outbuilding would share the rear garden and site access with the main

building which demonstrates clear links with the main building in accordance with guidance contained within SPD12. It is acknowledged that whilst not detailed on the plans submitted, a sleeping area could be accommodated within the annex, however, this would not be dissimilar in function from an additional bedroom within a larger rear extension connected to the main building.

- 6.8. The annex accommodation would provide ancillary living accommodation which demonstrates a clear dependency with the main building and is therefore not considered to result in the creation of a separate unit. The annex is considered acceptable in principle, subject to other material considerations and a condition ensuring that the outbuilding would not be used as a self-contained unit of accommodation separate from the main building.

**Design and Appearance & Landscaping:**

- 6.9. As originally submitted, the proposed outbuilding was considered to be excessively scaled, comparable to that of the main house, and unduly large in relation to the plot size. Due to the land levels and its excessive scale, the outbuilding would have been highly visible from the public highway and would have resulted in harm to the character of the area.
- 6.10. Amendments were sought throughout the course of the application to address the above concerns. The scheme was amended accordingly, with a significantly reduced footprint, and retaining an outside amenity area. The revised outbuilding would sit suitably within the site away from the neighbouring boundaries and would be approximately half the depth of the main building. It would still be a somewhat large; however, its revised scale would be of an acceptable size with a suitable level of rear amenity space retained. It would have the appearance somewhat typical of an annex found within a rear garden and following amendments, would not be highly visible from the streetscene.
- 6.11. The proposal includes excavation works to allow the structure to be built into the sloping land. This is considered acceptable on design grounds and there are no arboricultural objections to the excavation works.
- 6.12. A condition would be added requiring details of the existing and proposed ground levels within the site and on land and buildings adjoining the site as this matter is fundamental to the acceptable delivery of the permission to safeguard safeguard the character and appearance of the area and the amenities of nearby properties to comply with policy CP12 of the Brighton & Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan and.
- 6.13. The revised proposed outbuilding is considered a suitable addition to the site that would not harm its appearance or that of the wider area, in accordance with policies QD14 of the Brighton & Hove Local Plan, CP12 of the City Plan Part One, and SPD12 guidance.

**Impact on Amenity:**



- 6.14. The impact on the adjacent properties at 87 and 91 Valley Drive has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified.
- 6.15. It is noted that a site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans provided and from recently taken aerial imagery of the site. Site photos were also provided by the applicant throughout the course of the application.
- 6.16. The outbuilding would be single storey in height and posited to the rear area of the rear garden, a suitable distance away from the adjacent properties. It would be set down into the existing sloping landscape and would not exceed the height of the neighbouring boundaries. Following amendments, it would also be set a suitable distance away from the neighbouring boundaries. As such, no overlooking, overshadowing or loss of privacy would occur.
- 6.17. As noted above a condition would be applied requiring land level details to be provided prior to commencement of works to ensure that the outbuilding would be sited suitably within the site and to protect the amenity of the adjacent properties.
- 6.18. It is acknowledged the outbuilding may result in a perceived level of overlooking; however given the level of structure would be set at a similar level to the ground floor of the main building, albeit slightly raised, and would be set below the neighbouring boundary fences, this is not considered to be significant enough to warrant refusal of this scheme.
- 6.19. Furthermore, it is acknowledged that the outbuilding would have windows and a formal seating area, however the views available would not be above and beyond those which could be achieved from standing within the rear garden as existing. A condition is recommended to ensure that the flat roof of the structure could not be used as an external raised amenity area in order to limit any impact on neighbouring amenity, and a hard and soft landscaping scheme is recommended in order to ensure that suitable boundary treatments are retained including measures to physically limit and discourage access to the flat roof of the structure.
- 6.20. It is noted concerns have been raised concerning overlooking of the properties to the rear of the site along Gableson Avenue and Tongdean Lane. However, the outbuilding would be set suitably away from these dwellings, and set into the landscape and below the boundary fences. It would not therefore result in any overlooking of these properties.
- 6.21. The proposed use of the outbuilding would similar to normal domestic activity for annex use, and such use is unlikely to generate significant noise disturbance.
- Other matters:**
- 6.22. Since November 2019 the Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the

biodiversity of a site, particularly with regards to protected species such as bumblebees. 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.

**7. EQUALITIES**  
None identified

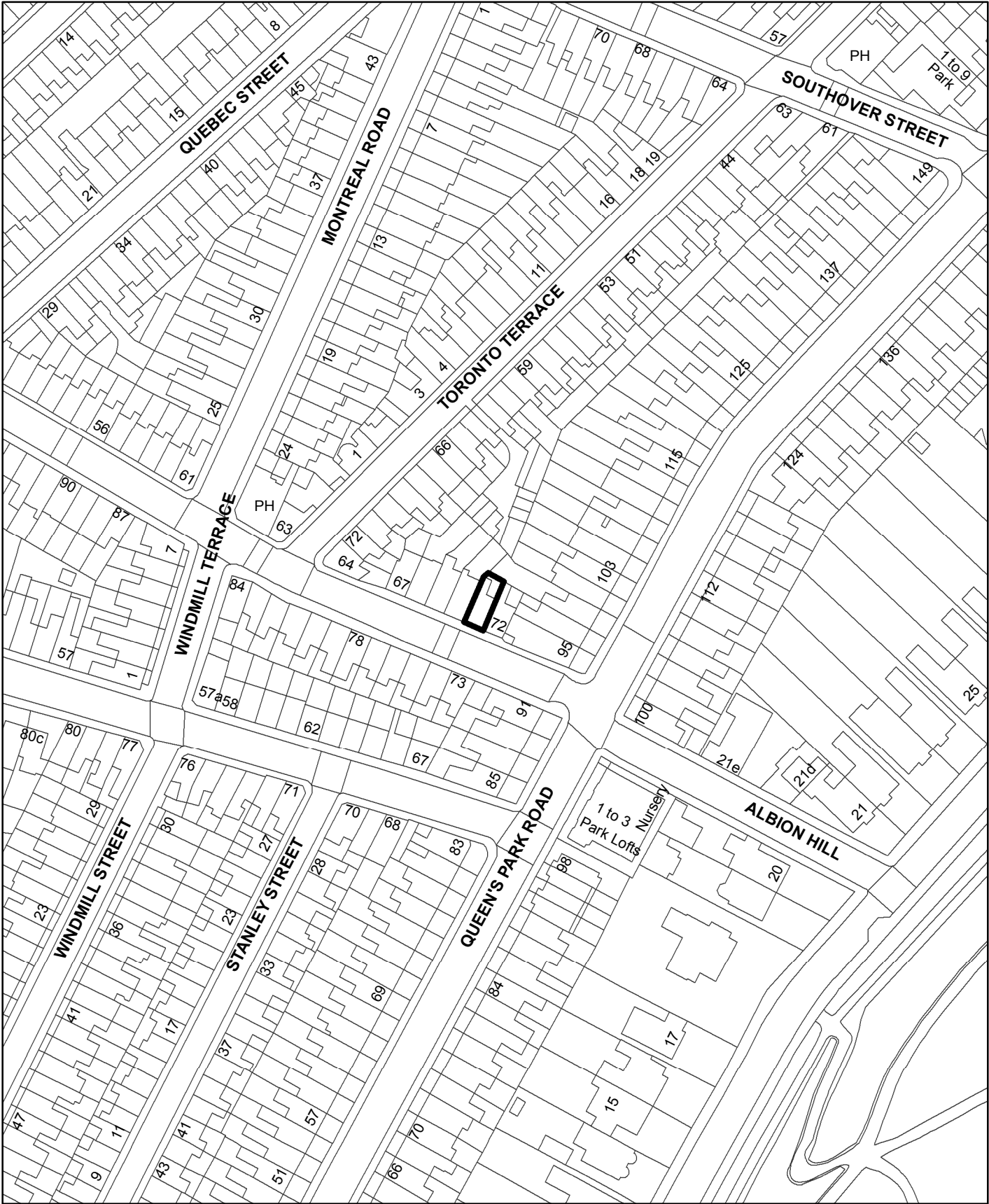
# **ITEM J**

**71 Albion Hill  
BH2020/01366  
Full Planning**

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



# BH2020 01366 - 71 Albion Hill



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/01366</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>71 Albion Hill Brighton BN2 9NX</b>		
<b><u>Proposal:</u></b>	<b>Change of use from four bedroom dwelling house (C3) to five bedroom small house in multiple occupation (C4).</b>		
<b><u>Officer:</u></b>	Rebecca Smith, 291075	tel: <b><u>Valid Date:</u></b>	19.05.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	14.07.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Regency Properties Brighton Ltd Care Of Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	2020/39		29 June 2020
Location and block plan	2020/39		19 May 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 number of persons residing at the premises shall not exceed five (5) at any one time and each bedroom shall be for single person occupancy only.  
**Reason:** To safeguard the amenities of occupiers and the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The kitchen and dining/living room shown on drawing no.2020/39 received on 29 June 2020 shall be retained as communal space at all times and shall not be used as a bedroom.

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

5. 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 the scheme required to be submitted by Condition 5 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 property located on the northern side of Albion Hill in Hanover. This application seeks approval for the change of use of 71 Albion Hill from C3 (dwelling) to C4 (small House in Multiple Occupation (HMO)) for five occupiers.
- 2.2. The whole city is now covered by an Article 4 Direction to remove permitted development rights regarding the change of use from a single dwellinghouse (C3) to small HMO (C4). However the Hanover and Elm Grove ward has been subject to this restriction since 2013 under an earlier Article 4 direction.

## **3. RELEVANT HISTORY**

None

## **4. REPRESENTATIONS**



- 4.1. **Two (2)** letters have been received, objecting to the proposed development for the following reasons:
- Noise
  - Overdevelopment
  - Overflowing rubbish from another HMO
  - Already a number of HMOs
- 4.2. **Councillor Gibson** has objected to the proposal. A copy is attached to the report.
- 4.3. **Councillor Powell** has objected to the proposal. A copy is attached to the report.

## 5. CONSULTATIONS

- 5.1. **Private Sector Housing:** No objection  
On completion of the proposal and once occupied it will be a licensable HMO.
- 5.2. **Planning Policy:** No Comment
- 5.3. **Southern Water:** No objection  
Please be aware that the property is already built over an existing public sewer. If the works to be carried out will alter the existing foundation line or depth it will be necessary for the applicant to contact Southern Water.
- 5.4. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 5.5. Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer. Request that should this application receive planning approval, an informative is attached to the consent.
- 5.6. **Sustainable Transport:** Verbal Comment No objection  
Cycle parking should be provided in the rear yard. The cycle parking should be secure, covered and easy to access. This should be secured by condition.
- 5.7. The development should have residents' permits removed as it is located in CPZ V which is over capacity. This should be secured by condition.
- 5.8. The proposed change of use of the dwelling to a small HMO is not considered likely to cause a significant impact on the local transport network. It would not be appropriate to object to this development on this basis.

## 6. MATERIAL CONSIDERATIONS

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

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

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

TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

#### Supplementary Planning Documents:

SPD14	Parking Standards
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## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the proposed change of use, design and appearance, the effects of the proposed change of use on neighbours' amenity, the standard of accommodation to be provided for future occupiers, and transport matters.

### **Principle of Proposed Change of Use:**

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

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

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

- 8.5. A mapping exercise has been undertaken which indicates that there are 79 properties within a 50m radius of the application property, 7 of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 8.86%.

- 8.6. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a five bedroom HMO (C4) would not be in conflict with the aims of policy CP21.

### **Design and Appearance:**

- 8.7. A minor external change to the rear elevation is included as part of this proposal. The window which previously served the separate toilet is to be removed. This would have no significant effect on the appearance of the rear elevation, and is necessary to ensure with the revised layout that all rooms include a window for outlook and natural ventilation.

### **Standard of Accommodation:**

- 8.8. The proposed change of use from a family home to a 5 bedroom small HMO includes significant revisions to the internal layout. These revisions include the removal of a dedicated living area and bathroom from the property. Instead the property is proposed to have a kitchen/dining/living area and five bedrooms, each with an en-suite comprising a shower, basin and toilet.

- 8.9. The sizes for each bedroom are proposed to be (excluding en-suites):
- Ground Floor Front Bedroom - 10.67sqm
  - First Floor Front Bedroom - 13.77sqm

- First Floor Rear Bedroom - 8.37sqm
  - Second Floor Front Bedroom - 12.757sqm
  - Second Floor Rear Bedroom - 8.636sqm
- 8.10. Each of the bedrooms would provide sufficient space for the proposed occupant to move around freely once the room is furnished with the standard furniture (bed, wardrobe, desk, and chair). It is also noted that the floor plans indicate sliding doors to each of the en-suites which means that no space is required for the opening of a door, improving the usability of the bedroom and private bathroom. It is also noted that each bedroom would have full height ceilings and access to natural light, outlook and ventilation from existing window openings.
- 8.11. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new dwellings. Policy DM1 of the draft City Plan Part Two proposes to adopt the NDSS. It is noted that the bedrooms would exceed the minimum size indicated by the Space Standards for a single occupancy bedroom.
- 8.12. As discussed above, the changes to the internal layout include the loss of a bathroom, instead providing individual en-suites. While this may be the preferred option for occupiers, it does mean that no communal toilet facilities would be provided within the property which may be awkward for visitors. However, the development would provide 5 toilets for 5 occupiers so refusal on the grounds of no communal toilet facilities could not be sustained, even though the inclusion of a communal one would provide a higher standard of living.
- 8.13. The communal space is located towards the back of the property. The existing layout would be altered so that the rear portion of the hall would be incorporated into the living/dining area (12sqm) and access to the kitchen (9sqm) would only be through the living/dining room. The plans indicate a narrow kitchen, in the same space as the kitchen currently, but it is noted that from the plans that the kitchen only proposes to have units on one side which will enable greater circulation space for occupiers when using the kitchen and allow for access to the rear garden.
- 8.14. The communal space itself would be tight for the number of occupiers, but the indicative furnished plan indicates that space for all residents to dine together and most residents to sit together has been provided. It is noted that whilst the proposed dining table has been shown to seat the 5 occupants, the seating indicated, due to its size, would likely only comfortably seat 4 people. However as this is furnished layout is indicative only, refusal on this basis would not be warranted.
- 8.15. Finally, at the rear of the property is a small garden which would be available for the use of the occupiers. The garden is small but this is characteristic of the area and would meet the objectives of policy HO5 which seeks to provide private amenity space in residential developments.

**Impact on Amenity:**

- 8.16. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.17. The proposed use of the property as a small HMO with a maximum of 5 occupiers would not be too dissimilar to that of a family dwelling. The pattern of movement within the dwelling and to and from the dwelling may be different owing to the individual lives being led rather than a family unit. However this would not be of a magnitude to cause substantial harm.

**Sustainable Transport:**

- 8.18. The proposed change of use of the dwelling to a small HMO is not considered likely to cause a significant impact on the local transport network. It would not be appropriate to restrict this development on this basis.
- 8.19. The application submission does not provide any proposed cycle parking for the residents. In their comments regarding the proposal the transport team have requested that cycle parking is provided in the rear yard. However, given that there is no front garden and only a small rear garden which can only be accessed through the house; it is considered that the site is too constrained to provide policy compliant cycle parking.
- 8.20. In terms of car parking there are no opportunities within the site boundary for off street parking. The transport team have advised that the site falls within CPZ V which is currently over capacity and have asked for future occupiers of the site to be restricted from applying for car parking permits. This would be secured by condition.

**Other considerations:**

- 8.21. Within the public comments received in association with this application, increased litter is raised as a concern. It is noted from street view that in the most recent imagery (April 2017) a bin is located outside the front door to 71 Albion Hill. The planning statement accompanying the proposal does not include alterations to the current facilities for the storage of waste and recycling by use of the existing occupiers. The site is too constrained to provide alternative facilities that would be over and above the arrangements shown for the rest of the street. The development is therefore considered acceptable in relation to litter.

**9. EQUALITIES**  
None identified





PLANNING COMMITTEE LIST  
COUNCILLOR REPRESENTATION

**Cllr. David Gibson**  
**BH2020/01366 – 71 Albion Hill**

**26<sup>th</sup> May 2020:**

I object to the conversion of 71 Albion Hill into a small HMO. In the interests of balanced communities I imagine this will be rejected since the number of HMOs with 50 metres exceeds the planning threshold. If it is recommended for approval I should like it to be considered by planning committee.







PLANNING COMMITTEE LIST  
COUNCILLOR REPRESENTATION

**Cllr. Steph Powell**  
**BH2020/01366 – 71 Albion Hill**

**26<sup>th</sup> May 2020:**

Like Cllr Gibson, I too would like to register my objection to planning application  
BH2020/01366.

If the application is recommended for approval then I would like it to be considered by the  
Planning committee, with an invitation for me to attend.



# PLANNING COMMITTEE

## Agenda Item 29

Brighton & Hove City Council

### NEW APPEALS RECEIVED 27/06/20- 08/07/20

**WARD**

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**GOLDSMID**

BH2020/00515

Land To East Of 18 Davigdor Road Hove BN3 1TT

Erection of a two storey 2no bedroom detached single dwelling (C3).

APPEAL IN PROGRESS

03/07/2020

Delegated

**WARD**

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**HOVE PARK**

BH2020/00439

4 Woodruff Avenue Hove BN3 6PF

Demolition of existing front boundary brick wall and erection of boundary fence with sliding gate, external redecoration and landscaping (part retrospective).

APPEAL IN PROGRESS

30/06/2020

Delegated

**WARD**

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**HOVE PARK**

BH2020/00516

199-201 Old Shoreham Road Hove BN3 7EA

Demolition of existing garage and erection of 1no detached two storey, three bedroom dwelling house (C3).

APPEAL IN PROGRESS

03/07/2020

Delegated

**WARD**

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

**MOULSECOOMB AND BEVENDEAN**

BH2019/03375

92 Newick Road Brighton BN1 9JH

Change of use from existing 6no bedroom small house in multiple occupation (C4) to a 9no bedroom large house in multiple occupation (sui generis) incorporating single storey rear extension, conversion of garage into habitable space & revised fenestration.

APPEAL IN PROGRESS

APPEAL RECEIVED DATE 03/07/2020  
APPLICATION DECISION LEVEL Not Assigned

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**WARD**

**MOULSECOOMB AND BEVENDEAN**

APPEALAPPNUMBER

BH2019/03417

ADDRESS

25 Wheatfield Way Brighton BN2 4RQ

DEVELOPMENT DESCRIPTION

Change of use from 6no. bedroom small House in Multiple Occupation (C4) to 8no. bedroom large House in Multiple Occupation (Sui Generis).  
Proposals also incorporate the erection of acoustic fencing and privacy panels.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

03/07/2020

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**MOULSECOOMB AND BEVENDEAN**

APPEALAPPNUMBER

BH2019/03703

ADDRESS

21 Lower Bevendean Avenue Brighton BN2 4FE

DEVELOPMENT DESCRIPTION

Change of Use from 3no. bedroom dwelling (C3) to dental practice (D1).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

06/07/2020

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**NORTH PORTSLADE**

APPEALAPPNUMBER

BH2019/03734

ADDRESS

1 Thornbush Crescent Portslade BN41 2GW

DEVELOPMENT DESCRIPTION

Erection of detached garage on communal parking area to rear of property. (Retrospective)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

08/07/2020

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**QUEEN'S PARK**

APPEALAPPNUMBER

BH2019/03577

ADDRESS

9 Steine Gardens Brighton BN2 1WB

DEVELOPMENT DESCRIPTION

Demolition of existing three storey dwellinghouse (C3) and erection of new four storey dwellinghouse (C3) and associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

03/07/2020

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEALAPPNUMBER

BH2019/03746

ADDRESS 67 Preston Street Brighton BN1 2HE  
DEVELOPMENT DESCRIPTION Change of use of part first and second floors from office (B1) to residential to form 2no one bedroom flats (C3).  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 01/07/2020  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ROTTINGDEAN COASTAL**  
APPEALAPPNUMBER BH2019/02871  
ADDRESS 21 Tumulus Road Saltdean Brighton BN2 8FR  
DEVELOPMENT DESCRIPTION Erection of summer house in rear garden. (Part retrospective)  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 02/07/2020  
APPLICATION DECISION LEVEL Planning (Applications) Committee

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**WARD** **WITHDEAN**  
APPEALAPPNUMBER BH2019/03301  
ADDRESS 20 Bavant Road Brighton BN1 6RD  
DEVELOPMENT DESCRIPTION Erection of front boundary wall and pillar (Part Retrospective).  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 02/07/2020  
APPLICATION DECISION LEVEL Delegated

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**WARD** **WOODINGDEAN**  
APPEALAPPNUMBER BH2019/01518  
ADDRESS Land Adjacent To 42 Rosebery Avenue Brighton BN2 6DE  
DEVELOPMENT DESCRIPTION Erection of 1no chalet bungalow (C3).  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 07/07/2020  
APPLICATION DECISION LEVEL Delegated

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**WARD** **WOODINGDEAN**  
APPEALAPPNUMBER BH2020/00588  
ADDRESS 11 Donnington Road Brighton BN2 6WH  
DEVELOPMENT DESCRIPTION Erection of single storey rear extension.  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 08/07/2020  
APPLICATION DECISION LEVEL Delegated

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**Brighton & Hove  
City Council**

### INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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Planning Application No	BH2018/00937
Site Address	239-243 Kingsway
Description	Appeal hearing against refusal
Application Decision	Refused
Type of Appeal	Hearing
Date Appeal To Be Held:	
Venue of Appeal	
Appeal Decision	
Planning Officer	





### APPEAL DECISIONS FOR THE PERIOD BETWEEN 24/06/2020 AND 21/07/2020

#### WARD

#### **CENTRAL HOVE**

APPEAL APPLICATION NUMBER

APL2020/00016

ADDRESS

The Blind Busker 75-77 Church Road Hove BN3 2BB

DEVELOPMENT DESCRIPTION

Appeal Against Discontinuance Notice Relating To Fascia Sign

APPEAL TYPE

Against Enforcement Notice

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

Not Assigned

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#### WARD

#### **CENTRAL HOVE**

APPEAL APPLICATION NUMBER

APL2020/00037

ADDRESS

The Blind Busker 75-77 Church Road Hove BN3 2BB

DEVELOPMENT DESCRIPTION

Appeal Against S172 Notice Relating To Wall

APPEAL TYPE

Against Enforcement Notice

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

Not Assigned

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#### WARD

#### **CENTRAL HOVE**

APPEAL APPLICATION NUMBER

APL2020/00041

ADDRESS

28 Church Road Hove BN3 2FN

DEVELOPMENT DESCRIPTION

[Retrospective] Change of use from large house in multiple occupation (Sui generis) to 2no. self contained one bed flats and 1no. self contained three bed maisonette (C3).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/01466

APPLICATION DECISION LEVEL

Delegated

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#### WARD

#### **HANOVER AND ELM GROVE**

APPEAL APPLICATION NUMBER

APL2020/00025

ADDRESS

47 Hallett Road Brighton BN2 9ZN

DEVELOPMENT DESCRIPTION

Erection of first floor rear extension with associated alterations.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2019/02951  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**HOVE PARK**

APPEAL APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APL2020/00005  
5 Windsor Close Hove BN3 6WQ  
Roof enlargement including 2no side hip-to-gable extensions, rear dormer with Juliet balcony and rear gable, front and side facing rooflights, alteration of roof tiles. Recladding of property and revised fenestration. Erection of raised terrace with privacy screening and timber boundary fence (Part-Retrospective).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/01978

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**HOVE PARK**

APPEAL APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APL2020/00015  
5 Windsor Close Hove BN3 6WQ  
Appeal against

APPEAL TYPE

Against Enforcement Notice

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

Not Assigned

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**WARD**

**HOVE PARK**

APPEAL APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APL2020/00069  
Villas Fleurs 7 Tongdean Road Hove BN3 6QB  
Demolition of existing dwelling and erection of 1no 5 bedroom house (C3), incorporating domestic indoor pool and associate works.

APPEAL TYPE

Against Non-determination

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/01355

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**PRESTON PARK**

APPEAL APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APL2020/00045  
64 Chester Terrace Brighton BN1 6GD  
Erection of single storey rear extension to replace existing conservatory.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/02406

<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>REGENCY</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00035
<u>ADDRESS</u>	15 Cranbourne Street Brighton BN1 2RD
<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for change of use from retail (A1) to cafe (A3) with installation of extract duct to rear.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03045
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00047
<u>ADDRESS</u>	Junction Of Roedean Road And Marine Drive Rottingdean Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing 12m telecommunications monopole and all redundant equipment and the installation of a 20m telecommunications monopole, with 12 apertures, 9 cabinets, ancillary equipment and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01937
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>SOUTH PORTSLADE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00050
<u>ADDRESS</u>	1A South Street Portslade BN41 2LE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey one bedroom maisonette to side of existing property.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/02645
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00059
<u>ADDRESS</u>	10 Over Street Brighton BN1 4EE
<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing timber/metal framed casement windows on front elevation with uPVC casement windows (Retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03369

<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00038
<u>ADDRESS</u>	Garages Between 88 Portland Road And 91 Westbourne Street Hove
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garages and erection of 1no one bedroom two storey dwelling (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/02751
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WISH</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00043
<u>ADDRESS</u>	15 Saxon Road Hove BN3 4LE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey dwellinghouse (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00894
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WITHDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00031
<u>ADDRESS</u>	Site Of 20 Tongdean Lane Brighton BN1 5JD
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing workshop and sheds to form a one storey (plus lower ground floor) 3no. bedroom dwelling (C3), incorporating associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01858
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WITHDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00064
<u>ADDRESS</u>	18 The Beeches Brighton BN1 5LS
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey detached garage to front elevation including the creation of a crossover.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01033
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WOODINGDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00032

<u>ADDRESS</u>	76 Crescent Drive South Brighton BN2 6RB
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and erection of 1no three bedroom dwelling (C3) to rear of existing building with landscaping, parking and other associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00542
<u>APPLICATION DECISION LEVEL</u>	Delegated

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