

Planning Committee

Date: **6 October 2021**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Barnett, Fishleigh, Janio, Moonan, Shanks, C Theobald and Yates

Conservation Advisory Group Representative

Contact: **Penny Jennings**
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AGENDA

31 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.

32 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 1 September 2021 to be circulated under separate cover.

33 CHAIR'S COMMUNICATIONS

34 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on Thursday 30 September 2021.

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

36 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

- | | | |
|---|--|----------------|
| A | BH2021/01845 - Brighton College, Eastern Road, Brighton - Full Planning | 1 - 26 |
| B | BH2021/02701 - The Meeting House, Park Close, Brighton - Removal or Variation of Condition | 27 - 46 |

MINOR APPLICATIONS

- | | | |
|---|--|----------------|
| C | BH2021/02376 - 2 Blackthorn Close, Brighton - Householder Planning Consent | 47 - 56 |
| D | BH2021/02310 - 83 Mile Oak Road, Portslade - Householder Planning Consent | 57 - 68 |

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

INFORMATION ITEMS

38 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **69 - 72**

(copy attached).

39 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this meeting.

40 APPEAL DECISIONS **73 - 74**

(copy attached).

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

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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) or email democratic.services@brighton-hove.gov.uk

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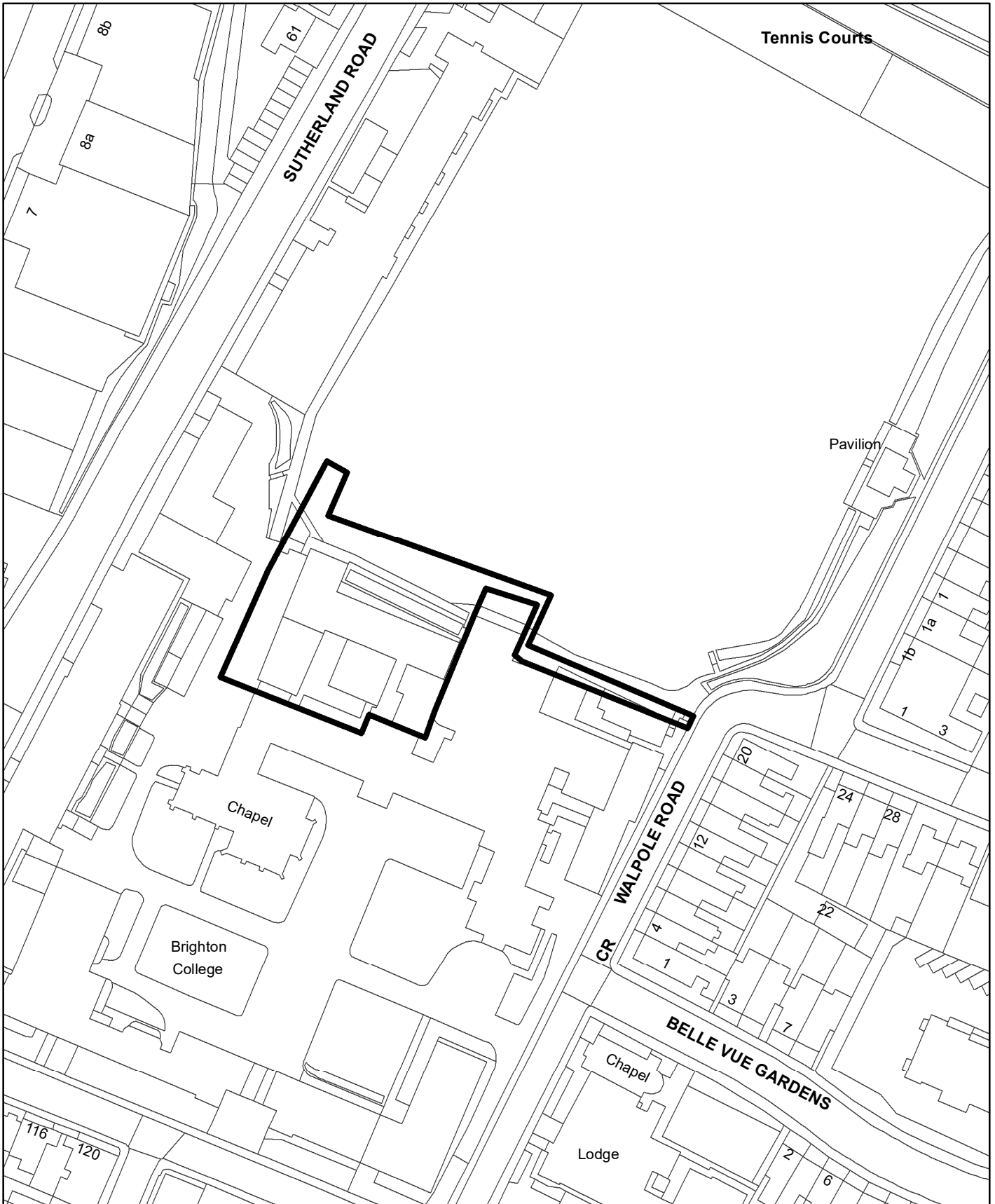
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ITEM A

**Brighton College
BH2021/01845
Full Planning**

DATE OF COMMITTEE: 6th October 2021

BH2021 01845 - Brighton College



N



Scale: 1:1,250

<u>No:</u>	BH2021/01845	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton College Eastern Road Brighton BN2 0AL		
<u>Proposal:</u>	Erection of a new Performing Arts Building, incorporating a 400 seat Theatre, 2no Dance/Drama Studios, new 6th Form Centre, multiple new Classrooms and offices, storage areas, a Cafe and associated works. (Amended Description)		
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	18.05.2021
<u>Con Area:</u>	College	<u>Expiry Date:</u>	17.08.2021
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Lichfields The Minster Building 21 Mincing Lane London EC3R 7AG		
<u>Applicant:</u>	Brighton College C/o Lichfields The Minster Building 21 Mincing Lane London EC3R 7AG England		

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 29 December 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of this report:

S106 Heads of Terms

1.2. Employment

- Submission of an Employment and Training Strategy
- A financial contribution of £6,250 towards the Local Employment Scheme

1.3. Transport

Submission of a Travel Plan with an accompanying Monitoring fee of £5,785.52

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Report/Statement	BAT SURVEY		6 July 2021
Report/Statement	TRANSPORT STATEMENT		20 July 2021
Block Plan	102S3103	Rev A	19 July 2021
Proposed Drawing	102S3202		19 July 2021

Proposed Drawing	102S3105		19 July 2021
Proposed Drawing	102S3200		19 July 2021
Proposed Drawing	102S3201		19 July 2021
Proposed Drawing	102S3203		19 July 2021
Proposed Drawing	102S3204		19 July 2021
Proposed Drawing	102S3205		19 July 2021
Proposed Drawing	102S3206		19 July 2021
Proposed Drawing	102S3302		19 July 2021
Proposed Drawing	102S3304		19 July 2021
Proposed Drawing	102S3401		19 July 2021
Proposed Drawing	102S3402		19 July 2021
Proposed Drawing	102S3403		19 July 2021
Proposed Drawing	102S3404		19 July 2021
Location Plan	102S3101	Rev A	19 July 2021
Report/Statement	BREEAM PRELIMINARY ASSESSMENT		18 May 2021
Report/Statement	ENERGY STRATEGY		7 September 2021
Report/Statement	FLOOD RISK ASSESSMENT		18 May 2021
Report/Statement	NOISE IMPACT ASSESSMENT		18 May 2021
Report/Statement	PRELIMINARY ECOLOGICAL APPRAISAL		18 May 2021
Report/Statement	SITE INVESTIGATION REPORT		18 May 2021

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 any part 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) Samples/details of all brick, render, flint and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/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 CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. 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 the 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 food-bearing plants, and, where necessary, details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

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

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

5. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. CEMP shall at least include:
- The phases of the Proposed Development including the forecasted completion date(s);
 - A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
 - A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - Details of measures to ensure mud/dirt is not tracked onto the highway, including use of wheel wash facilities;
 - Details of any oversailing of the highway construction, falsework, formwork and scaffolding
 - Details of hours of construction and associated vehicular movements;
 - Details of the construction compound; and
 - A plan showing construction traffic routes, and details of any Abnormal Load Notifications/Orders.

The construction shall be carried out in accordance with the approved CEMP

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

6. Within 6 months of first occupation of the non-residential development hereby permitted 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 'Excellent' 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.

7. The use of the building hereby permitted shall not be carried out except between the hours of 07:00 and 23:00 on Mondays to Sundays, including 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.

8.

i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority.

ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be commenced until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

10. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the

proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

11. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report, Eight Associates, dated 14/05/21 with respect to the protection of reptiles and mammals, and in the Bat Survey Report, Eight Associates, dated 30/06/21 with respect to bats, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and as required by Policy CP10 of the Brighton & Hove City Plan Part One.

12. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity through implementation of the recommendations in the Preliminary Ecological Appraisal Report (Eight Associates, 14/05/21) and the Bat Survey Report (Eight Associates, 30/06/21) and the provision of swift boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

13. No development above ground floor slab level shall take place until full details of door(s), window(s) and their reveals and cills, including 1:20 scale elevational drawings and 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 policy CP12 of the Brighton & Hove City Plan Part One.

14. Prior to occupation of the development hereby approved, the noise mitigation measures set out in the Brighton College Sound Impact Assessment document (Sound Space Vision May 2021) shall be implemented and maintained as such thereafter.

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

15. Prior to the occupation of the development hereby approved, details for community/external use shall be submitted to and approved in writing by the Local Planning Authority to set out arrangements for hours of use, access by non-school users and frequency of use. The approved scheme shall be implemented upon commencement of use of the development.

Reason: To ensure the proposed development provides wider community benefits and to protect amenity in compliance with policies SA6 of the City Plan Part 1 and policies SU10, QD27 and HO19 of the Brighton & Hove Local Plan.

16. No development 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 details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
3. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).

2. SITE LOCATION

- 2.1. Brighton College is located in the Queen’s Park ward and is bounded by Eastern Road to the south-west, Sutherland Road to the west, College Terrace to the north-east and Walpole Terrace to the east. The College campus is a Conservation Area and contains several Grade II Listed buildings forming the College’s main quadrangle. The main historic buildings on the campus were designed by George Gilbert Scott (1849-1865); Thomas Graham Jackson (1882 – 1923); and, F. T. Cawthorn (1913 – 1929). Other 20th Century and 21st Century buildings are predominantly located north of the College’s main quadrangle and on the western boundary. The boundary wall at College Terrace on the northern boundary is also Grade II listed.
- 2.2. The application site extends to 0.45ha and incorporates the Lester building, Science Block and existing performing arts centre (PAC) at the centre of the school site. These three buildings are 20th century additions that are not listed. A planning application and listed building application to demolish these buildings in order to accommodate the proposed new performing arts building were both approved on 10 August 2021 (see Relevant History section below).
- 2.3. The site is bordered by the Main Building and Thwaites Building to the south (both Grade II Listed), the Home Ground playing fields to the north, and the more recent Music Hall building to the east. Immediately to the west is Chapel Road, a thoroughfare within the campus currently used as pedestrian route by students and for parking by staff. Beyond Chapel Road is the Skidelsky Building and the Kai Yong Yeoh academic building which are both ore recent additions.
- 2.4. The sports field, known as Home Ground, occupies almost half of the College site and is a large, important piece of open space viewed from surrounding streets and buildings. The north and east boundaries of the sports field are also Listed.
- 2.5. The area surrounding the College campus is predominantly residential in character.

3. RELEVANT HISTORY

- 3.1. Whilst there is a substantial volume of historic planning and listed building applications associated with Brighton College, the following are considered to be of most relevance to this application :

18 December 2020	<p>PRE2020/00295: Pre-application enquiry</p> <p>A pre-application enquiry was submitted regarding the application site in December 2020. In line with the current planning application, this proposed the demolition of the science block, existing performing arts centre and Lester building and the construction of a new performing</p>
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	<p>arts building.</p> <p>The Local Planning Authority's response is summarised below:</p> <ul style="list-style-type: none"> • The principle of development, including the demolition of the Science Block, existing Performing Arts Centre, and Lester Building, is considered to be acceptable and has been established through the extant planning permission and listed building consent (BH2012/02378 and BH2012/02379 respectively). • The removal of the obstructions to views of the Main School from the West and North through the demolition of the Science Block and Lester buildings is considered a welcome heritage benefit. • The proposed performing arts building is considered to be of a high architectural quality. The scale of the building is significant and of some concern, however it is noted that the overall height is proposed to align with the ridge of the Main School and the massing references the eaves level of the adjacent Music Building and the Main School. Comparisons with the previously approved drama school are favourable in these respects.
18 May 2021	<p>BH2021/01843 (planning application): Demolition of Performing Arts Centre, science building and Lester building and making good works to the Thwaites building. Approved 10 August 2021</p> <p>BH2021/01844 (listed building application): Demolition of Performing Arts Centre, science building and Lester Building and making good works to the Thwaites Building. Approved 10 August 2021</p>
	<p>BH2019/01821 - Section 73 application to The Sports and Science Block: Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area. Alterations to vehicle entrance, flint boundary wall and cycle parking. (Original planning reference BH2015/02403 and Listed Building Consent reference</p>

	BH2015/02404) - Approved 31 December 2019
1 August 2012	<p>BH2012/02378 (planning application) - Full demolition of existing science department building and Blackshaw dining room and partial demolition of adjoining buildings and erection of new music and drama school buildings and dining hall with associated works – Approved 13 December 2012. Only partially implemented.</p> <p>BH2012/02379 (listed building consent) - Full demolition of existing science department building and Blackshaw dining room and partial demolition of adjoining buildings and erection of new music and drama school buildings and dining hall with associated works – Approved 13 December 2012. Only partially implemented.</p>

4. APPLICATION DESCRIPTION

- 4.1. This application proposes the construction of a new performing arts building (following the proposed demolition of the existing buildings on the site, approved under consents BH2021/00843 & BH2021/00844) comprising the following:
- A 400 seat multi-functional theatre
 - Multiple dance and drama studios
 - A new 6th Form Centre
 - Space for social gathering incorporating a café/dining area
 - Classrooms for English and Drama
- 4.2. The performing arts building would provide approximately 3,180sqm of floorspace over three levels plus a basement. The building would present as a part two and part three-storey design with the lower level facing Home Ground, and the taller part of the building comprising the theatre box facing Chapel Road and the Main Building. The maximum height is proposed to be around 17.5m (from campus level) to sit level with the ridge line of the Main Building, with the lower roof level corresponding with the eaves height of the adjacent Music School to the east.
- 4.3. The proposed building is of a contemporary design and the external materials would comprise light grey masonry with square knapped flint stones that decrease in number as the building gets higher.
- 4.4. As a result of the proposed demolition of the existing buildings on the site, and the location of the proposed building, which is set away from the Main Building, new outdoor spaces would be created between the existing buildings and the new building. No specific details have been provided at this stage in respect of

landscaping but a detailed hard and soft landscaping plan would be secured by a planning condition.

5. REPRESENTATIONS

- 5.1. Nine (9) letters of objection to the planning application have been received. The objections raised are as follows:
- The proposal will exacerbate existing parking issues – more dedicated resident parking bays are required in the area.
 - Noise disturbance during the construction phase and the passage of heavy trucks.
 - Building works at Brighton College have been ongoing for many years causing significant disturbance to residents.
 - No vehicles associated with the construction should be allowed into Walpole Road before 8am.
 - There is no community gain from the proposal.
 - The proposal will reduce the amount of green space in the area.
 - The proposal will be out of keeping with the Scott building (the Main Building) and music school with which it is grouped.

6. CONSULTATIONS

Internal Consultees

- 6.1. **Air Quality:** No objection
- 6.2. **Economic Development:** No objection subject to a financial contribution towards the Council's Local Employment Scheme for construction, and submission and approval of an Employment Training Strategy, to be secured via a S106 agreement. '
- 6.3. **Environmental Health:** No objection subject to the building not operating between the hours of 11pm and 7am on Monday to Saturday with no opening on Sundays or Bank Holiday Mondays.
- 6.4. **Heritage:** No objection to the planning application but Heritage do raise concerns regarding the scale and massing of the building. Their comments are as follows:
- The principle of demolition of the Science Building and the northern part of the Lester Building was established by permission granted in 2012. As part of the current proposal the removal of this building allows the creation of open spaces adjacent to listed buildings at the core of the College. This is welcomed by the Heritage Team as having potential to better reveal the heritage assets and is supported as a heritage benefit.
 - The scale of the building is significant and of some concern. In particular the form of the upper level contrasts strongly with the roof forms of the established buildings and is in close proximity to heritage assets.

- The proposed building is of a notably high standard of design with clear attention to materials and detailing.
 - The balance between heritage benefits and the identified less than substantial harm is very fine, and it will be necessary to further justify this with public benefits from the scheme.
- 6.5. Following comments from Historic England and the Council's Heritage Section, further justification for the size of the building was provided by the applicant. The Heritage Section have provided further comments in response to this additional information as set out below:
- The architects have explained some of complex functional requirements of the building and have shown that reductions in height / massing are not possible without sacrificing functions considered critical to the project.
 - As a result it is stated that any further reduction in scale would make the project unviable for the College.
 - The less than substantial harm to heritage assets that has been identified is the minimum that can be achieved and therefore it is considered that the public benefits that have been identified by the applicant can now be weighed against the low level of residual harm.
- 6.6. **Planning Policy:** No objection subject to comments from other officers and detailed Development Management considerations. Seek a Site Waste Management Plan by condition.
- 6.7. **Sustainability:** No objection subject to receipt of further details sought by condition as follows:
- Green roof planting specification and management
 - BREEAM post-construction certification
 - Further details of building fabric and heating, cooling and lighting systems,
 - seeking to minimise the use of fossil fuels on site (gas) and maximise efficiency of systems
- 6.8. **Sustainable Drainage:** No objection subject to the following conditions:
- A detailed management and maintenance schedule detailing roles and responsibilities for each SuDS item
 - A confirmed detailed surface water management design
- 6.9. **Sustainable Transport:** No objection subject to the following:
- A condition securing a Construction Environmental Management Plan
 - A Travel Plan secured via a S106 agreement.

External Consultees

- 6.10. **Archaeology:** No objection subject to the following conditions:
- Implementation of a programme of archaeological works in accordance with a written scheme of investigation
 - Submission and approval of an archaeological site investigation and post-investigation assessment.

- 6.11. **Conservation Advisory Group:** No objection.
- 6.12. **County Ecologist:** No objection subject to the following:
- A condition ensuring compliance with the biodiversity method statement, strategies, plans and schemes
 - A condition requiring an ecological design strategy.
- 6.13. **Historic England:** Neither support nor object to the planning application but do raise concerns regarding the scale and massing of the building. Their comments are as follows:
- Consider the new building in its own right to be a high quality, innovative design that will replace uninspiring buildings that currently do not make a positive contribution to setting of the listed buildings or that of the conservation area.
 - The materials for the building have been informed by and take references from the existing flint work on the listed buildings and South Coast chalk cliffs but expressed in a contemporary way.
 - Welcome the opening up of views of the Main School from the West and North, providing a separation between the new development and listed buildings, as well as re-introducing circulation routes around the site.
 - There are some clear heritage benefits arising from this scheme. However, there are concerns regarding the scale and massing of the new building which will be positioned in very close proximity to the listed buildings and the impact this has on their significance. It is acknowledged that the building is no taller than the ridgeline of the main building, however the massing and form of the building at the upper levels is much greater than the varied and articulated roof forms of the historic buildings.
 - As a result of its large scale and massing, the development will rise up behind the established scale and will appear as an overbearing and dominating presence in some viewpoints and in particular in views from Chapel Road. This will therefore cause some harm to the significance of the listed buildings by competing with and disrupting the established historic form and hierarchy of buildings at the site. It will also interfere with an appreciation of the Sir Gilbert Scott and Sir Thomas Jackson defined quadrangle as the centre piece buildings of the site.
 - Recommend that the Local Authority explores with the applicant whether the less than substantial harm (in NPPF terms) identified above can be minimised any further by reducing the scale of the building, so it is not visually dominant or overbearing within the close setting of the listed buildings.
 - Where amendments cannot mitigate all the harm and there is a clear and convincing justification for that which remains, then any residual harm should be weighed against the public benefits of the proposal.
- 6.14. **Southern Water:** No objection but make a number of recommendations regarding the SuDS scheme and recommend the inclusion of an informative regarding details of foul sewerage and surface water disposal.
- 6.15. **Sport England:** No objection.

- 6.16. **Theatres Trust:** No objection but make the following comments:
- As a new-build modern standards of accessibility should be achieved so we would encourage further review of wheelchair access into and around the theatre.
 - Provision of the theatre will both enhance local cultural provision and provide students with the opportunity to develop education and skills in theatre and the performing arts.
 - Support inclusion of the theatre and raise no objections to the granting of planning permission.

7. MATERIAL CONSIDERATIONS

- 7.1. 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.
- 7.2. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3. 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 (JAAP) 2019.
- 7.4. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One:

SS1 Presumption in favour of sustainable development
SA6 Sustainable neighbourhoods
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design
CP15 Heritage

Brighton & Hove Local Plan 2005 (retained policies):

TR4 Travel Plan
SU9 Pollution and nuisance control

SU10 Noise nuisance
QD27 Protection of amenity
HO19 New Community Facilities
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Brighton and Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 (CPP2) 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. The weight given to the key CPP2 policies considered in determining this application is set out below, where applicable.

DM9 Community Facilities
DM20 Protection of Amenity
DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM40 Protection of the Environment and Health – Pollution and Nuisance
DM43 Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, appearance and heritage issues having particular regard to the impact of the proposals on adjacent heritage assets; impact on residential amenity; sustainable transport; sustainable drainage; sustainability; landscaping and biodiversity.

Principle of Development

- 9.2. The principle of providing a new performing arts building on the site has been established by planning and Listed Building Consents BH2012/02378 and BH2012/02379 respectively which permitted the demolition of the existing PAC, science block and part of the Lester building and the erection of new music and drama school buildings. These consents were only partially implemented in that the new music building was constructed but the PAC, science block and Lester building were not demolished and a new drama building was not erected. These consents are therefore considered to be extant and represent a fall-back position for Brighton College.
- 9.3. As also set out above, planning permission (BH2021/01843) and Listed Building Consent (BH2021/01844) have recently been approved for the demolition of the PAC, science block and Lester building so the principle of demolition of these buildings has also already been established.

- 9.4. Therefore, the principle of the development of a new performing arts building on the site is considered to be acceptable. Issues of design and heritage, residential amenity etc. are considered below.

Design, Scale, Massing, Appearance and Heritage

- 9.5. In considering whether to grant planning permission for development 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.
- 9.6. Case law has held that the desirability of preserving a Listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".
- 9.7. The proposed performing arts building is a high-quality, contemporary building that has been designed to have a strong presence within the campus and deliver a 400 seat multifunctional theatre, a number of dance and drama studios, a 6th Form Centre, space for social gathering including a café/dining area, and classrooms for English and Drama.
- 9.8. The proposed building would be a single structure within landscaped spaces, providing visual and physical links with the campus generally and the adjacent Listed buildings in particular. The removal of the obstructions to views of the Main Building from the West and North through the demolition of the Science and Lester buildings is considered a significant heritage benefit.
- 9.9. The site sits at an important juncture within the campus between the neogothic Main Building and other heritage assets to the south and the recent contemporary and modern developments to the west and east including the Music School to the east and the School of Sports and Science to the north east. Accordingly, the form takes reference from the School of Sports and Science and the materiality reflects the Main Building and other buildings on site through the use of horizontal flint bands within a light grey brickwork, with the intervals of the flint bands reducing higher up the building. At Campus level, the ground floor will be predominantly glazed with windows providing views into the studio and social spaces, at basement and ground floor respectively, and foyer, in turn creating active frontages that interact with the outdoor space.
- 9.10. The scale of the proposed building is significant. The overall height is proposed to align with the roof ridge of the Main School and the scale of the lower element fronting on to the Home Ground also aligns with the eaves level of the Music Building to the east. Comparisons with the previously approved drama school are favourable in these respects. Although the overall scale is greater than the previously approved drama school, the changes in plane on the north elevation between ground and first floor level, and then again between first and second floors help to break down the bulk and reduce the dominance of the building.

- 9.11. Whilst the overall height of the proposed building makes reference to the ridge height of the Main Building, the form of the upper level of the proposed building contrasts with the roof forms of the established buildings and would be a dominant presence, particularly due to its close proximity to the listed assets. As a result, Historic England have expressed reservations regarding the scale and massing of the building so the applicant was asked to consider a reduction in its scale. The applicant has responded that further reductions to the size of the building are not possible without undermining its function as a performing arts building and the overall viability of the project, and has submitted further written justification in this regard.
- 9.12. Specifically it is stated that the ground levels of the building are constrained by external ground levels and surface drainage, and also that the basement level could not be lowered further due to the need for escape and access compliant connection to the basement level of the Music building.
- 9.13. The internal heights for the theatre functions are stated to be the minimum possible for proper functioning, with the sacrifice of some functional elements having already been made to achieve the heights currently proposed. The volume and form of the atrium has been determined by the requirements of its function for smoke extraction in the event of a fire and is the minimum that can be achieved. It is further confirmed that it has been necessary to reduce accessibility for wheelchairs to the theatre balcony in order to achieve a smaller roof volume.
- 9.14. The Council's Heritage officers, following receipt of further justification from the applicant, are satisfied that the proposal would result in less than substantial harm to adjacent heritage assets. In accordance with paragraph 202 of the NPPF, where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal. Whilst the public benefit is limited by the fact that Brighton College is an independent school and the proposed performing arts centre would not be open to the public on a regular basis, the applicant has stated that there is potential for performances to be available for the local community to attend and the school has a number of outreach projects which will continue. In addition, the intention is for the new theatre to be available to hire for external organisations/groups and the College will be applying for a public entertainments license to facilitate this. This would be secured by a condition requiring a Community Use Agreement.
- 9.15. Having regard to the wider impacts of the proposal on the streetscene, the application site is set well within the College, away from the surrounding roads where views would be more publicly available. Nevertheless, views of the proposed performing arts building would be available from some locations on Sutherland Road to the west, Walpole Terrace to the east, and more distant views across the Home Ground from College Terrace to the north. However, the proposed building would not be prominent on the streetscene and the high quality design would ensure that there would no harmful impacts.

- 9.16. With regard to the materiality of the proposal, the proposed graded use of flint banding within the pale masonry is effective and would be in keeping with the surrounding buildings.
- 9.17. It is therefore considered that, on-balance, the proposal is acceptable having regard to scale, massing, design and impacts on heritage assets and would therefore comply with the NPPF, policies CP12 and CP15 of the City Plan Part 1, policies HE1, HE3 and HE6 of the Local Plan (2005), and policies DM26, DM27 and DM29 of the emerging City Plan Part 2 (which can all be given significant weight).

Impact on Residential Amenity

- 9.18. Policy QD27: Protection of Amenity 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. This policy is further supported by policy DM20: Protection of Amenity of the emerging City Plan Part 2 (which can be given significant weight).
- 9.19. Whilst the uses surrounding the College campus are predominantly residential, the application site is relatively central within the campus and some distance from any residential properties. Therefore, the proposed development would not have any harmful impact on the outlook, light or privacy available to nearby residential properties.
- 9.20. Given the distance of the application site from neighbouring residential properties, the proposal is also unlikely to have significant impacts on these properties in respect of noise. This conclusion is supported by a Sound Impact Assessment report submitted with the planning application which concludes that the sound impact on residential receptors as a result of the use of the proposed building would be negligible. This is due to the following factors:
- There is no external plant as all plant is located within the building.
 - Concrete is proposed for the non-glazed façade elements of the building, with substantial thermal insulation and internal wood and plasterboard linings. This will have high sound insulation performance, which will both maintain low background noise levels inside the building, and contain entertainment and activity sound within it.
 - Sound levels for louder events in the theatre would not normally exceed 100 dB LAeq. The vast majority of the time the sound level would be significantly lower. Similarly, other spaces that might have amplified sound produced such as the dance studio or music practice rooms (both situated at basement level) would be unlikely to exceed 90-95 dB LAeq. Brighton College has confirmed that the building will not operate during the night-time hours (11pm – 7am) and this will be secured by condition.
 - The theatre roof is of a large construction with a surface density of at least 120 kg/m². There is a glazed oculus in the roof, made of heavy structural double glazing, with minimum glass thicknesses of: 10mm glass/ 16mm void (argon) / 13.5mm laminated glass.

- The performance space; where amplified sound will be produced, is to be mechanically ventilated, with no openable windows.
- 9.21. The Council’s Environmental Health officers are satisfied with the conclusions of the Sound Impact Assessment and have raised no objection subject to a condition regarding opening times (no use outside between the hours of 11pm and 7am). Environmental Health have also recommended that the building is not to be used on Sundays and Bank Holidays, but given the range of uses within the building (which also includes classrooms and a 6th form centre) and the conclusions of the Sound Impact Assessment, restrictions preventing any use of the building on Sundays and Bank Holidays are not considered to be reasonable.
- 9.22. Having regard to potential impacts on nearby residents during the construction phase of the development, a Construction Environmental Management Plan will be secured by condition to minimise disturbance as far as is possible during construction.

Sustainable Transport

- 9.23. The proposed building replaces an existing performing arts facility and although the proposed building is significantly larger, it will not result in an increase in the number of staff or pupils at the College and it is therefore unlikely that there would be an increase in vehicle movements to and from the site during normal school hours. As a result, no additional parking spaces are provided as part of the application.
- 9.24. With regard to external events at the theatre, the Transport Statement submitted with the planning application states that “per annum the College will hold up to three external events at the theatre, with each event lasting up to 4 nights, on each event day the performances will start at 6pm and finishing by 8.30pm”. In addition, the Brighton College do also propose to make the performing arts building available for occasional external hire throughout the year, further details of which will be secured via condition. Due to the site having limited on-site parking provision, the College states that visitors and performers will utilise the existing public transport network to travel to and from the site.
- 9.25. Events were already held at the College throughout the year so any increase in trips would be limited as a result of the redevelopment of the site, particularly as the College has limited car parking spaces and is located in a sustainable . The impact on highway capacity is not considered to be severe, and there are no concerns regarding road safety being unacceptable. Accordingly, the Local Highway Authority have raised no objection. However, they have advised that a Travel Plan be produced which should include measures on how travel to the site will be managed during external events.

Sustainability

- 9.26. A number of sustainability measures are proposed for the new performing arts building including the following:

- A BREEAM ‘Excellent’ rating in accordance with CPP1 Policy CP8: Sustainable Buildings.
- A carbon emissions reduction of 27% compared to Building Regulations Part L.
- Passive design measures include natural ventilation within the building; overhangs to provide shading to glazed areas; high quality thermal envelope and airtightness; high thermal mass; solar glazing.
- An audit will be carried out of existing buildings and hard surfaces being considered for demolition to determine whether the materials can be refurbished or reused.
- Natural ventilation via opening windows will be maximised. Mechanical ventilation with heat recovery will be used to provide additional heating and cooling.
- An overheating assessment has been carried out, with all spaces passing the overheating criteria.
- Heating and hot water will be connected to the college’s open loop borehole system and heat pump to heat and cool. Additional gas boilers will provide heat required above what the heat pump provides.
- Sensors and controls for lighting, heating and cooling will be installed.
- A high percentage of glazing will be incorporated into the scheme to maximise daylight, and low energy LED lighting will be installed.
- PV panels on the upper roof.
- Water consumption to be reduced by at least 25% over the baseline water usage.

9.27. It is therefore considered that the proposed development would comply with CPP1 Policy CP8: Sustainable Buildings and the Council’s Sustainability Officer has raised no objection to the proposal.

Landscaping and Biodiversity

9.28. Policy CP10: Biodiversity of the City Plan Part 1 aims to ensure that all development proposals conserve existing biodiversity and provide net gains for biodiversity wherever possible.

9.29. The Preliminary Ecological Appraisal (PEA) submitted with the planning application outlines that existing buildings’ walls and roofs, and trees and habitats on and adjacent to the site were inspected for their potential to support protected species. A bat survey of the existing buildings on the site was also undertaken and found no evidence of roosting bats. The PEA states that given the scale of the works and the physical separation of the site from any designated sites, it is considered that there will be a negligible effect on ecology as a result of the proposal. No objection has been raised by the County Ecologist.

9.30. In order to enhance biodiversity on the site, the PEA recommends the following measures be implemented as part of the proposal:

- Installation of at least two bat bricks
- External lighting in line with Bat Conservation Trust guidelines
- Installation of at least two bird nesting boxes

- Native planting

9.31. The above measures, as well as an Ecological Design Strategy, will be secured by a planning condition.

9.32. A detailed landscaping plan will also be secured by planning condition as no detailed landscape proposals have been submitted with this planning application.

Conclusion

9.33. The principle of a replacement performing arts building is considered acceptable and has been established by previous planning consents relating to the site.

9.34. The proposed performing arts building is considered to be of a high architectural quality, and the design and materials take cues from adjacent buildings. The scale of the proposed building is considerable and would have a strong presence on the campus. However, the fact that the proposal would open up physical and visual links between the Home Ground and the Grade II Listed Main Building would be a considerable heritage benefit. It is therefore considered that the proposal would result in less than substantial harm and when this limited harm is weighed against the (albeit limited) community benefits, on balance the scheme is considered to be acceptable. A robust justification of the size requirements of the building has also been submitted by the applicant.

9.35. It is not considered that the proposed development would have any harmful impacts on residential amenity, the highway network, and ecology.

9.36. The proposed development would therefore comply with the NPPF, relevant policies within the City Plan Part One, the emerging Policies in the City Plan Part 2, and retained policies in the Brighton & Hove Local Plan (2005), and the approval of planning permission is recommended subject to the conditions above.

Community Infrastructure Levy & Developer Contributions

9.37. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. However, due to the proposed use of the building for educational purposes, the proposal would not be CIL liable.

9.38. A S106 agreement will be required for this planning application however. The Heads of Terms for such an agreement are as follows:

9.39. Employment

- Submission of an Employment and Training Strategy
- A financial contribution of £6,250 towards the Local Employment Scheme

9.40. Transport

Submission of a Travel Plan with an accompanying Monitoring fee of £5,785.52

- 9.41. 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 deliver an employment and training strategy in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 2. The proposed development fails to deliver a Local Employment Scheme contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to deliver a Travel Plan to help reduce the impact of external events within the proposed performing arts building on the highway in accordance with Policy CP9 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

10. EQUALITIES

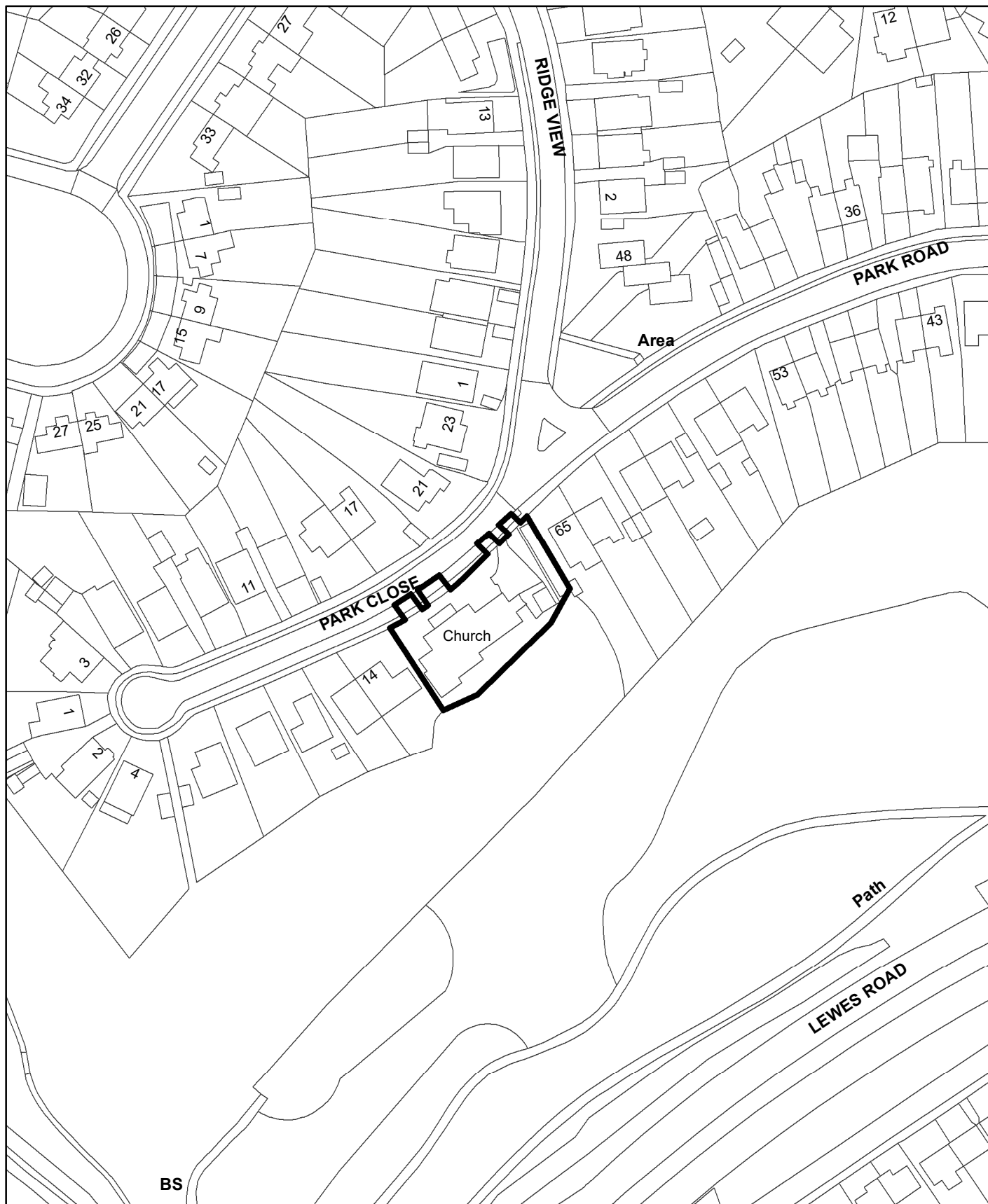
- 10.1. The proposed performing arts building includes a lift providing access to all the main floors with the exception of the theatre balcony and technical levels. To extend this provision to theatre balcony level would have required increasing the volume of the roof curves further to allow additional lift shaft and plant equipment.
- 10.2. The main entrance levels have been designed to ensure that a slope to the entrance is fully accessible and a maximum gradient of 1:20.
- 10.3. The route to the East of the building from the courtyard up to the home-ground is suitable for stepped access only due to the change in level. Access to the home-ground can be achieved by a ramped route around the west side of the building or by using the lift.

ITEM B

**The Meeting House, Park Close
BH2021/02701
Removal or Variation of Condition**

DATE OF COMMITTEE: 6th October 2021

BH2021 02701 - The Meeting House, Park Close



N



Scale: 1:1,250

<u>No:</u>	BH2021/02701	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	The Meeting House Park Close Brighton BN1 9AJ		
<u>Proposal:</u>	Application for Variation of condition 26 of application BH2020/01742 (Demolition of existing dwelling (C3) to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3) with associated parking, cycle storage, landscaping and any additional works) which requires provision of a wheelchair accessible dwelling and ground floor dwellings to be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	03.08.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	02.11.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mohsin Cooper Limited 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<u>Applicant:</u>	WSE Property Services Ltd The Meeting House Park Close Brighton BN1 9AJ		

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	0313-P-32		11 August 2021
Proposed Drawing	0313-P-30		11 August 2021
Proposed Drawing	0313-P02	E	3 September 2021
Proposed Drawing	0313-P-31		11 August 2021
Report/Statement	UE0355_Meeting Hse_Bat&Badger_0_200528	Bat and Badger Survey	29 June 2020
Location and block plan	0313-P01	A	19 October 2020
Proposed Drawing	0313-P05	B	19 October 2020
Proposed Drawing	0313-P06	B	19 October 2020
Proposed Drawing	0313-P07	B	19 October 2020
Proposed Drawing	0313-P08	B	19 October 2020
Proposed Drawing	0313-P03	B	19 October 2020

Proposed Drawing	0313-P04	B	19 October 2020
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2. The development hereby permitted shall be commenced before 15 April 2024.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. Prior to first occupation of the development hereby approved, the 1.8 metre high side privacy screens to the first floor balconies shown on the approved plans, shall be installed and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. 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 and CP11 of the Brighton & Hove City Plan Part One.
5. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
6. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

8. 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 shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound
 - (vii) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

9. All ecological measures and/or works shall be carried out in accordance with the details contained in the Bat and Badger Survey Report, Urban Edge Environmental Consulting, May 2020, specifically recommendations R1 to R9, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. 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.

11. 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.

12. No development shall take place until an ecological design strategy (EDS) addressing protection of the adjacent South Downs National Park and Wild Park Local Nature Reserve (LNR), measures to reduce indirect impacts on the National Park and LNR, and measures to enhance the site for biodiversity, to include the provision of native species of known value to wildlife within the landscaping scheme and the provision of bird (including swift), bat and insect boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works;
- k) details of sustainable drainage system.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP:

Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated and to avoid an offence under wildlife legislation and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

14. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a Sustainable Drainage Report and/or Flood Risk Assessment report has been produced, including a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
15. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), notwithstanding the submitted Arboricultural Impact Assessment, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS shall include details of a clerk of works schedule that specifies Arboricultural supervision at appropriate stages of the development process. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove

Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

16. 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, including (where applicable):
- a) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) details of all cladding to be used, including details of their treatment to protect against weathering
 - c) details of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

17. No development above ground floor slab level of any part of the development hereby permitted shall take place until large scale (1:10 or 1:5) construction details of critical material junctions including verges and eaves, particularly in relation the dormers shown on the approved plans, 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 maintained and retained as such thereafter.

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

18. 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 existing and proposed 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.

19. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

20. 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.

21. 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.

22. 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.

23. The development hereby permitted shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.
24. 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.
25. The development hereby permitted shall not be occupied until the new/extended crossovers 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.
26. The development hereby permitted shall not be occupied until a wheelchair accessible dwelling is provided to block B in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. The remaining ground floor flat in block B 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.
27. Notwithstanding the approved plans, the development hereby permitted shall not be first occupied until 1 no. on-site disabled car parking space has been implemented and made available for use. The disabled parking facilities shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled occupants and visitors to the site and to comply with policy TR18 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. 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'.
3. 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.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. 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.
6. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. 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

8. 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.
9. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. The Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or other proprietary forms of covered, illuminated, secure cycle storage including cycle stores and "bunkers".
10. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a converted church located on the south side of Park Close, Coldean. The building has been in use as a single residential dwelling for over two decades and is substantial in size in comparison to adjacent dwellings, with a hipped roof and projecting tower. The surrounding area is residential in nature. The site backs onto Wild Park to the rear, which sits within the South Downs National Park (SDNP) and is an identified Local Nature Reserve (LNR).
- 2.2. Planning permission (BH2020/01742) was granted earlier this year for the demolition of the existing dwelling to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3).
- 2.3. The permission included a condition (26) to secure the provision of one wheelchair-accessible dwelling, and for the ground floor dwellings to be accessible and adaptable, in compliance with Building Regulations Optional Requirement M4(2).
- 2.4. Condition 26 of planning permission BH2020/01742 reads as follows:
The development hereby permitted shall not be occupied until a wheelchair accessible dwelling is provided in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other ground floor 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.

- 2.5. Planning permission is sought under Section 73 of The Town and Country Planning Act for the variation of the above condition.

3. RELEVANT HISTORY

- 3.1. **BH2020/01742** Demolition of existing dwelling (C3) to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3) with associated parking, cycle storage, landscaping and any additional works. Approved 15.04.2021.

4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received which makes no mention of the proposal to vary the condition, rather objects to the wider approved scheme (overdevelopment, not in keeping with area, parking issues).

5. CONSULTATIONS

- 5.1. **Building Control:** No objection Support amendment of the condition. One unit would be wheelchair accessible in accordance with M4(3) – as required by condition. Remaining ground floor flat would satisfy requirement to be accessible/adaptable (M4(2)). Remaining two ground floor flats would not be accessible for a wheelchair user due to need for stepped access as a result of the land sloping along the entrance elevation, but internal layout will be M4(2) [accessible/adaptable dwellings] compliant. Concur that level/ramped access is likely to be impractical to block A ground floor flats and that the condition could be modified to reflect the actual situation that will be possible.

- 5.2. **Sustainable Transport:** No objection

6. MATERIAL CONSIDERATIONS

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

- 6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 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, which ended on the 30 October 2020.

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
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing
SA5	The Setting of the South Downs National Park

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
NC3	Local Nature Reserves (LNRs)

HE12 Scheduled ancient monuments and other important archaeological sites

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. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The principle of the development was found to be acceptable through the approval of the original scheme under Planning Permission BH2020/01742. Subject to conditions, and following discussion by the Planning Committee, it was considered that the development was appropriate in terms of design, scale and impact on amenity, highways, trees, biodiversity and the adjacent National Park and Local Nature Reserve. It would provide twelve (11 net) new dwellings for the City, of a good size and standard.
- 8.2. This scheme therefore has approval, and only the acceptability of the variation of condition 26 can be considered.
- 8.3. The application seeks the variation of condition 26, which was applied to the permission to secure satisfactory provision of homes for people with disabilities. The submission documents state that site and design constraints would impact on the ability to provide full, ramped accessibility from all parking spaces to all ground floor units for wheelchair users.
- 8.4. However, step-free, level access would be provided to one of the ground-floor flats, from disabled parking spaces. Therefore, the requirements of Part M4(3) would be met for this units, and one unit would be fully wheelchair accessible.

- 8.5. Another of the ground floor units would meet the requirements of Part M4(2) by virtue of being accessible/adaptable.
- 8.6. The remaining two ground floor units would not meet either requirement because of the land slope.
- 8.7. To fully comply with the requirements of Part M4(3), significant works would be required, including large, ramped structures in front of the dwellings. There is a vertical level change of approximately 0.75m between the public footway the front doorways of two of the ground floor units which would necessitate a ramp of at least 11 metres in length. Intermediate landings would also be required, with the ramp doubling back on itself twice, using a large portion of the frontage, leading to a loss of car/ cycle parking spaces and a resulting impact on appearance and landscaping
- 8.8. Notwithstanding the above, it is noted that there would be the following provision:
- Internal layouts of all flats would meet most of the provisions of M4(2) and also M4(3) as a minimum in terms of correctly sized door widths, corridors and room sizes being provided throughout. Space requirements around beds would also comply, along with space in front of WC's;
 - Internal staircases would comply with the requirements of M4(1) Visitable Dwellings and with the provisions of Part K of the Building Regs;
 - The proposed external steps would comply with the requirements of Part M(3) for external steps forming part of an entrance route. They would have a minimum tread size of 280mm and risers of between 150-170mm. Widths of 1.2m are proposed in excess of minimum clear widths (900mm).

Conclusion :

- 8.9. Emerging Policy DM1 of City Plan Part 2 (which can be given significant weight) requires that 5% of residential units on schemes providing more than 10 units are suitable for occupation by a wheelchair user. Similarly, Policy HO13 of the Local Plan required that 'a proportion' of dwellings on sites of more than 10 dwellings are wheelchair accessible, but clarifies in the supporting text that this should be approximately 5% overall.
- 8.10. In this case, 12 flats are proposed, so one flat should be wheelchair accessible. As noted above, one unit would be wheelchair accessible, thereby meeting this requirement.
- 8.11. Although full compliance with Part M4(3) would not be achieved, the scheme would therefore be compliant with the relevant development plan policies, and would provide accessible accommodation for a range of people with different mobility needs.
- 8.12. Further, another unit would meet the requirements of Part M(2) by virtue of being accessible/adaptable, and the remaining units would include measures to ensure those with less mobility could comfortably manoeuvre around them.
- 8.13. For the above reasons it is considered that the variation of condition 26 is acceptable in this instance.

Conditions and Obligations:

- 8.14. The other conditions, as agreed by committee and as per the extant permission, are still relevant and would be re-applied to the new decision notice.
- 8.15. The previous application was subject to a Section 106 agreement to secure £3,100 plus the submission of an employment and training strategy in respect of the demolition and construction phases of the development, and an Affordable Housing Review Mechanism of Viability The obligations in the agreement would remain in full force and effect so far as this Section 73 consent is concerned.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £ £74,476 as per the previous application. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

10. EQUALITIES

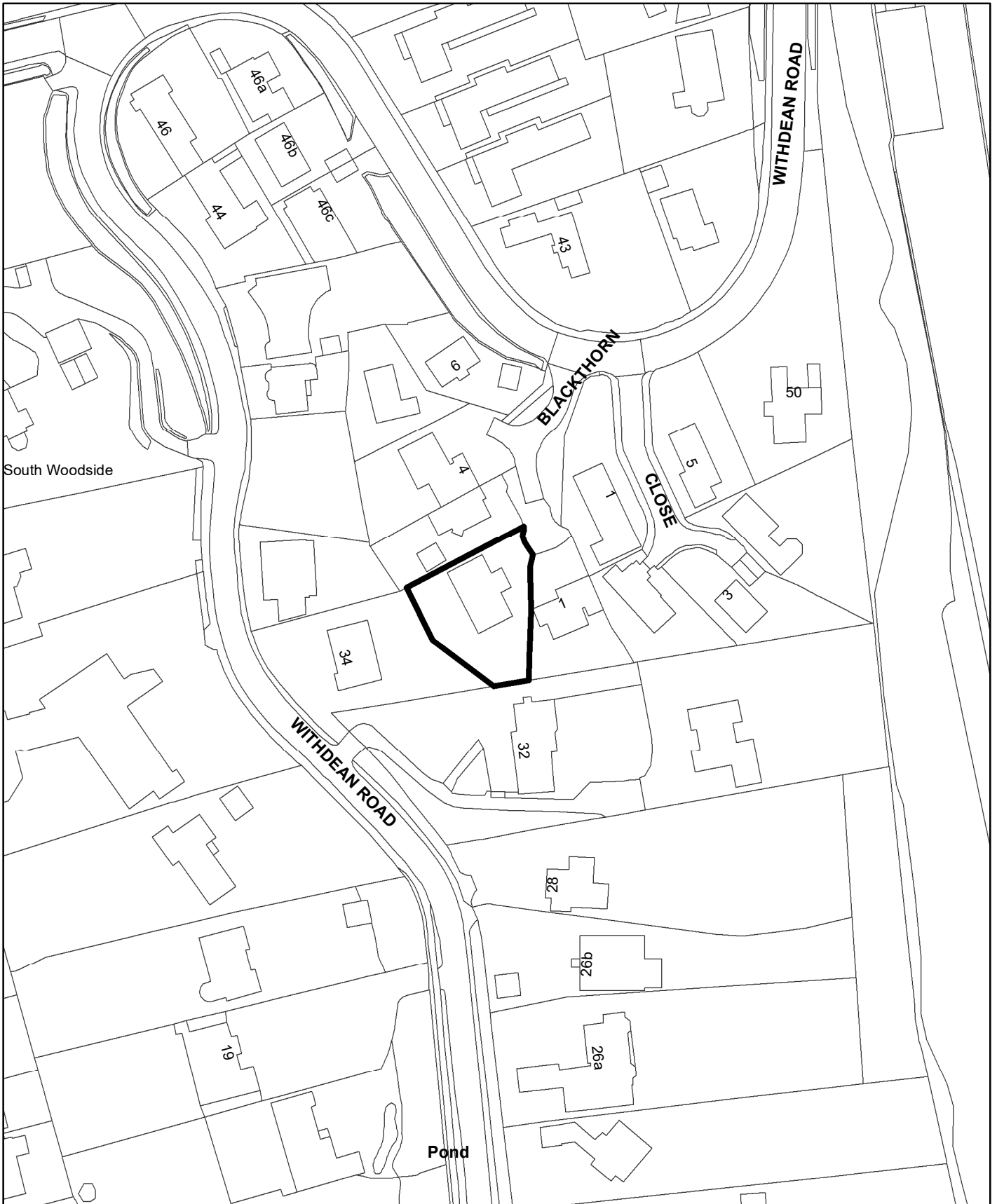
- 10.1. As noted above, the scheme would provide one wheelchair accessible unit out of the twelve units to be provided on site, which is considered positive in terms of meeting the needs of a range of people with differing mobility. The remaining units would include measures to provide better accessibility for those with mobility issues, which would help to ensure equal access for all.

ITEM C

**2 Blackthorn Close
BH2021/02376
Householder Planning Consent**

DATE OF COMMITTEE: 6th October 2021

BH2021 02376 - 2 Blackthorn Close



N



Scale: 1:1,250

<u>No:</u>	BH2021/02376	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	2 Blackthorn Close Brighton BN1 5BS		
<u>Proposal:</u>	Erection of additional storey with associated alterations.		
<u>Officer:</u>	Jonathan Pennick, 292138	tel: <u>Valid Date:</u>	29.06.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	24.08.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Jon Andrews Ltd Chilcote Threals Lane West Chiltington West Sussex RH20 2RF		
<u>Applicant:</u>	Mr John Boothby 2 Blackthorn Close Brighton BN1 5BS		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	527/06		29 June 2021
Proposed Drawing	527/04		29 June 2021

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

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

3. The external finishes of the development hereby permitted shall match those stated on the submitted application form and approved plans.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

4. 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.

5. The first floor windows in the southern elevation, and all of the windows in the northern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. APPLICATION SITE

- 2.1. The application site is located at the southern end of Blackthorn Close, a verdant residential cul-de-sac located on a hill in Withdean, with a broad housing mix. To the north of the site is a pair of two storey, semi-detached properties, while to the east is a two storey, detached hipped property. There are large, detached properties on Withdean Road to the rear (west and south) of the site, sitting higher than the application site.
- 2.2. The site currently contains a single storey, pitched-roof, three-bed dwelling of fairly traditional form, with garden on three sides of the triangular site. The dwelling has a garage to the side, which is accessed via a short driveway sloping up from the road.
- 2.3. Withdean Local Nature Reserve is located some 180m north of the site., while Tivoli Copse and Railway Woodland Site of Nature Conservation Importance extends in a strip some 45m north of the site along Withdean Road before heading along the railway corridor some 65m south. There are Tree Preservation Orders in the local area.

3. RELEVANT HISTORY

- 3.1. BH2021/01007 - Conversion of existing garage to provide habitable space, with the erection of a front extension and front porch. Lowering existing driveway to create a garage at lower ground floor level with terrace above and associated works. Approved 10th May 2021
- 3.2. BH2015/00822- Remodelling of existing dwelling including roof extension to create first floor with balcony to front, conversion of integral garage into habitable

accommodation, creation of lower ground floor garage, landscaping and associated alterations. Refused 10.11.2015.

The application was refused for the following reason:

"The proposed development, by reason of its overall form, fenestration and material finish, would form an unduly dominant and incongruous addition that would detract significantly from the character and appearance of the site, the Blackthorn Close streetscene and the wider surrounding area. The proposal would therefore fail to emphasise and enhance the positive qualities of the local neighbourhood contrary to policies QD1, QD2, and QD14 of the Brighton and Hove Local Plan."

- 3.3. 91/0410/FP- Excavation of existing drive to form new double garage and conversion of existing garage for additional living accommodation. Approved 30.05.1991.

4. APPLICATION DETAILS

- 4.1. Planning permission is sought to convert the dwelling from single-storey to two-storeys, creating a hipped roof above, with a smaller gable feature at the centre of the building, facing the street, as is currently the case. Traditional form and materials would be used, with hang tiles at first floor, and brick below, and a tile roof. The first floor would contain a large kitchen/living area, with study and TV room, while there would be five bedrooms at ground floor level.

5. CONSULTATIONS

None Received

6. REPRESENTATIONS

Seven (7) letters of objection letter have been received, with the following issues raised:

- Overdevelopment;
- Overshadowing and overbearing impacts;
- Impacts on character of area;
- Not in accordance with SPG12;
- Loss of privacy/overlooking.

- 6.1. Two (2) letters of support have been received for the proposed development and summarised on the following material grounds:

- Design in keeping;
- Only bungalow on the close;
- Utilises the size of the plot.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable Drainage
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban Design

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

QD14	Extensions and alterations
QD27	Protection of Amenity
TR7	Safe Development

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20	Protection of Amenity
DM21	Extensions and Alterations
DM33	Safe, Sustainable and Active Travel

Supplementary Planning Documents:

SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework.

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations relevant to the determination of this application relate to its impact upon the character and appearance of the area; and on residential amenity.

Character and Appearance

- 8.2. Policy QD14 of the Local Plan and emerging Policy DM21 of City Plan Part 2 (which can be given significant weight) relate to extensions and alterations. They both support, among other things, development that is well designed, sited and detailed in relation to the property to be extended, adjoining properties, and the surrounding area; and promote the use of sympathetic materials.
- 8.3. The proposal would significantly change the appearance of the existing dwelling. However, the existing property is not of high architectural merit and has limited impact on the streetscene. The dwelling is located between two storey dwellings so increasing it to this height would be in keeping with the streetscene. The proposal itself is well designed, retaining sufficient outside space and a palate of sympathetic materials and form. The proposed development is considered to represent an improvement over that which currently exists on site.

- 8.4. The proposed extensions are therefore considered suitable additions to the building that would benefit its appearance and that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan, emerging Policy DM21 of City Plan Part 2, and SPD12 guidance.

Impact on Amenity

- 8.5. The expansion of the dwelling has the potential to result in an increase in impact on residential amenity through overlooking, loss of light, and increased disturbance.
- 8.6. There would be an increased impact on numbers 1 and 3 Blackthorn Close, to the south-east and north respectively. However, number 1 is itself large in scale, and set at an oblique angle to the application site so the impact would be limited. Number 3 is located to the south of the application site but set back from the common boundary which would help to limit the impact of the dwelling's increased scale. There would be some loss of light as a result of the increase in height, but the dwelling would have a ridgeline similar to that of number 3, with a hipped roof sloping away from the boundary, helping to mitigate the impact. Upper windows facing this neighbour would be obscure glazed.
- 8.7. To the rear (west) of the site is number 34 Withdean Road which would experience some increased overshadowing in the earliest part of the day by virtue of the extensions. However, the property sits higher than the application site, and some 30m from it so the impact is not considered to be significant.
- 8.8. The proposal, by virtue of its separation distances from all other properties, its scale and the existing topography would not result in an unacceptable level of overshadowing or overbearing on neighbouring dwellings. Furthermore all openings are appropriately positioned so as not to give rise to unacceptable levels of visual intrusions.
- 8.9. The impact on the adjacent properties at Blackthorn Close and Withdean Road have been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified, particularly given the scale of neighbouring properties and their set-back from the application site.

Biodiversity

- 8.10. 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 bees. 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.

Conclusion

- 8.11. The proposal is considered to improve the appearance of the application site and to provide a development more in keeping with the character of the local area. The increase in height would respect the scale, continuity, roofline and general appearance of the streetscene, including its topography. There would

be some increased shading of neighbouring properties but this has been minimised, and is not considered so significant as to warrant refusal of the application.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £ 23,250. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.
- 9.2. The proposal site is located within zone 2 of the CIL charging area and subject to a £150 charge per square metre.

10. EQUALITIES

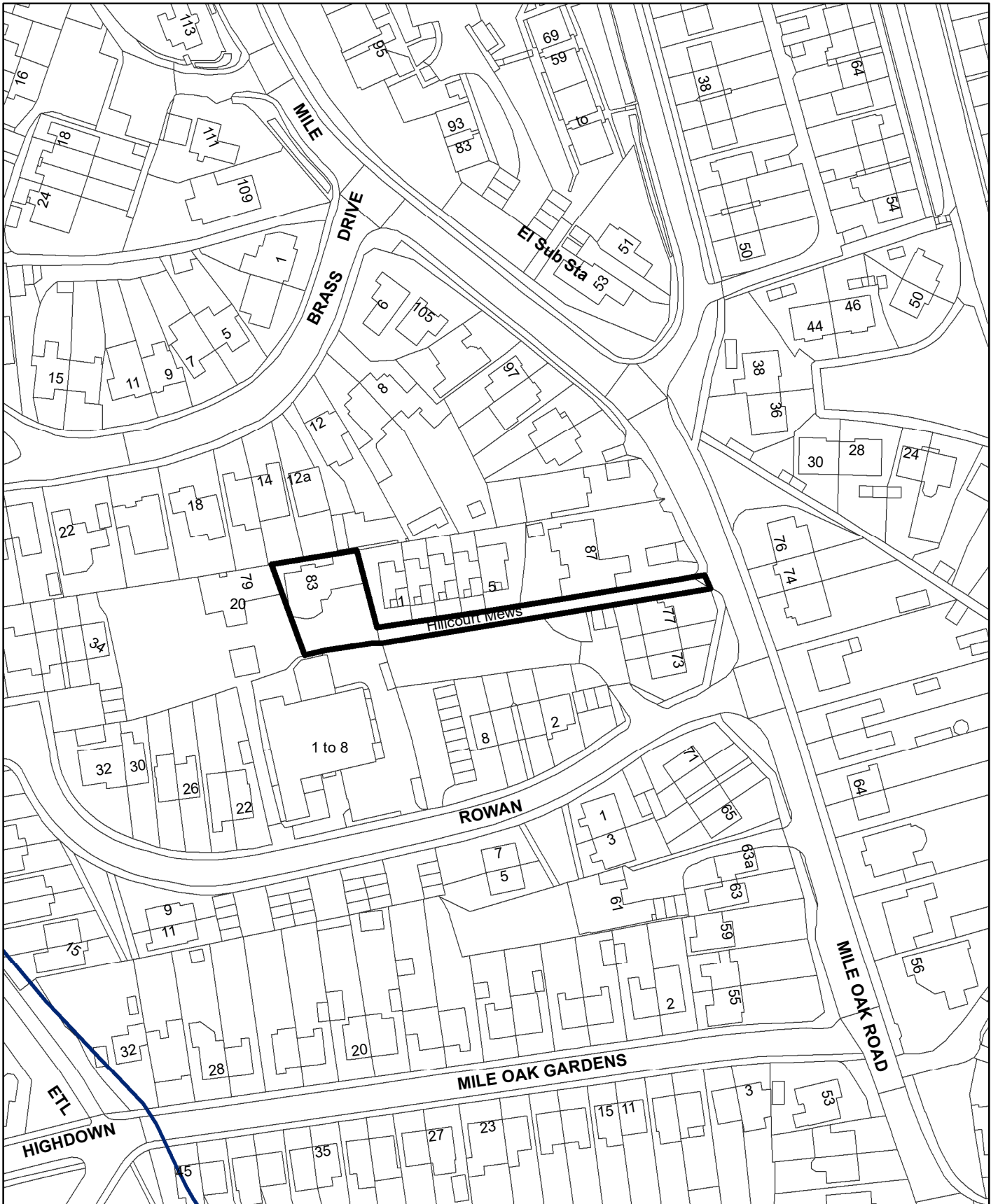
None identified

ITEM D

**83 Mile Oak Road
BH2021/02310
Householder Planning Consent**

DATE OF COMMITTEE: 6th October 2021

BH2021 02310 - 83 Mile Oak Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/02310	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	83 Mile Oak Road Portslade BN41 2PJ		
<u>Proposal:</u>	Erection of part single part two storey extension to create additional floor with revised fenestration and associated works.		
<u>Officer:</u>	Jonathan Pennick, tel: 292138	<u>Valid Date:</u>	23.06.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	18.08.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Arki-Tec Plans 87A Mile Oak Road Portslade Brighton BN41 2PJ		
Applicant:	Sharon Drewett Paget Henfield Road Small Dole BN5 9XH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	2021/0022-01	A	23 June 2021
Proposed Drawing	2021/0021-04	A	23 June 2021
Proposed Drawing	2021/0021-05	A	23 June 2021

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

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

3. The external finishes of the development hereby permitted shall match those stated on the submitted application form and approved plans.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

4. 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.

5. The windows at first floor level on the northern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To reduce the potential for overlooking and to accord with policies QD14 and QD27 of the of the Brighton & Hove Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the first floor of the southern or western elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

Reason: To reduce the potential for overlooking and to accord with policies QD14 and QD27 of the of the Brighton & Hove Local Plan.

Informatives:

7. 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.
8. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. APPLICATION SITE

- 2.1. The proposal relates to an existing single-storey dwelling that is accessed from Hillcourt Mews, a small, private road extending from the western side of Mile Oak Road in Portslade. The dwelling is large, extending across much of the site between the east and western boundaries. It has a gable-ended pitched roof, and while it contains only two bedrooms has two large reception areas and a garage, with a large front garden area.
- 2.2. There is a range of dwelling types in the immediately locality with a varied palate of modern and more traditional materials. To the north of the site is the rear of large dwellings on Brasslands Drive, with another large dwelling to the west. To the east are flat-roofed dwellings fronting Hillcourt Mews, with further modern, flat-roofed dwellings to the south, including Rowan House.
- 2.3. The site is not in a conservation area or otherwise affected by historic or other designations.

3. RELEVANT HISTORY

- 3.1. BH2020/00211 - Outline application with all matters reserved for demolition of existing dwelling and erection of 3no three storey, three bedroom dwellinghouses (C3) Refused on the following ground, and dismissed on appeal: *"The proposal, by reason of its inappropriate density and the height of the dwellings, represents an overdevelopment of the site, is out of character and causes neighbouring amenity issues in respect of overlooking, overshadowing and loss of sunlight. The proposal also results in the further intensification of the narrow access leading to insufficient turning around space, introducing highways safety concerns. As such, it is contrary to Policies CP9, CP12 and CP14 of the Brighton & Hove City Plan Part One and TR7 and QD27 of the Local Plan."*
- 3.2. BH2020/02316 - Outline application with all matters reserved for demolition of existing dwelling and erection of 2no two storey, three bedroom dwellinghouses (C3). Approved
- 3.3. BH2013/00380 - Demolition of existing industrial unit and erection of 1no. two bedroom dwelling house and 4no. three bedroom dwelling houses with associated parking. Approved 04.04.2013
- 3.4. BH2012/04084: Conversion of existing building to form 8no flats and 1no maisonette with associated alterations including partial demolition of existing building, revised and additional fenestration, creation of balconies and additional parking. Approved 26.03.2013

4. APPLICATION DETAILS

- 4.1. The applicant seeks planning permission for the erection of part single-, part two-storey extension to create an additional floor, with revised fenestration and associated works. The resulting dwelling would have four bedrooms, with a footprint largely as existing but extended forwards (south) of the existing on the western elevation. The dwelling would be two storeys in height, but with a flat roof so largely the same height as the existing.

5. CONSULTATIONS

None.

6. REPRESENTATIONS

- 6.1. Six (6) letters of objection have been received expressing concerns in relation to the following material points:
 - Highway Safety
 - Overbearing
 - Loss of light/overshadowing
 - Disruption during construction
 - Out of character
 - Over development of the plot

- 6.2. A letter of support has also been received which states that the current bungalow is out of character with the new developments surrounding the property. This proposal would be better in traffic terms than the two dwellings already approved at outline.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
QD27	Protection of amenity

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main issues to consider in assessing this application are the impacts on residential amenity; and impact on the character and appearance of the area.

Background

- 8.2. Of particular relevance to consideration of this application is planning permission BH2020/02316 which was approved by Planning Committee, allowing two dwellings on the site. Whilst the application was outline with all matters reserved, the applicant provided illustrative plans, including elevations. The officer's assessment and recommendation to committee stated the following of this amount of built form:

“The illustrative drawings demonstrate that it is possible to accommodate two storey dwellings, and that if they were to adopt the flat roof style of other recent additions to the area they would be significantly lower than the previously proposed three storey dwellings, as well as the existing townhouses on the Hillcourt Mews site. At two storeys in height they would now fit in more comfortably with the character of the immediate vicinity, which comprises buildings of either a single storey or two storeys in height. The illustrative drawings also demonstrate that it would be possible to ensure that both dwellings would be lower than the existing building on site. Accordingly, the issues previously raised in respect of the impact on neighbouring amenity resulting from the proposed height, most notably overshadowing and loss of sunlight, are considered to be ameliorated by the lower height.”

- 8.3. This forms the 'fallback' which must be given weight when considering the present application as there is a real prospect that it could come forward.

Impact on Amenity

- 8.4. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state 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.
- 8.5. The proposal site is directly south of 12a and 14 Brasslands Drive, with the expanded dwelling located close to the common boundary so there is potential for an increase in overshadowing and enclosure upon the rear amenity of these dwellings. However, the neighbouring dwellings are set higher than the application site, and the scheme would have a flat roof so that the increase in scale over the existing would be minimal. The application site abuts the relatively long rear gardens of these properties, further reducing the impact, particularly for no. 12A which has outbuildings along the common boundary. Further, the existing, approved scheme was on a larger scale, so would have more impact than that currently proposed. The proposal is not, therefore, considered to result in an unacceptable increase in overshadowing or enclosure for neighbouring properties to the north.
- 8.6. The plot is also close to 20 Rowan Way, but this property has single storey side extension/outbuilding that creates sufficient separation distance between itself and the proposal. The townhouses on Hillcourt Mews are also at a sufficient separation distance that impacts resulting from increased overshadowing or enclosure would be limited.
- 8.7. Windows on the first floor elevation facing north, towards Brasslands Drive, would be opaque and set at 1.7m above floor level to minimise the risk of overlooking. The western elevation, facing 20 Rowan Close, would have no first floor windows or doors. Conditions would be imposed to ensure this remains the case.

- 8.8. All other openings are in a location that would give rise to limited impacts by way of visual intrusion.
- 8.9. The scheme seeks an increase in the size of the dwelling, but no increase in noise or other disturbance is anticipated, and certainly not when compared with the approved scheme allowing two dwellings on the site.
- 8.10. The impact on the adjacent neighbouring properties has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm subject to the aforementioned mitigation has been identified, so the scheme is considered acceptable in terms of its impact on residential amenity.

Design & Appearance

- 8.11. Policy QD14 of the Brighton & Hove Local Plan, and emerging Policy DM21 of City Plan Part 2 (which can be given significant weight) state that:
"Planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;*
 - b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;*
 - c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and*
 - d) uses materials sympathetic to the parent building."*
- 8.12. The proposal to create a modern, flat-roofed dwelling that would maximise the use of the site. The aesthetic would be contemporary with a stark white render and slate tile cladding in areas, with all openings being dark aluminium. Given the broad housing mix in the area, it is considered to be in keeping with its context, with limited impact upon the wider area, given it would be on a rear plot, obscured from view from the main highway.
- 8.13. The extensions and alterations are considered suitable additions to the building, of a contemporary design that would not harm the appearance of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan, emerging policy DM21 of City Plan Part 2 (which can be given significant weight) and SPD12 guidance.

Biodiversity

- 8.14. 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 bees. 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.

Conclusion

- 8.15. The proposal represents a similar built form on the site to that approved in the previous outline permission for two dwellings on the site. The proposal whilst having impacts upon neighbouring amenity to the north by way of overshadowing would not do so to a level that would warrant refusal. Furthermore conditions are proposed to protect against overlooking.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The proposal site is located within zone 3 of the charging schedule and will carry a fee of £75 per m². The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

10. EQUALITIES

None identified

PLANNING COMMITTEE

Agenda Item 38

Brighton & Hove City Council

NEW APPEALS RECEIVED 05/08/2021 - 01/09/2021

WARD

BRUNSWICK AND ADELAIDE

APPEALAPPNUMBER

BH2021/00080

ADDRESS

Flat 5, 22 Palmeira Square Hove BN3 2JN

DEVELOPMENT DESCRIPTION

Internal alterations to second floor hallway to provide separate entrance for flat 5.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

18/08/2021

APPLICATION DECISION LEVEL

Delegated

WARD

HANGLETON AND KNOLL

APPEALAPPNUMBER

BH2021/00660

ADDRESS

20 Hardwick Way Hove BN3 8BQ

DEVELOPMENT DESCRIPTION

Erection of single storey outbuilding at rear. (Part Retrospective)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

25/08/2021

APPLICATION DECISION LEVEL

Delegated

WARD

HOVE PARK

APPEALAPPNUMBER

BH2021/01012

ADDRESS

219 Nevill Road Hove BN3 7QP

DEVELOPMENT DESCRIPTION

Terracing of rear garden including new retaining wall fronting Goldstone Way, new raised patios and levelling of grass area.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

25/08/2021

APPLICATION DECISION LEVEL

Delegated

WARD

PRESTON PARK

APPEALAPPNUMBER

BH2020/02612

ADDRESS

361A Ditchling Road Brighton BN1 6JU

DEVELOPMENT DESCRIPTION

Erection of a single storey detached one bedroom house (C3) incorporating highway crossover, parking & landscaping.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

09/08/2021

APPLICATION DECISION LEVEL

Delegated

WARD

PRESTON PARK

APPEALAPPNUMBER

BH2020/02934

ADDRESS 25 Preston Park Avenue Brighton BN1 6HL
Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping.
DEVELOPMENT DESCRIPTION Demolition of existing garage and erection of a three storey rear extension & conversion of existing house including excavation of basement to provide 7no flats (C3) and associated alterations.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 20/08/2021
APPLICATION DECISION LEVEL Delegated

WARD **REGENCY**
APPEALAPPNUMBER BH2021/00475
ADDRESS Codrington Mansion 139 Western Road Brighton BN1 2LA
DEVELOPMENT DESCRIPTION Erection of cycle store to rear. (Part Retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 31/08/2021
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2021/00667
ADDRESS Timbers The Green Rottingdean Brighton BN2 7HA
DEVELOPMENT DESCRIPTION Erection of first floor rear extension.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 17/08/2021
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2021/00668
ADDRESS Timbers The Green Rottingdean Brighton BN2 7HA
DEVELOPMENT DESCRIPTION Erection of first floor rear extension.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 17/08/2021
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER BH2020/03736
ADDRESS First Floor Flat 64 Warleigh Road Brighton BN1 4NS
DEVELOPMENT DESCRIPTION Installation of a rear roof terrace for maintenance incorporating new painted mild steel balustrade (retrospective).

<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/08/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD

WITHDEAN

APPEALAPPNUMBER

BH2020/03455

ADDRESS

Stowford, Withdean Road, Brighton BN1 5BL

DEVELOPMENT DESCRIPTION

Variation of Condition 1 of application
BH2017/03342 (Erection of two storey rear
extension to create 5no residential units (1no 2
bed, 3no 1 bed and 1no studios) with associated
parking. Removal of existing chimney.) to allow
the substitution of the site plan.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

18/08/2021

APPLICATION DECISION LEVEL

Delegated

PLANNING COMMITTEE

Agenda Item 40

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 18/08/2021 AND 21/09/2021

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

HANGLETON AND KNOLL

APL2021/00050

Benfield Valley Golf Course Hangleton Lane
Hove BN3 8EB

Appeal against EN Without planning permission, the deposit of chalk spoil and aggregate creating hardstanding, mounds and chalk bunds at the Property in the area shown coloured green on the plan.

Against Enforcement Notice

APPEAL DISMISSED

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

Not Assigned

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

HANOVER AND ELM GROVE

APL2020/00132

The FreeButt 1 Phoenix Place Brighton BN2
9ND

Change of use from Public House (A4) to provide residential accommodation comprising 3no purpose built wheelchair accessible units on the ground floor (C3) and 3no Houses of Multiple Occupation (HMOs) with 23 bedspaces on the first, second and third floors (Sui Generis). Remodelling and alterations incorporating erection of additional storey and roof alterations including raising of ridge height and formation of mansard roof with revised fenestration and associated works.

Against Refusal

APPEAL DISMISSED

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

BH2019/00161

APPLICATION DECISION LEVEL

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

SOUTH PORTSLADE

APL2021/00042

2 Park Crescent Portslade BN41 1SR

Appeal against EN Without planning permission, the sub-division of a single dwelling house (C3) to form 1no one bedroom flat and 1no two bedroom flat (C3).

<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	SOUTH PORTSLADE
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00043
<u>ADDRESS</u>	2 Park Crescent Portslade BN41 1SR
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of a single dwelling house (C3) to form 1no one bedroom flat and 1no two bedroom flat (C3). (Retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02566
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00049
<u>ADDRESS</u>	36 Roundhill Crescent Brighton BN2 3FR
<u>DEVELOPMENT DESCRIPTION</u>	Erection of external spiral stair to rear elevation with alterations to upper ground-floor window to form new doorway. Erection of screen to boundary wall and enlargement of raised terrace.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/03447
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00051
<u>ADDRESS</u>	11 Kensington Place Brighton BN1 4EJ
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	WITHDRAWN APPEAL
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned