

Planning Committee

Date: **12 January 2022**

Time: **2.00pm**

Venue **Council Chamber Hove Town Hall tbc**

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

Conservation Advisory Group Representative

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AGENDA

61 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.

62 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 1 December 2021 (to be circulated separately)

63 CHAIR'S COMMUNICATIONS

64 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 6 January 2022.

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

66 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 | BH2021/22709, 41 and 42 Park Wall Farm Cottages, Station Approach, Falmer, Brighton - Full Planning | 1 - 18 |
|---|---|---------------|

MINOR APPLICATIONS

- | | | |
|---|---|------------------|
| B | BH2021/02934, Dolphin Court, Hove Street, Hove -Full Planning | 19 - 40 |
| C | BH2021/02805, Land to the rear of 28 -30 Longhill Road- Full Planning | 41 - 62 |
| D | BH2021/03117, 10 Roedean Crescent, Brighton - Full Planning | 63 - 80 |
| E | BH2021/03134, 30 -31 Foundry Street- Advertisement | 81 - 92 |
| F | BH2021/01877, Flat 1, 1 Alfred Road, Brighton - Full Planning | 93 - 104 |
| G | BH2021/02943, 79 Goldstone Cresecent, Hove - Householder Planning Consent | 105 - 116 |

67 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

- | | | |
|-----------|--|------------------|
| 68 | LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE
(copy attached). | 117 - 118 |
|-----------|--|------------------|

69 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

(nothing to report to this meeting).

70 APPEAL DECISIONS

119 - 124

(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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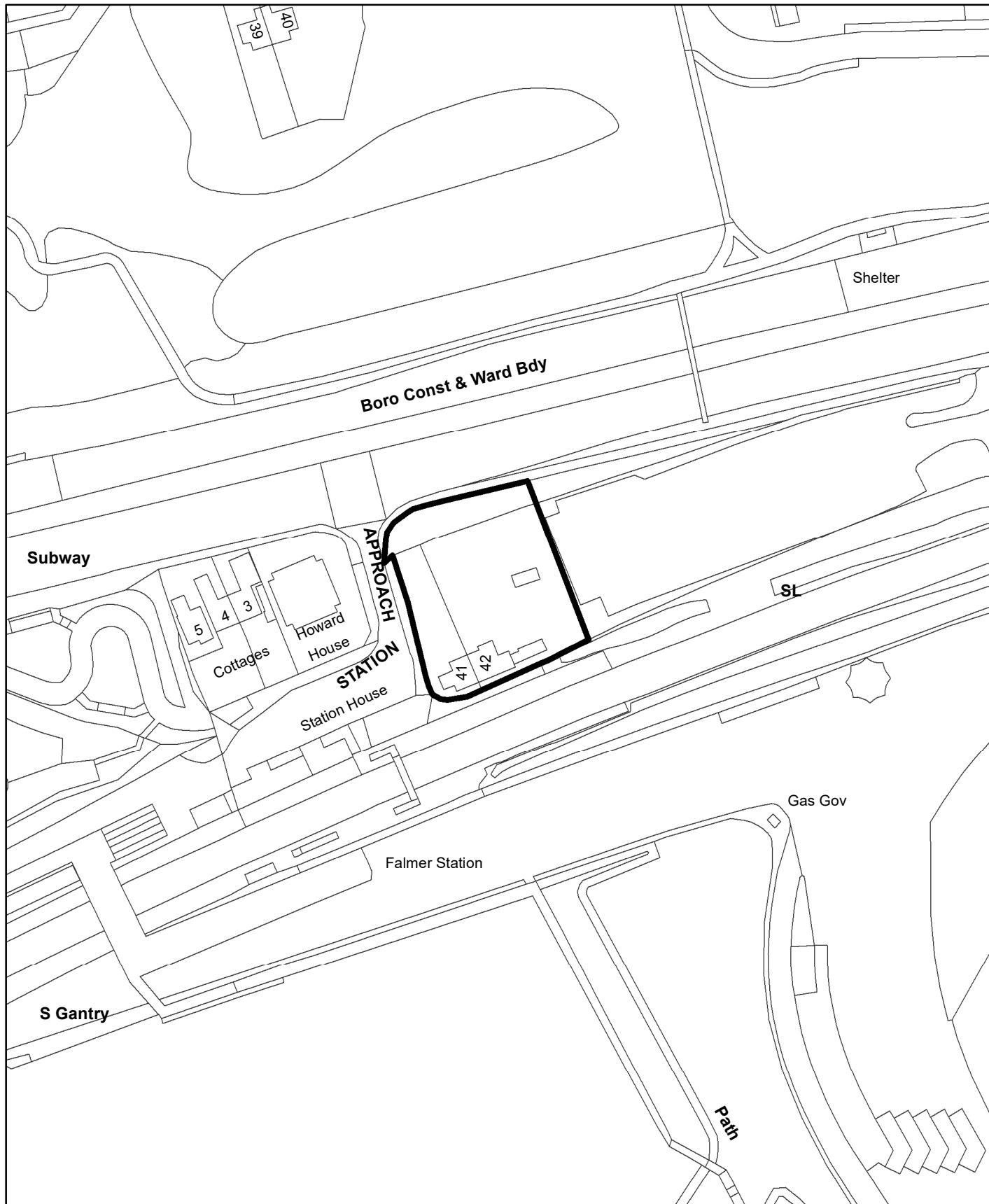
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ITEM A

**41 and 42 Park Wall Farm Cottages
BH2021/02709
Removal or Variation of Condition**

DATE OF COMMITTEE: 12th January 2022

BH2021 02709 - 41 and 42 Park Wall Farm Cottages



Scale: 1:1,250

<u>No:</u>	BH2021/02709	<u>Ward:</u>	Moulsecoomb And Bevendean
<u>App Type:</u>	Variation of Condition		
<u>Address:</u>	41 And 42 Park Wall Farm Cottages, Station Approach, Falmer		
<u>Proposal:</u>	Application for demolition of existing houses and erection of a 4 storey student accommodation building with 71no bed spaces and associated access arrangements, cycle parking, car parking and landscaping, as approved under planning permission BH2018/02854, without compliance with conditions 9 and 11 to allow for the removal of trees T1 & T4 and for new planting of mature trees (retrospective).		
<u>Officer:</u>	Robin Hodgetts	<u>Valid Date:</u>	04.08.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03.11.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	TBC
<u>Agent:</u>	Fletcher-Rae, 5 Jordan Street, Manchester, M15 4PY		
<u>Applicant:</u>	Westridge Construction Ltd, 2 Beeding Court, Shoreham Road, Brighton, BN44 3TN		

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** the variation of conditions 9 and 11 of application BH2018/02854.

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	TPP/ STPP 01		22 July 2021
Report/Statement		Arboricultural Method	22 July 2021
Proposed Drawing	SK/02	D	14 October 2021
Proposed Drawing	SK/01	D	14 October 2021
Location Plan	17008_PL001		12 September 2018
Existing Drawing	17008_PL002	A	22 January 2019
Proposed Drawing	17008_PL100	S	22 January 2019
Proposed Drawing	17008_PL101	M	22 January 2019
Proposed Drawing	17008_PL102	I	22 January 2019
Proposed Drawing	17008_PL200	P1	18 June 2020
Proposed Drawing	17008_PL201	P1	18 June 2020
Proposed Drawing	17008_PL202	P2	18 June 2020
Proposed Drawing	17008_PL300		18 June 2020

Proposed Drawing	17008_PL400	C	22 January 2019
Proposed Drawing	17008_PL500	A	22 January 2019
Other	17008_PL900		18 June 2020
Other	17008_PL901		18 June 2020
Other	51486/SK21		12 September 2018
Other	51486/SK20		12 September 2021
Proposed Drawing	8745-E06		12 September 2018
Proposed Drawing	8745-M05		12 September 2008

2. Not used.
3. Not used. (see application BH2019/01632)
4. The materials within the development shall be as agreed under application BH2020/01654 and shall be retained thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
5. The refuse and recycling storage facilities indicated on the approved plans shall be fully implemented and made available for use. These facilities shall hereafter 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.
6. The boundary treatments including access gates (and control mechanisms) will be constructed in accordance with the details agreed under application BH2021/00421 and thereafter retained at all times.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with QD27 of the Brighton & Hove Local Plan, Policies CP12 and CP13 of the Brighton & Hove City Plan Part One.
7. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
8. Not used.
9. Not used.
10. Within 3 months of the date of this permission, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing

by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after the details are agreed .

Details shall include:

- 1) A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted
- 2) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within Tree Root Protection Areas (RPAs);
- 3) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) Specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. All soft landscaping shall have a written five-year maintenance programme following planting.

Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with SPD06 and Policies QD15 and QD16 (Trees and Hedgerows) of the Brighton & Hove Local Plan and policy CP10 and CP12 of the Brighton and Hove City Plan Part One.

11. Not used.

12. Not Used.

13. The measures contained within the Ecological Design Strategy (EDS) agreed under application BH2019/01187 which addresses the retention and protection of habitats, enhancement of the site for biodiversity, and the provision of bird and bat boxes/bricks, shall be retained within the development.

Reason: To ensure that any adverse environmental impacts of development are mitigated and compensated and to provide a net gain for biodiversity in line with Policy QD16 of the Brighton & Hove Local Plan and Policy CP10 of City Plan Part One.

14. The cycle parking facilities shown on the approved plans shall be fully implemented and made available for use. The cycle parking facilities shall hereafter 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.
15. Within 3 months of this permission a Travel and Management Plan shall be submitted for approval. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than to provide for the parking of vehicles associated with the managed access moving in and out of students at an appointed time and shall be kept free at all other times in accordance with the Travel and Management Plan submitted to and approved in writing by Brighton and Hove City Council. The spaces shall not be used for any other purpose and shall be maintained to ensure their availability for such use at all appointed 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.
16. Not used
17. Within 3 months of this permission a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
18. Within 3 months of this permission the disabled car parking spaces shown on the submitted plans shall be implemented and made available in accordance with the Travel and Management Plan for the management of the moving in and out of students at an appointed time and shall be kept free at all other times (unless used by disabled residents). The approved scheme shall be fully implemented and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
19. The wheelchair accessible student accommodation hereby permitted as detailed on drawing no. PL100S received on 22 January 2019 shall be completed 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 accommodation 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.

20. Within 3 months of the date of this permission a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the 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.

21. Each of the student rooms/units hereby approved shall achieve 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.

22. Within 3 months of this permission details of the solar and photovoltaic array referred to in the Sustainability Checklist and shown on Drawing No. 17008_PL102 Rev I received on 22 January 2019 shall be submitted to and approved in writing by the Local Planning Authority. The solar and photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

23. The soundproofing of the party ceilings, floors and walls between student rooms including communal areas as agreed under application BH2020/01520 shall be retained hereafter unless otherwise approved in writing by the Local Planning Authority.

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

24. The external lighting shall be installed and operated as agreed under application BH2021/00421 and hereafter retained at all times.

Reason: To safeguard the amenities of the area, to reduce light spillage, impact on the International Dark Sky Reserve and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

25. Not used. (see applications BH2019/01632 and BH2020/00972)

26. Not used. (see application BH2019/01632)

27. The ventilation and acoustic protection agreed under application BH2020/01520 shall be fully implemented and retained hereafter. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before to occupation and thereafter retained.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
28. Not used (see application BH2020/00213)
29. Not used. (see application BH2020/00330)
30. The green walling and maintenance and irrigation programmes agreed under application BH2020/01520 shall be fully implemented and retained hereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and visual amenities in accordance with policy CP8 and CP10 of the Brighton & Hove City Plan Part One.
31. The details of the sustainable reuse and recycling of water as agreed under application BH2020/01520 shall be fully implemented and retained hereafter.
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.
32. Within three months of the date of this permission a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
33. Within 3 months of this permission a Management Plan relating to the access gates, entrance doors including cycle store and 24 hour onsite security, the moving of receptacles to the bin store loading area and use of the communal lounge and communal living areas, shall be submitted to and approved in writing by the Local Planning Authority. The use shall thereafter be managed in accordance with the approved Management Plan.
Reason: To ensure the provision of satisfactory management measures for a safe and secure development and to comply with Policies CP12 and CP21 of the Brighton & Hove City Plan Part One.
34. Not Used. (see application BH2020/01520)
35. The measures to protect the student units from noise disturbance from road and rail traffic as agreed under application BH2020/01931 shall be fully implemented and retained hereafter.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

36. The communal space to the ground floor within the development hereby permitted shall not be used between the hours of 22:00 and 08:00 unless otherwise agreed in writing by the local planning authority.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
37. The future proofing measures for a connection to a community heating system as agreed under application BH2020/01520 shall be fully implemented and retained hereafter.
Reason: To support the provision of low and zero carbon technologies including district heating and to accord with policies SS1 and CP8 of the Brighton and Hove City Plan Part One.

Informatives

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. To be read in conjunction with Condition 10:
The following British Standards should be referred to:
 - a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - c) BS: 3998:2010 Tree work – Recommendations
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
 - i) BS: 8601:2013 Specification for subsoil and requirements for use
3. BREEAM: 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).

2. SITE LOCATION

- 2.1. The site is located to the south side of the A27, adjacent to Falmer Station. It is positioned between the A27 dual carriageway and the railway line, with access from Station Approach, a partly private road that also serves Falmer Railway Station and the Station carpark. Beyond this and to the south is the University of Brighton Falmer Campus. The University of Sussex campus is to the north of the A27. The station is located to the west, a stadium car park to the east and there are a small number of residential properties located towards the west on

the opposite side of Station Approach, beyond which is Stanmer Court which is purpose-built student accommodation.

- 2.2. The site is not located within a Conservation Area and is not subject to a Tree Preservation Order. The South Downs National Park is located to the north, across the A27. The site is outside of the Stanmer Estate which is a Grade II registered park and garden located to the north west and on the opposite side of the A27.
- 2.3. The building is complete and was occupied on 18 September 2021.

3. RELEVANT HISTORY

- 3.1. **BH2021/01851 (approval of details application)** Application for Approval of Details reserved by conditions 10 (Planting/Hard Landscaping), 12 (Landscaping Scheme), 17 (Delivery and Service Management Plan) and 22 (Solar and Photovoltaic Array) of application BH2018/02854. Under Consideration.
- 3.2. **BH2020/01633 (Non-material amendment)** Non-Material Amendment to BH2018/02854 to raise the roof parapet to a height of 1190mm. Approved 27 July 2020.
- 3.3. **BH2018/02854 (planning application)** Demolition of existing houses and erection of a 4 storey student accommodation building with 71no bed spaces and associated access arrangements, cycle parking, car parking and landscaping. Approved 24 January 2019.

4. APPLICATION DESCRIPTION

- 4.1. The original approved scheme (BH2018/02854) was granted on 6 February 2019. In doing so, the Local Planning Authority considered the scheme to be acceptable in all regards, subject to securing various details and measures by planning conditions to mitigate any potential adverse impacts.
- 4.2. The considerations to be taken into account in this application relate solely to the variation of conditions 9 and 11 of the permission which require the retention of two mature trees. The application seeks to remove them and to agree a new landscaping plan for the site.
- 4.3. The two mature trees that conditions 9 and 11 required to be retained were a sycamore and wych elm located towards the northern boundary of the site, adjacent to the A27. This application contains a commitment to provide at least two replacement trees as part of a revised landscaping scheme, and the wider scheme contains five replacement trees. The final scheme would be agreed under condition 10, which is subject to a current application for approval of details (BH2021/01851), which is being held in abeyance pending the outcome of this proposal.

5. REPRESENTATIONS

- 5.1. **One (1)** letter of objection to the planning application has been received. The objections raised are as follows:
- Adversely affects Conservation Area
 - Damaging trees
 - Poor design
 - Impact on residential amenity
 - Restriction of view

6. CONSULTATIONS

Internal Consultees

- 6.1. **Arboriculture:** No objection, subject to further planting.
Detailed Comments: *"The arboriculturist visited the site with the applicant to discuss relocating approved service runs where it was noted that T1 Sycamore and T4 Wych Elm had been felled to approximately 1 metre. Both these trees were specified as retained as part of condition 8 and 9a and listed within the landscaping scheme. It was agreed with the applicant's consultant to remove these stumps and to have further discussions to agree new, replacement planting. The developer without further dialogue planted a Sorbus to the north side of the main entrance. Due to the lack of space available, the only other suitable space for further planting was decided to be to the southern aspect of the main entrance. A disease resistant Elm was specified. A 1:1 replacement ratio was the only viable solution, although I would have specified nursery stock of greater diameter than planted, the stock size was acceptable, requiring less maintenance such as watering, which increases survival rates."*

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
CP10	Biodiversity
CP12	Urban design

Brighton & Hove Local Plan 2005 (retained policies):

QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity

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.

DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM40	Protection of the Environment and Health – Pollution and Nuisance

Supplementary Planning Documents

SPD6	Trees and development sites
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9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the loss of the two trees (*T1(Sycamore)* and *T4(Wych Elm)*) from the site during construction and whether this causes significant harm to the setting of the site and whether sufficient planting can subsequently be agreed to offset this loss.

Variation of condition 9

9.2. The current condition states:

“Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the updated tree protection measures

which includes T1(Sycamore), T4(Wych Elm) and the G2 (Hedge of hawthorn, goat, willow and elm) shall be implemented on site. An arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the AMS:

- a) *Location and installation of services/ utilities/ drainage.*
- b) *Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.*
- c) *Details of construction within the RPA or that may impact on the retained trees.*
- d) *a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.*
- e) *Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.*
- f) *A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.*
- g) *a specification for scaffolding and ground protection within tree protection zones.*
- h) *Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area, details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment*
- i) *materials, fuels and waste as well concrete mixing and use of fires*
- j) *Boundary treatments within the RPA*
- k) *Methodology and detailed assessment of root pruning*

The development thereafter shall be implemented in strict accordance with the approved details

Reason: *To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with SPD06 and Policy QD16 (Trees and Hedgerows) of the Brighton & Hove Local Plan."*

9.3. During construction of the site the two trees in question T1(Sycamore) and T4(Wych Elm) were removed due to complications found in the running of the services to the approved new building. This is contrary to the two conditions, so this application seeks to amend them to rectify the breach.

9.4. The trees were not protected by a Tree Preservation Order and the site is not within a Conservation Area, thus they were not statutorily protected. The trees were, however, deemed significant enough in terms of the benefit they provided to the approved development that their retention was required by condition via a landscaping scheme to help screen and soften the appearance of the development and to aid biodiversity.

- 9.5. As already noted, a scheme has been submitted to discharge the landscaping condition (ref. BH2021/01851). These show the planting of five additional trees to replace the two trees lost, including the following:
- One *Ulmus* 'New Horizon' (Elm) and two *Malus sylvestris* trees to the front of the site
 - One *Sorbus torminalis* (Rowan) and One *Ulmus rebona* (Elm) to the northern boundary with the A27
 - Additional supplementary bushes and hedges adjacent to the site
 - Retention of the mature vegetation to the northern and southern boundaries of the site
- 9.6. Most of this planting has already occurred, with the rest to be completed once the landscaping plan is agreed under application BH2021/01851.
- 9.7. Although the loss of two mature trees from the site is regrettable, it is considered that the provision of suitable additional planting of the five replacement trees would, on balance, provide appropriate and robust mitigation from an ecological and visual amenity perspective. The provision would be secured under the current application, and as part of application BH2021/01851 (landscaping scheme).
- 9.8. The replacement trees are not 'like-for-like' as they are of different species, not mature and they do not add to the screening of the site from the A27. However, on balance they are considered acceptable mitigation to help soften the appearance of the site and help assimilate the development into its semi-rural surroundings. The council's Arboricultural Team raise no objection on this basis
- 9.9. It is considered that this additional planting (along with boundary treatments that are yet to be agreed as part of application BH2021/01851) would satisfactorily offset the loss of the two mature trees from the site. As such the conditions can be varied to remove mention of the trees in question, (T1(Sycamore) and T4(Wych Elm).

Variation of condition 11

- 9.10. The current condition states:
- "Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details. A letter of engagement will be required between the applicant and the chosen arboricultural consultant.*
- Reason:** *Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SPD06 and Policy QD16 (Trees and Hedgerows) of the Brighton & Hove Local Plan."*

- 9.11. As the development has now been largely completed and any works likely to result in harm to existing vegetation are complete, this condition is no longer required and can be removed from the decision.
- 9.12. Future planting would be detailed and secured (and maintained) through the landscaping plan under consideration in planning application BH2021/01851 (and attached at condition 10 of this application).

Neighbour Amenity

- 9.13. One letter of objection has been received by a nearby resident objecting to the proposed design and impact on their amenity. Given the separation of this site from the rest of Station Approach it is not considered that the proposed change to the landscaping would impact significantly on this neighbour, and therefore accords with Policy QD27 of the Brighton & Hove Local Plan, and DM21 of City Plan Part 2 which can be given significant weight.

Conclusion

- 9.14. It is considered that the proposed landscaping and additional planting would be sufficient to offset the loss of the two mature trees from the site. While the loss of mature trees is always regrettable, there is sufficient justification for their loss due to the required location of the service runs to the building and the proposed mitigative planting. Furthermore the loss of the two trees alone would not be considered sufficient reason for refusal of the permission.
- 9.15. Finally it is noted that the Arboriculturist has requested a condition to replace any planting lost within 5 years. This could be included on any subsequent agreed landscaping plan.
- 9.16. 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.

- 10. EQUALITIES**
None identified

11. CLIMATE CHANGE / BIODIVERSITY

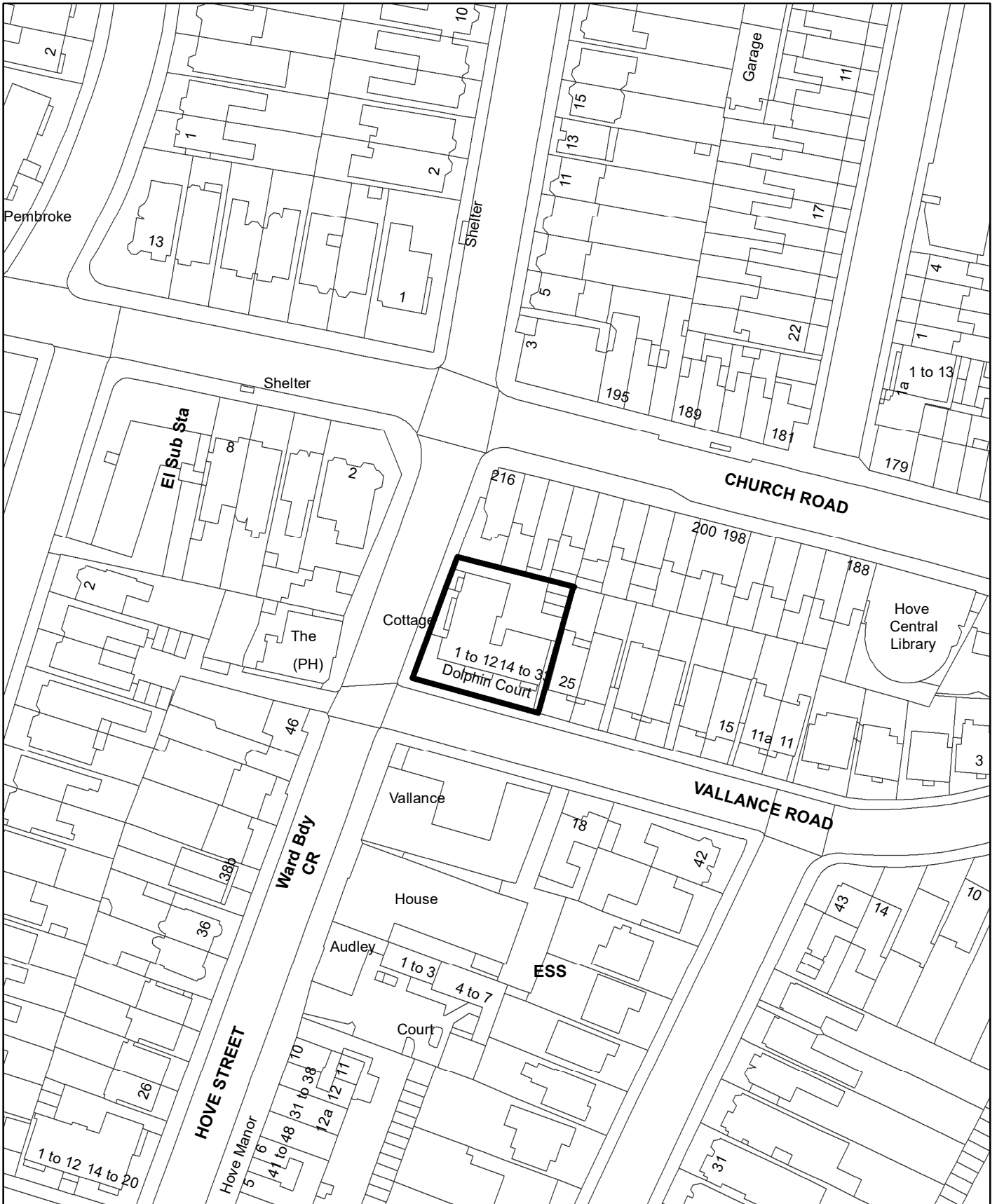
- 11.1. Although the loss of two mature tree is considered to be a loss for biodiversity, the replacement planting is considered sufficient to ensure sufficient mitigation. In addition, the original scheme contained conditions to enhance biodiversity and include sustainable building measures.

ITEM B

**Dolphin Court, Hove Street
BH2021/02934
Full Planning**

DATE OF COMMITTEE: 12th January 2022

BH2021 02934 - Dolphin Court, Hove Street



N



Scale: 1:1,250

<u>No:</u>	BH2021/02934	<u>Ward:</u>	Hove Central
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Dolphin Court Hove Street Hove BN3 2DN		
<u>Proposal:</u>	Erection of an additional storey to provide 2no. two bedroom flats and 1no. one bedroom flat (C3) including roof terraces, new lift plant and overrun.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	07.09.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.11.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Luke Carter Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Maxiwood Limited C/O Lewis And Co Planning SE Ltd		

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	002-3-LCT PLNS	D	11 November 2021
Block Plan	002-3-(PP)-LVL0		09 August 2021
Proposed Drawing	002-3-(PP)-LVL6	D	11 November 2021
Proposed Drawing	002-3-(PP)-LVL7	D	11 November 2021
Proposed Drawing	002-3-(PP)-LVL8	D	11 November 2021
Proposed Drawing	02-3-(PSE)- 1& 3	D	11 November 2021
Proposed Drawing	002-3-(PSE)-2&4	D	11 November 2021
Proposed Drawing	002-3-(PE)-1.B	D	11 November 2021
Proposed Drawing	002-3-(PE)-2.B	D	11 November 2021
Proposed Drawing	002-3-(PE)-3.B	D	11 November 2021
Proposed Drawing	002-3-(PE)-4.B	D	11 November 2021
Proposed Drawing	002-3-(PS)-AA	D	11 November 2021
Proposed Drawing	002-3-(PS)-BB	D	11 November 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 construction work in relation to the development hereby permitted shall take place until samples / details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
 - a) samples / details of all brick, including mortar, bonding, and pointing;
 - b) samples / details of the proposed window, door and balcony treatments / balustrades; and
 - c) 1:20 scale plan and section drawings of a diverse seeded plug-planted green roof, including depth of substrate and seeding mix.Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to enhance the biodiversity of the site in compliance with Policies QD14 and HE6 of the Brighton & Hove Local Plan, CP10, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM22 and DM26 of the emerging Brighton & Hove City Plan Part Two, and SPD11.
4. A bee brick shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policies CP10 of the Brighton & Hove City Plan Part One and DM22 of the emerging Brighton & Hove City Plan Part Two, and SPD11.
5. Prior to the first occupation of the development hereby permitted, further details of the type, materials and height of the privacy screens between the terraces of the new flats shall be submitted and approved in writing by the Local Planning Authority. The approved privacy screens shall be installed prior to the first occupation of the new flat, and shall be maintained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton & Hove City Plan Part Two.
6. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policies TR14 of the Brighton & Hove Local Plan and DM33 of the emerging Brighton & Hove City Plan Part Two, and SPD14.
7. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

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. They shall include:
- (i) The phases (if applicable) of the development hereby permitted, including the forecasted completion date.
 - (ii) A scheme setting out 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.
 - (iii) Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway.
 - (iv) Details of hours of demolition and construction including all associated vehicular movements.
 - (v) Details of the demolition and construction compound.
 - (vi) A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these.
 - (vii) Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services, and provide for their continued operation during the works.
 - (viii) Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
 - (ix) Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site.
 - (x) Details of employee and contractor parking.

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan, CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the emerging Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03.

9. 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.

10. 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.

11. No development, including demolition, 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking should be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well-lit, well-signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not usually support vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. The Highway Authority's preferred cycle parking is '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 the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.

5. The water efficiency standard required under Condition 10 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.

2. SITE LOCATION

- 2.1. The application relates to a six storey tall residential block of 33 flats. It is located on the northern side of the junction of Hove Street (A2023) with Vallance Road. It is L-shaped to front the two roads facing the junction, but set back with landscaped communal amenity areas. The building itself is constructed of yellow and brown multi-stock brick, and features balconies, uPVC casement windows and a flat roof with a relatively large lift overrun and staircase for maintenance access, which is readily visible in views from the south. The main pedestrian access is via recessed metal doors within a portico on Hove Street.
- 2.2. Dolphin Court is already prominent in the streetscene, especially compared with the low scale semi-detached dwellings on the north side of Vallance Road, and is particularly set apart from its immediate surroundings by its scale and form, the colour of its brickwork and the materials used for the balconies. On Hove Street, however, the buildings are more mixed in use and style including other tall, purpose-built blocks of flats. Of these blocks, two are also currently six storeys, one of which (Hove Manor) has permission for an additional setback storey (ref. BH2020/00727).
- 2.3. The site is within the Old Hove Conservation Area with the eastern boundary of the Pembroke and Princes Conservation Area running down the middle of Hove Street. However, it is not subject to the associated Article 4 direction removing 'permitted development' rights for alterations, extensions, hardstanding, satellite antenna, external painting and new boundary treatments, and is not a listed building or in the vicinity of one. Regent House and Audley House to the south are locally listed buildings. The site is within Controlled Parking Zone (CPZ) N and an Archaeological Notification Area.

3. RELEVANT HISTORY

- 3.1. Pre-application advice **PRE2020/00248** was sought for a two storey extension at roof level to create six residential properties. Advice was issued on 14 December 2020.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of an additional storey to provide 2no. two bedroom flats and 1no. one bedroom flat (Use Class C3) including roof terraces, new lift plant and overrun.
- 4.2. Changes have been made during the course of the application to increase the setback of the additional storey from the existing east façade of the building (from 2.1m to 2.545m) and therefore the width of the roof terrace to Unit 1.

5. REPRESENTATIONS

- 5.1. **Nineteen (19) objections were received, fifteen (15)** of which are from individuals directly affected raising the following concerns:
 - The impact upon the existing services in the building is unclear, as is whether they would be able to support the proposed development.
 - Three new dwellings is likely to increase demand for parking in the area given the difficulty to find parking spaces within the vicinity.
 - The building works would cause significant noise and disruption to existing residents for a substantial period of time when many are working from home.
 - Dolphin Court is already 6 storeys and a prominent building so more needs to be done to reduce the negative impact on the neighbourhood and the conservation area.
 - No confidence that the development would be of a high standard.
 - Taking the lift out of service for any length of time will severely restrict access and quality of life.
 - Who will pay for all the refurbishment works?
 - Significant devaluation in property prices.
 - Noise from the proposed roof terraces
 - Insufficient notice or communication of this application given to residents
 - Increase in traffic
 - The additional floor is out of keeping / character with the conservation area.
 - Scaffolding works would block out natural light to the existing residents and have a negative effect on the building's security.
 - More consideration needs to be given to fire safety
 - There is no benefit to the development, other than to the freeholder
 - Dwellings in the adjoining roads would have restricted light or a view
 - The Right To Manage (RTM) group said no to the proposed cycling parking spaces to the rear.
 - This project detrimentally impacts the overcrowded local community and there are no school places available.
 - Long-lasting detrimental effects to the health and wellbeing of residents.

6. CONSULTATIONS

- 6.1. **Conservation Advisory Group (CAG):** Recommended refusal and that it goes to Planning Committee for the following reasons:

- Although the proposal is for an additional storey, it is in fact two storeys as the plant and lift over-run add to the height.
- The proposal would have a negative impact on the character of the Old Hove Conservation Area even if it was set back.
- Detrimental effect on the scale of housing in Vallance Road and the public realm generally, i.e. Hove Street, Sackville Road and New Church Road.
- Overlooking from the proposed balconies.

6.2. **Environmental Health:** No concerns, comments or conditions to recommend

6.3. **Heritage:** Recommend for approval subject to a condition on materials

6.4. **Health and Safety Executive:** Significant concern

6.5. **Private Sector Housing:** No comments to make

6.6. **Southern Water:** A formal application for any new connection to the public sewer is required. Where surface water is being considered for discharge to our network following the hierarchy in part H3 of the Building Regulations is required. If a public sewer is found during construction works, an investigation of the ownership of the sewer will be required before any further works commence on site.

6.7. **Transport:** Approve with the inclusion of conditions

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.

66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

7.2. The development plan is:

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

7.3. 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.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP19	Housing mix

Brighton & Hove Local Plan (retained policies March 2016)

TR14	Cycle access and parking
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

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

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health – Pollution and Nuisance

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

Other Documents

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

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to:

- Principle of development
- Design and Heritage
- Biodiversity
- Impact on Neighbouring Amenity, including fire safety
- Impact on Highways
- Standard of Accommodation
- Sustainability

Officers undertook a site visit in relation to the present application following the protocols put in place due to COVID and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

Principle of development:

9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The Council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).

9.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.

9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).

9.5. As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

9.6. The scheme brings the benefit of providing three additional housing units to the city, which would therefore make a minor, but important contribution towards the Council's housing target given the importance of maximising the use of sites due to land availability constraints. It is noted that a couple of two bed flats would help to provide small family sized housing, which is an identified need in Brighton & Hove.

9.7. As such, the principle of the development is considered acceptable. The acceptability or otherwise of the scheme is subject to design, impact on heritage assets, neighbouring amenity, the local highways network and biodiversity as well as the standard of accommodation and sustainability. This is discussed below.

Design and Heritage:

9.8. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

9.9. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given “considerable importance and weight”.

9.10. The LPA does not have an in-principle objection to the upward extension of this building, this being supported by part (e) of paragraph 120 of the NPPF where development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed and can maintain safe access and egress for occupiers.

9.11. The additional storey to this building would have an impact on both the Old Hove and the Pembroke and Princes Conservation Areas. However, as previously noted there are already two six storey purpose-built blocks of flats on Hove Street, one of which has permission for an additional setback storey, as proposed here. The additional storey at Hove Manor was set back 2.5m from the edges of the existing building.

9.12. In this case the additional storey would be set back approximately 2m on all sides, with the exception of the eastern side where the setback would be 2.545m. The additional setback is considered to provide a better transition in scale with the Vallance Road properties and to reduce the impact in views along the road from the east where the impact on the streetscape and skyline would be most prominent. The proposed set backs are considered acceptable, particularly since it is not a pastiche attempt at extending the building directly upwards.

9.13. It is noted that the subject property is already prominent and relatively incongruous in terms of its scale, form and materiality, particularly in views from the south and east. The proposal would not change that fact and therefore is not considered to be a reason to refuse this application. It is, however, important to ensure that the additional storey is a high quality addition in itself and relates well to the existing building.

9.14. The proposed fenestration to the additional storey generally lines up with the existing, at least to the most visible elevations. The fixed glazed units to the lift plant and overrun responds solely to the internal layout, so alignment with the existing is not considered necessary. The proportions and details of the existing balconies are also followed through into the additional storey.

- 9.15. The proposed material palette is largely in keeping with the existing. As previously mentioned, it is mainly constructed of two colours of multi-stock brick, although there is a vertical element of dark brown bricks to the south elevation. A light sand brick is proposed to complement all three and would be used to the main external walls in addition to as part of the balustrades, which helps to tie it in with the existing building. To add visual interest, panels of sand brick laid in English and stock bond with half protruding bricks are proposed. This is supported, subject to a condition being recommended to secure high level design detailing.
- 9.16. The existing rooftop structure is 3.4m high and visible in views from the south on Hove Street. Whilst this would be the case for the proposed additional storey, it is considered to be of an improved design quality and the new lift plant and overrun would be lower at 2m high. The height is approximately the minimum necessary to ensure acceptable floor to ceiling heights for future occupiers. As such, it is considered that no significant harm is caused by its visibility from certain viewpoints.
- 9.17. Access to and from the proposed dwellings at sixth floor level would be via the existing staircase and lift being extended upwards. As such, it is considered that access and egress would be safe for future occupiers.
- 9.18. The LPA considers that the proposed development does not causes any harm to designated heritage assets and therefore NPPF paragraphs 200, 201 and 202, which cover harm to or loss of a designated heritage asset, are not invoked. In terms of assessing the impact on non-designated heritage assets as required by NPPF paragraph 203, this involves the locally listed buildings Regent House and Audley House to the south. Although the additional storey would be visible from outside these building, given the distances of 47m and 67m respectively from Dolphin Court, the effect of the proposal is not considered to be significantly harmful.
- 9.19. As such, the proposal would make an efficient use of an existing building with a high standard of design whilst not causing harm to heritage assets in compliance with City Plan Part One Policies CP12 and CP15, Local Plan Policies QD14 and HE6, emerging Policies DM18, DM21 and DM26 of City Plan Part Two, SPD12 and SPD17 and paragraphs 120, 130, 134, 199 and 203 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture and landscaping; to be sympathetic to local character and the surrounding built environment while not preventing appropriate change; to optimise the potential of the site to accommodate an appropriate amount of development; to reflect local design policies; to raise the standard of design more generally in an area; to conserve heritage assets and to consider the effect on non-designated heritage assets.

Impact on Neighbouring Amenity:

- 9.20. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.21. The main properties that would be affected by the proposed development would be 208-216 Church Road to the north and 25 Vallance Road to the east. However, it is also important that the windows of the existing dwellings within the building are not adversely affected, specifically to the courtyard elevations.
- 9.22. In terms of daylight there is only one measure that is relevant in this case, known as Vertical Sky Component (VSC), which is the ratio of the direct, unobstructed sky illuminance falling on the outside of a window, and which is a good measure of the amount of daylight entering it.
- 9.23. It should be noted that the VSC of nine of the existing flats in Dolphin Court currently fails to meet the BRE guidance and four have their VSC reduced below 27%, but not beyond the 80% threshold. Some of the windows of 210, 212, 214 and 216 Church Road also fail to meet the BRE guidance for VSC, but only one (no. 212) would have its VSC reduced below 27%, albeit not beyond the 80% threshold. Therefore, the proposed development will not negatively impact daylight to any of the adjacent windows.
- 9.24. In terms of sunlight, the only measure that is relevant in this instance is Annual Probable Sunlight Hours (APSH). This is the number of hours each day a window receives sunlight. The BRE guidance states that APSH should be determined for living room windows only, although all windows to 208-216 Church Road have been assessed because the internal layouts are unknown.
- 9.25. The BRE guidance for APSH is met for all windows demonstrating that there would be no noticeable impact to the sunlight received by the surrounding windows annually or during the winter months.
- 9.26. In terms of overshadowing, the relevant test is whether less than 50% of a garden is found to receive direct sunlight for at least two hours as a result of the development and the total area that still receives direct sunlight is less than 80% of the former value. If both of these are the case, then it indicates that the garden would be significantly overshadowed.
- 9.27. In this instance there would be no change to the overshadowing in any adjacent garden. Those that have been assessed are 208-214 Church Road and 25 Vallance Road, but not no. 216 because it is used for car parking.
- 9.28. Whilst all the windows and gardens comply with the BRE guidelines, it is, however, important to acknowledge that there is no formal requirement to comply with the BRE Report advice and the NPPF advises that LPAs should take a flexible approach in applying this guidance on housing schemes where it would otherwise inhibit making efficient use of a site. In any case, the LPA considers that there are no grounds on which to refuse this application on sunlight, daylight or overshadowing grounds.

- 9.29. The height of the proposed additional storey, combined with the distance to neighbouring windows, precludes any material impact on outlook, nor would it create a sense of enclosure, particularly given its setbacks from the edge of the building.
- 9.30. As requested at pre-application stage, section drawings have been provided within the submitted Design and Access Statement to demonstrate that the windows and balconies of the proposed dwellings would not cause an adverse privacy impact. It is noted that these only show views from the ground floor windows of neighbouring properties rather than from the windows and balconies of the additional storey. Given the 2.3m setbacks of the windows of Units 1 and 3 from the edge of the building, it is considered that no overlooking downwards would ensue. The terrace would be bounded by a metal balustrade designed to let the maximum amount of light through, but it would also allow intrusive views. However, the overlooking that could take place to the rear of the Church Road dwellings and their gardens would be no greater than what can currently occur and therefore it is condoned.
- 9.31. As a result of the proximity and setback from 25 Vallance Road, it is considered that the proposal would not cause overlooking to that property or its garden. To the other side and to the rear the proposed windows and terraces would be too far from the neighbouring properties to cause a material impact on privacy.
- 9.32. It is, however, considered that further details of the type, materials and height of the privacy screens between the terraces of the proposed flats are required and it is recommended to secure this via a pre-occupation condition.
- 9.33. It is not considered that the noise and disturbance created by a maximum of nine additional occupiers would cause a detrimental impact on neighbouring amenity, especially given that the existing building houses 33 flats.
- 9.34. As such, the overall impact on neighbouring amenity would be acceptable, subject to the condition outlined above, and compliant with Local Plan Policies SU10 and QD27 and emerging CPP2 Policy DM20 (which can be given significant weight).

Fire Safety

- 9.35. A Fire Statement was submitted with the application, setting out the principles, concepts and approach to fire safety that applies to the building, as it relates to land use planning matters. In response, the Health and Safety Executive (HSE) has raised 'significant concern' about the application in relation to fire safety issues.
- 9.36. However, it is for the planning authority to determine which of these relate to land use planning, noting detailed issues relating to fire safety are managed through the Building Control process, which the planning process should not, and cannot duplicate. It is for the applicant to manage subsequent amendments to the planning permission if this is needed to meet those requirements.

- 9.37. In this case, the applicant has highlighted that the existing internal staircase would be extended within a fire protected lobby to form the main means of escape in the event of fire, with the external fire escape to be retained and extended to the additional floor to provide an alternative means of escape. This would also mitigate the issue with the travel distance to the nearest fire escape. If, during the Building Regulations process it is apparent that ventilated lobbies to the internal staircase require new windows or alterations, this can be addressed by subsequent amendments to the planning permission.
- 9.38. The applicant has confirmed that smoke ventilation measures would be implemented in the event the application is approved and the development built out. This would be secured by resolved through the Building Regulation process. The need for fire hydrants in close proximity to the site would be established during the Building Regulation process.
- 9.39. A detailed drawing of the proposed external walls and cavity wall construction has subsequently been provided showing the installation of 100mm of Celotex FR5000 PIR fire resistant insulation. It also states that all external doors to the flats would be 60 minute fire-rated.
- 9.40. It is not considered that there would be any implications for the design, layout and appearance of the building resulting from installing sprinkler systems and / or smoke ventilation or on landscaping from any additional hydrants which may be required to overcome the HSE's concerns.
- 9.41. As such, the development is acceptable in land use planning terms with regards to fire safety.

Standard of Accommodation:

- 9.42. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 9.43. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight.
- 9.44. Two, two bedroom flats (one for four persons and one for three) and a one bedroom flat are proposed. The Gross Internal Areas (GIAs) for each residential unit are in excess with the figures in the NDSS. All the bedrooms would also be compliant with the NDSS. The internal floor to ceiling height of 2.4m throughout is considered acceptable.

- 9.45. All but Unit 2 would be triple aspect (it having dual aspect instead), which therefore provides future occupiers with sufficient outlook, natural light and cross-ventilation.
- 9.46. The provision of external amenity space in the form of terraces for all the flats is supported, and they are considered of an adequate size to be useable. All are proportionate to the size of the flat i.e. Unit 1 has more than Unit 2 and Unit 2 and more than Unit 3. It is considered that any noise created from the use of the roof terraces would be akin to that within a residential garden and therefore would not cause a materially adverse impact.
- 9.47. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and HO5 and emerging CPP2 Policy DM1 (which can be given significant weight).

Impact on Highway:

- 9.48. The site is considered to be in a sustainable location close to schools, local shops and services with bus stops served by several routes, including to Brighton train station. Hove train station is easily accessible by bicycle or on foot. This is illustrated by it being in a 'Key Public Transport Corridor' of the city as set out in SPD14. In these areas, SPD14 permits a maximum of 0.25 parking spaces per dwelling. No spaces are proposed, which is therefore compliant and considered acceptable.
- 9.49. It is considered that the creation of three new flats would not lead to increased traffic generation or parking stress on surrounding street, particularly as no car parking spaces are proposed. Given the site's location within CPZ N, which prevents on-street parking, and that there are no nearby streets than are either outside a CPZ, the proposal would not cause overspill parking. It is not considered appropriate to impose a car-free condition because parking in the local area and limiting the issue of parking permits is already covered through the management of the CPZ.
- 9.50. Cycle storage is proposed to the north east corner of the building and this location is considered acceptable given access can be had from the street, but it would not be visible from there. For this development the minimum cycle parking standard is 3 long stay / resident spaces. Further details of the store are recommended to be secure by condition. It is worth noting that there exists public cycle hire facilities at Hove Town Hall and at the train station as well as Sheffield stand on Hove Street.
- 9.51. Although it has been calculated that the entire waste requirement for the proposed flats could be catered for in the form of a 1100 litre wheelie bin for refuse and a 360 two wheel bin for recycling, no details of these arrangements have been submitted with the application and therefore it is considered appropriate to recommend that this matter be dealt with by way of condition.
- 9.52. Given the context, characteristics and quantum of development, it is recommended that a Construction Environmental Management Plan (CEMP) is secured by a pre-commencement condition. Further reasoning is provided

within the LHA's comments. A CEMP would address concerns about highway safety, amenity, noise and construction traffic.

- 9.53. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

Sustainability and Biodiversity:

- 9.54. City Plan Part One Policy CP8 requires new development to demonstrate a high level of efficiency in the use of water and energy and for it to achieve 19% above Part L for energy efficiency in addition to meeting the optional standard for water consumption. Therefore, conditions are recommended to ensure the development meets those standards.
- 9.55. As previously mentioned, all units are at least dual aspect to allow for adequate ventilation, daylight and enhanced orientation, thereby making the best use of site orientation, building form and layout.
- 9.56. Additionally, the applicant has committed to on-site sorting and recovery of waste materials from the demolition and the use of construction methods commensurate with the scale of the scheme to minimise the use of raw materials and maximise the use of secondary aggregates, recyclable and recycled materials, thereby reducing the embodied energy of this scheme. Further details are recommended to be secured through a Site Waste Management Plan condition. The principle of the development in terms of re-using, adapting and retrofitting an existing building would have substantial environmental benefits in terms of reducing the associated CO2 emissions.
- 9.57. There is scope for the development to result in a biodiversity net gain in accordance with the Environment Bill, Policy CP10 and SPD11. The flat roof of the proposed additional storey would be planted with a sedum or another suitable green roof. It is noted that the former does not provide a biodiversity net gain so a diverse seeded plug-planted green roof is recommended by condition. The applicant is proposing swift bricks to the structure, which are welcomed. A further condition is commended in respect of a bee brick.

Other matters:

- 9.58. Matters regarding impact upon existing building services, payment for the development, property prices, applicant communication with residents, and scaffolding are not valid planning considerations and therefore have not been taken into account in the determination of this application.

10. CONCLUSIONS

- 10.1. The proposal would provide three dwellings within an extension to an existing building, which is considered a significant benefit in a time of housing need, particularly in combination with sustainability and biodiversity net gains, and economic activity during construction. The LPA supports the high quality design of the additional storey, which would not have a significantly adverse impact on heritage assets, neighbouring amenity or on highways safety whilst

providing a good standard of accommodation. The proposal is therefore recommended for approval.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. 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 amount of CIL liability for C3 use in Charging Zone 1 is £175 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.

12. EQUALITIES

- 12.1. Access to the proposed flats is via the existing internal lift and staircase with entry from and exit to Hove Street, which is considered acceptable. In terms of on-street disabled parking spaces, these are available free on Vallance Road and outside both The Connaught public house and the public library on Church Road. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to three hours. None of the flats would be fully wheelchair accessible, but this accords with planning policy in this regard.

13. CLIMATE CHANGE / BIODIVERSITY

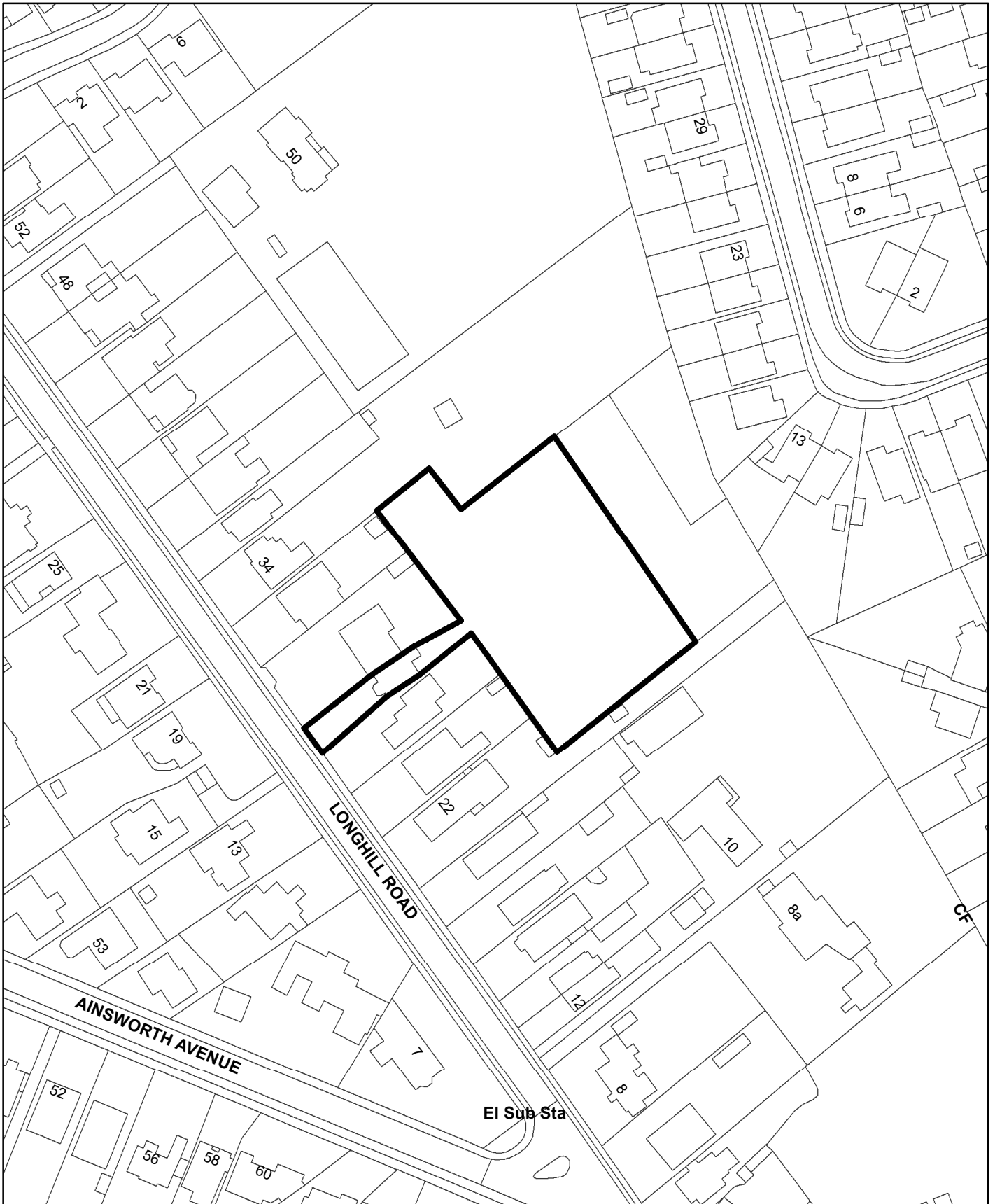
The site is considered to be in a sustainable location with good links to facilities including shops, it is well served by public transport and cycle parking is proposed, reducing reliance on cars. The proposal would make a more efficient use of the building and the new flats would receive ample daylight and sunlight as a result of being well orientated. A diverse seeded plug-planted green roof as well as a bee brick are recommended to be secured by condition.

ITEM C

**Land To The Rear Of 28-30 Longhill Road
BH2021/02805
Full Planning**

DATE OF COMMITTEE: 12 January 2022

BH2021 02805 - Land To The Rear Of 28-30 Longhill Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/02805	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To The Rear Of 28-30 Longhill Road Brighton BN2 7BE		
<u>Proposal:</u>	Erection of 4no four bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	03.09.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	29.10.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mohsin Cooper Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<u>Applicant:</u>	Home Ovingdean Ltd 85 Church Road Hove BN3 2BB		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	A.01	A	3 September 2021
Proposed Drawing	A.02		29 July 2021
Proposed Drawing	A.03		29 July 2021
Proposed Drawing	A.04		29 July 2021
Proposed Drawing	A.05	A	3 September 2021
Proposed Drawing	Tree location Plan		3 September 2021
Arboricultural Report	Amenity land management plan		3 September 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 extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification)

other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

4. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance 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 & Hove Local Plan and CP12 of the City Plan Part One

5. No development shall take place until an ecological design strategy (EDS) addressing protection and buffering of Ovingdean Copse Local Wildlife Site, enhancement of the site to provide measurable biodiversity net gain, to include the recommendations made in the Preliminary Ecological Appraisal report (The Ecology Consultancy, 19/10/2020) 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.

6. 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.

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

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

8. Prior to the commencement of the development hereby approved, 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 plants
- c. a schedule of mitigation planting to offset the loss of trees identified for removal, including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- d. details of all boundary treatments to include type, position, design, dimensions and materials;
- e. details of revised access paths to the bin and cycle stores

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.

9. Notwithstanding the plans hereby permitted, the development shall not be commenced until details of the street design have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and shall thereafter be retained for use at all times.

Reason: In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

10. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR7 of the Brighton & Hove Local Plan.

11. The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

12. 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 of all brick, cladding, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all hard surfacing materials
- c) details of the proposed windows, doors, balconies and railings treatments
- d) 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 policy CP12 of the City Plan Part One.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place 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 prior to the use of the building commencing.

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.

14. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

15. 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.

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by 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.

17. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all 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 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.

18. 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.

19. 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.

20. The dwelling(s) 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.

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 City Plan Part One.
22. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
23. A bee brick shall be incorporated within the external wall of each of the dwellings 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.
24. Twelve (12) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Further details of Street Design are required in relation to condition 9. In addition to dimensions and measurements of the access road, the following must also be included:
 - A 1.2m (minimum) delineated pedestrian footway on the access road's northern edge;
 - Removal of the proposed shrubs on the turning head to improve visibility
 - The access road's surface to be block paving instead of tarmac to reduce speeds, protect pedestrian movements and enforce the residential nature of the road
 - The access road to be illuminated e.g. lit bollards on either side
3. The planning permission granted includes vehicle crossovers which require 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 Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

4. 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.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

2. SITE LOCATION

- 2.1. The application site comprises the rear garden to a chalet bungalow located on the east side of Longhill Road. The garden extends behind the rear gardens of dwellings into a large 59m by 58m parcel of land to the rear of 22, 24 & 26 Longhill Road. The rear part of the site forms woodland on land that falls sharply down to properties on Elvin Crescent to the east. The large rear garden of 34 Longhill Road sits to the north, with a narrow wing of the garden to 22 Longhill Road to the south. Back-land dwellings to the rear of 10 & 50 Longhill Road sit further to the south and north respectively. Longhill Road is formed of a variety of detached dwellings with large front and rear gardens.
- 2.2. The application site sits within a narrow strip of land that falls outside the defined built-up area of the city, the boundary of which runs long the common rear garden lines of Longhill Road and Elvin Crescent. The South Downs National Park sits approximately 150m to the south. The main part of the site falls within Site 43 of the Urban Fringe Assessment and is a designated Nature Improvement Area.

3. RELEVANT HISTORY

- 3.1. **BH2020/02835** Erection of 4no three-bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities. Approved February 2021
- 3.2. **BH2019/00285** Demolition of existing dwelling house (C3), and erection of 5no detached 2 storey dwelling houses (C3), with new vehicle and pedestrian access, parking and landscaping. Withdrawn
- 3.3. **PRE2018/00306** Erection of 4 new dwellings (and rebuild of existing dwelling)
- 3.4. **BH2015/04378** Demolition of existing dwelling at 28 Longhill Road and erection of 2no single dwellings. Approved July 2016
- 3.5. **BH2015/00483** Outline application with some matters reserved for the demolition of 28 Longhill Road and erection of 4no dwelling houses. Refused May 2015

4. APPLICATION DESCRIPTION

- 4.1. This application seeks planning permission for the erection of 4 no. four-bedroom, two-storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities.
- 4.2. The site currently benefits from an extant permission for the construction of 4no. detached dwellings, including the construction of a new vehicular access between numbers 28-30 and 26 Longhill Road (which has already been undertaken). This 'fallback' position is a material consideration which must be given significant weight in the consideration of the present application.
- 4.3. Compared with that permission, this application proposes a change in the overall design, an increase in the footprint of the dwellings, and changes to their internal layouts.

5. REPRESENTATIONS

- 5.1. **Seventeen (17)** letters of representation have been received objecting to the proposed development on the following grounds:
 - Overdevelopment
 - Noise and light disturbance
 - Too close to the boundary
 - Precedent for further development
 - Loss of/damage to wildlife habitats
 - Increased traffic
 - Lack of infrastructure
 - Larger homes are proposed than previously approved
 - The mitigation measures of the development aren't significant enough for wildlife

- Impacts on the newly designated wildlife corridor and local wildlife site.
- The integral garages allow for further access points for any new potential development
- The properties are located nearer the wildlife corridor than approved
- Need for swift boxes
- Highways impacts including additional traffic and safety
- The plans are out of keeping with the existing character of the road
- Poor design
- Loss of residential amenity
- The properties will not be affordable

5.2. **Councillor Mary Mears** objects to the proposed development. Please see comments attached.

6. CONSULTATIONS

External

- 6.1. **Brighton and Hove Archaeological Society** No comment. Recommends contacting County Archaeology
- 6.2. **County Archaeology** No objection subject to conditions
- 6.3. **Ecology** No objection subject to condition
- 6.4. **Southern Water** No objection

Internal

- 6.5. **Arboriculture** Awaiting comment on revised documents
- 6.6. **Highways** No objection subject to conditions

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

- 7.3. 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.

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix
SA4	Urban Fringe

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

TR7	Safe Development
TR14	Cycle access and parking
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

Brighton & Hove City Plan Part 2 (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 key CPP2 policies considered in determining this application is set out below where applicable.

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to principle of residential development on site, the impact of the dwelling on the design and appearance of the site and the surrounding area, the standard of accommodation provided, the impact on neighbouring amenity, the sustainable transport impacts and sustainability of the proposed development.

Principle of development

- 9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. On this basis, the contribution of four dwellings to the city's housing need must be given increased weight in determining the application.
- 9.7. The main part of the site falls within the Urban Fringe, sandwiched between the defined built up area to the east and west, and South Downs National Park approximately 150m to the south.
- 9.8. The application site falls within Site 43 of the Urban Fringe Assessment (UFA). Site 43 forms the entire band of urban fringe between Wanderdown Close to the north, the built-up area boundaries to the east and west, and the National Park to the south.

- 9.9. In order to assess the likely impact of development within Urban Fringe sites, the UFA assesses all sites against five constraints: Ecology, Heritage, Open Space, Landscape and Flooding. The key constraints of site 43 are identified by the UFA as Heritage, Landscape and Flooding.
- 9.10. In granting previous permissions for residential development on this site it has been concluded that given the presence of other small back-land developments within Site 43, development within the application site was unlikely to give rise to impacts on heritage, landscaping of flood risk nor detrimentally harm the wider downland landscape.
- 9.11. Specifically, in March 2021, planning permission BH2020/02835 allowed the erection of four residential properties establishing that residential development on this site, including for four residential units, is acceptable in principle. This permission remains extant.
- 9.12. Therefore, the proposed residential development of this part of the urban fringe with four dwellings is considered acceptable in principle and in broad compliance with policy SA4 of the Brighton & Hove City Plan Part One and the NPPF.

Design and Appearance

- 9.13. City Plan Part 1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 9.14. City Plan Policy CP14 of the Brighton & Hove Local Plan allows for infill development within the city when a high standard of design is achieved, and the resulting development would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.
- 9.15. The proposed dwellings are considered to form a suitable addition to the site. The four dwellings would be single storey in height when viewed from the rear of the adjacent dwellings on Longhill Road, with a lower floor level facing towards the woodland to the rear/east.
- 9.16. The dwellings would be set on a flat area of land, some 11m from the rear boundaries of 22-32 Longhill Road. Consequently, the dwellings would sit comfortably within the plot and be in keeping with the spacious setting of the other principal and back land dwellings that characterise the area. The dwellings proposed under the current application have been positioned further towards the north east, than the most recently approved scheme, increasing the distance between the properties fronting Longhill Road over the approved scheme.
- 9.17. The repositioning of the dwellings further towards the rear of the site has allowed for additional soft landscaping to the front of the properties. Each property also now features an integral garage which allows for a reduced number of external car parking spaces to the front of the property. This results in a softer

appearance to the development and a reduction in the amount of hard landscaping proposed.

- 9.18. It is acknowledged that the current scheme proposes a more contemporary design to that previously approved (BH2020/02835). However, the appearance is considered suitable in the context of the wider area. Properties along Longhill Road are not uniform in character. Further the single storey scale of the dwellings when viewed from Longhill Road ensures they remain subservient to the buildings in the vicinity. It is acknowledged that existing dwellings would face onto mainly blank elevation however, given the separation distance between properties and that additional planting is proposed this is acceptable. Given that the dwellings would retain their low profile within the streetscene, the contemporary finish and design of the dwellings is considered acceptable. The proposed material finish of the dwellings is shown on the elevation plans and consists of brick and larch cladding.
- 9.19. Permitted development rights have been removed by condition to ensure no additional impact is caused to the visual amenities of Longhill Road and to protect the external amenity spaces and wildlife site to the rear.
- 9.20. Taking into account the earlier approval which remains extant, the number of units proposed, layout, form and finish of the proposed dwellings is considered appropriate within its context, in accordance with policies CP12, CP14 and SA4 of the Brighton & Hove City Plan Part One and Policy DM18 of the City Plan Part two which carries significant weight.

Standard of accommodation

- 9.21. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor
- 9.22. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.23. The overall footprint of each property over two floors would provide ample space for a variety of communal uses, which would allow a high standard of accommodation in terms of total floor area, usable circulation space and outlook.
- 9.24. Each unit proposes four bedrooms, providing accommodation for 8 occupiers, all of which would be over 11.5msq, and most have additional built-in storage. The bedrooms would have a good standard of circulation space and outlook including natural light. It is acknowledged that the bedroom to the lower ground floor layout may have a compromised outlook and receive limited light owing to the associated window being located within a lightwell, however given that the

rest of each unit is spacious and provides acceptable light levels, this is deemed acceptable.

- 9.25. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed development would provide private external amenity space to the rear of each property by way of large rear garden and patio areas, backing onto woodland.
- 9.26. Overall, it is considered that the proposed dwellings would provide a high standard of accommodation for future occupiers and would therefore accord with the aims of policy QD27 of the Brighton and Hove Local Plan.

Amenity Impact

- 9.27. No concerns were raised in response to the extant permission (BH2020/02835) regarding to the impact of back-land development upon the amenities of neighbouring properties, and this forms the 'fall-back' which could be implemented if the present planning application is not approved.
- 9.28. The properties would be stepped into the sloping land and would therefore appear as single storey above ground level from the properties that front Longhill Road (No's 22 -32). Given the separation distance to the rear boundary of these neighbouring properties, and the distance between the dwellings, no significant loss of light, outlook or privacy would result.
- 9.29. There are no significant changes to the fenestration proposed throughout the scheme, when compared to the earlier approval, which would result in any additional impact to the amenities of existing adjacent properties.
- 9.30. The previous planning application (BH2020/02835) was accompanied by a Noise Impact Assessment which considered whether any additional harm would result to neighbouring properties as a result of the proposed access road to four residential dwellings. The submitted report assessed the development on the basis of a worst case scenario. The report confirmed that no significant harm would result to neighbouring properties in light of the access, turning and parking facilities proposed. Environmental Health agreed with the conclusions set out within the report.
- 9.31. It is therefore considered that the proposed works would have an acceptable impact on the amenities of adjacent occupiers in accordance with Policy QD27 of the Local Plan and DM20 of the City Plan Part 2 which carries significant weight.

Trees and landscaping

- 9.32. The proposed plot comprises a large garden with a steep woodland slope leading down to the eastern boundary. The woodland to the rear of the site is partially covered by a Tree Preservation Order (TPO) which includes the entirety of Eley and Elvin Crescent.
- 9.33. This application is supported by an Amenity Land Management Plan, Arboricultural Assessment and Outline Method Statement. These documents

were submitted under the previous application and identified 17 individual trees within the site, categorised as C grade (trees of low quality). Fifteen of these trees are identified for removal to facilitate the development. The Arboricultural Officer undertook a site visit at the time of the previous application and confirmed that individually these trees were of poor quality with visible defects but that as a whole the trees provide a significant canopy coverage and wildlife habitat. The previous application requested a condition for substantial mitigation planting to offset this loss at a minimum 1:1 ratio.

- 9.34. Two trees are to be retained fronting Longhill Road and a detailed method statement is requested to ensure they can be retained during construction.
- 9.35. The documents originally submitted are inaccurate in that they refer to plans listed under the previous permission. Revised documents have been requested to amend the reports ensuring that they refer to drawings provided under the current application.
- 9.36. Under the previous application the arboriculture officer raised no objection to the scheme subject to the imposition of the aforementioned conditions. An updated consultee response will be sought once accurate documents have been received but it is considered that officers comments are likely to be similar to that of the previously approved scheme, despite the footprint of the development extending further to the east.

Ecology

- 9.37. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.38. To the rear boundary of the site lies Ovingdean Copse Local Wildlife Site, therefore it is important that measures are taken to protect, buffer and enhance this site of nature conservation importance.
- 9.39. The current application is similar to the already permitted four dwellings approved on the site earlier this year. No new ecological information has been submitted in relation to the current application and instead the applicant is relying on ecological reports submitted with the approved application. It is understood that the applicant is however in the process of submitting an updated document. Further comments will be sought on this from the ecologist once received.
- 9.40. Whilst the footprint of the current scheme is larger than that approved, and extends further towards the rear of the site, the potential impacts are likely to be similar and as such the conclusions reached by the previous reports remain unchanged.
- 9.41. The county ecologist has requested the imposition of a number of conditions, as per the previous scheme to provide mitigation measures. These include, an Ecological design strategy clarifying the measures that will be taken to protect and buffer the Local Wildlife Site and also provide measurable biodiversity net gain, a landscape and ecological management plan to ensure the long term

management of the woodland, a lighting scheme to reduce light pollution and a Construction Environmental Management Plan to set out the protective measures for retained habitats and protected species.

- 9.42. The proposal is also subject to conditions relating to bee bricks and swift boxes/bricks.

Sustainable Transport:

Pedestrian access

- 9.43. As requested under the previous application (BH2020/02835) a number of improvements are requested via condition. A further street design condition is sought to provide improvements include the dimensions of the access road, a demarcated footway along the access road, details of the access road surface and lighting. These details were included as part of application (BH2020/02835) but have not been included on the current site plan.

Cycle Parking

- 9.44. The application proposes 4 cycle parking spaces for each of the houses which are policy compliant. A condition securing their implementation is sought.

Car Parking

- 9.45. SPD14 states that the maximum car parking standard for 3 plus bedroom dwellings within the outer area is 1 spare per dwelling plus 1 space per 2 dwellings for visitors. Therefore a maximum of 6 spaces may be proposed. The level of parking proposed is considered acceptable.

Servicing and deliveries

- 9.46. The proposal is considered acceptable in this regard given that there is adequate space for goods vehicles and refuse vehicles to use the access the road and turn within the site.

Vehicle access

- 9.47. The arrangement proposed for this size and type of development is acceptable. Further measures to enhance the arrangement are secured by condition.
- 9.48. New crossovers are proposed for the access road. These appear in principle to be acceptable. Amendments to the footway, grass verge and boundary wall may be required to accommodate both accesses.

Trip generation

- 9.49. It is not considered that the increase in trips associated with 4 dwellings would amount to a severe impact on the surrounding highway network.

Sustainability

- 9.50. Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. If the scheme were otherwise considered acceptable, these measures would be sought by condition.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. 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 £ 139,740.36. 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.

11. EQUALITIES

- 11.1. Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the dwellings would be capable of complying with lifetime home standards and therefore compliance is sought by condition.

12. CLIMATE CHANGE AND BIODIVERSITY

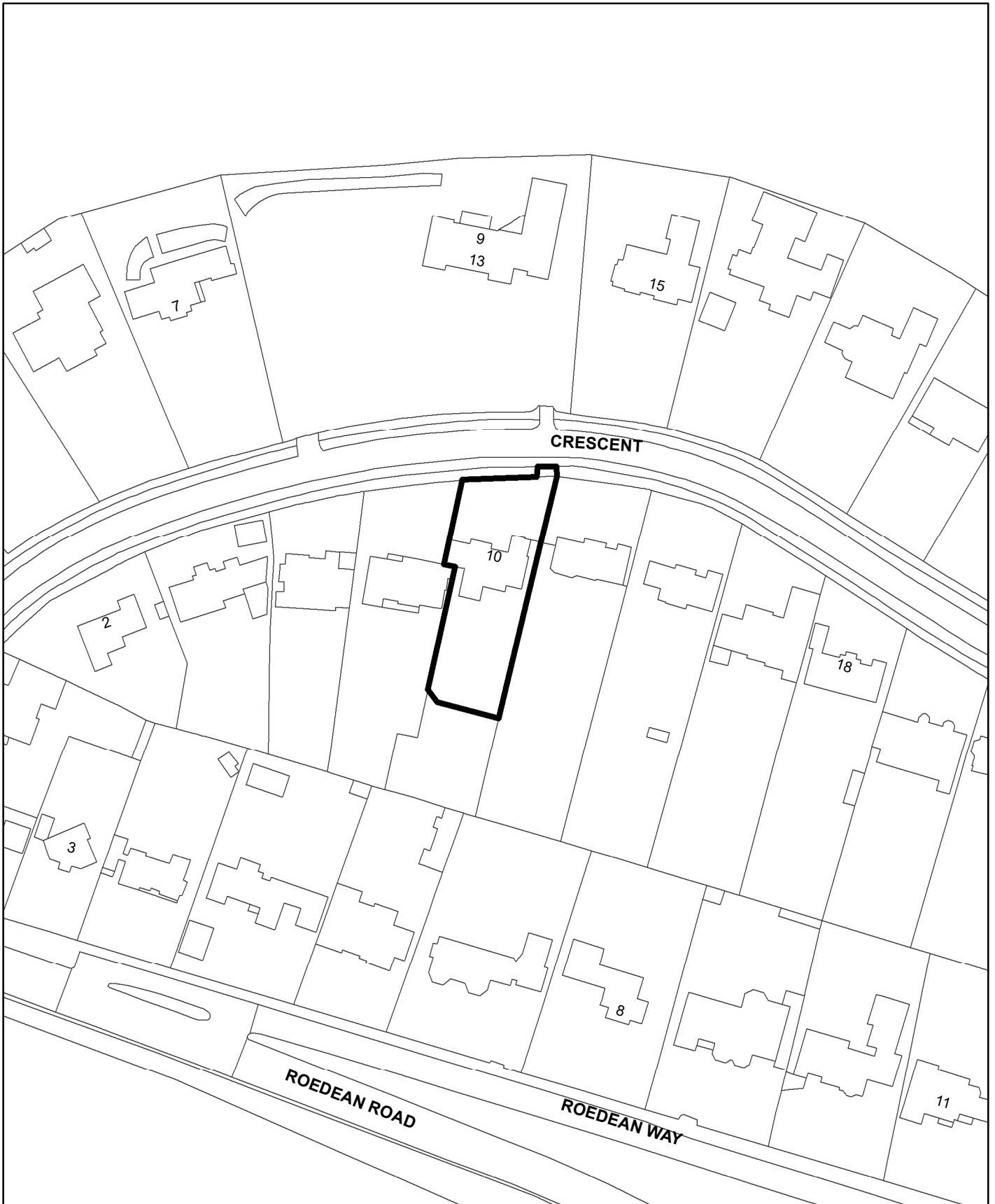
- 12.1. The proposed development would provide a back-land development which makes an effective use of an existing site. The proposals also incorporate a number of measures that improve the efficiency of the development including cycle parking which reduces the reliance on vehicular transport, the retention and enhancement of existing trees; secured by the suggested conditions above, the inclusion of biodiversity and habitat improvements as sought through the Ecological Design Strategy and securing energy and water efficiency standards.

ITEM D

**10 Roedean Crescent
BH2021/03117
Full Planning**

DATE OF COMMITTEE: 12th January 2022

BH2021 03117 - 10 Roedean Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2021/03117	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	10 Roedean Crescent Brighton BN2 5RH		
<u>Proposal:</u>	Demolition of existing dwelling and erection of a 5no bedroom house (C3) including excavation of lower ground floor, vehicle lift, landscaping and associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	23.09.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	18.11.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.01.2022
<u>Agent:</u>	Turner Associates Ltd 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Mr & Mrs David & Lisa Brierley 10 Roedean Crescent Brighton BN2 5RH		

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	TA1352/01	C	3 December 2021
Proposed Drawing	TA1352/10	E	3 December 2021
Proposed Drawing	TA1352/11	A	27 October 2021
Proposed Drawing	TA1352/12	D	27 October 2021
Proposed Drawing	TA1352/13	B	3 December 2021
Proposed Drawing	TA1352/14	A	27 October 2021
Proposed Drawing	TA1352/15	C	3 December 2021
Proposed Drawing	TA1352/16	C	3 December 2021
Proposed Drawing	TA1352/17		27 October 2021
Proposed Drawing	TA1352/18	B	27 October 2021
Proposed Drawing	TA1352/19	E	3 December 2021
Proposed Drawing	TA1352/20	D	27 October 2021
Proposed Drawing	TA1352/21	E	3 December 2021
Proposed Drawing	TA1352/22	E	3 December 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 hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
4. Access to any areas of flat roof of the development hereby approved, other than those annotated as balcony/ terrace on the approved plans, shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
6.
 - i) The development hereby permitted shall not be commenced until a programme of archaeological works has been secured in accordance with a Written Scheme of Investigation which 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.
7. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above 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.

8. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until protection measures with regard to the two Cherry Trees located within the front verge, are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

9. 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 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

10. Prior to occupation of the development hereby permitted, a scheme for landscaping to the front garden 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 details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton &

Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

11. The development hereby permitted shall not be occupied until the redundant vehicle crossover to the western side of the drive on Roedean Crescent has been converted back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
12. The development hereby permitted shall not be occupied until the extended crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
13. The development hereby permitted shall not be occupied until secure covered cycle parking facilities have been installed within the site 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.
14. Prior to first occupation of the development hereby permitted 3 (three) swift bricks/boxes shall be incorporated within the external walls of the development 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.
15. The residential unit hereby approved shall not be occupied until the solar panels are in full operation, and it 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.
16. The residential unit hereby approved shall not be occupied until it 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.
17. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be

retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

18. The privacy screen shown on the eastern elevation of the first floor balcony (approved plans ref. TA1352/16 rev C and TA1352/21 rev. D) shall be installed prior to the use of the balcony, and maintained thereafter at a height of at least two metres and obscure glazed or otherwise treated to prevent views through.

Reason: to safeguard the amenity of neighbouring occupiers from overlooking, in accordance with Policy QD27 of the Brighton & Hove Local Plan.

19. Prior to the first use of the ground floor terrace, a privacy screen shall be installed of at least two metres in height, across the depth of the terrace, and obscure glazed or otherwise treated to prevent views through. The privacy screen shall thereafter be maintained.

Reason: to safeguard the amenity of neighbouring occupiers from overlooking, in accordance with Policy 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. 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. 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 where appropriate.
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 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.

6. 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.
7. 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.
8. 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.
9. Southern Water requires a formal application for a connection to the public foul sewer to be made in order to service this development. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

2. SITE LOCATION

- 2.1. The application site comprises a two-storey, four-bedroom traditional detached dwelling sited on the southern side of Roedean Crescent. This is a residential street containing substantial, detached dwellings with a wide variety of appearances, set back from the road, generally behind mature vegetation.
- 2.2. In general, properties on the northern side of the street are set on rising land above the road, with properties on the southern side, including the application site, set below street level. Some properties, particularly on the northern side of the street, are very prominent in the streetscene, including several examples of

substantial three-storey rebuilds or refurbishments of modern design and materials. This has resulted in an eclectic mix of styles and materials within the streetscene.

3. RELEVANT HISTORY

10 Roedean Crescent

- 3.1. **96/1233/FP** Installation of satellite dish (1m diameter) on rear elevation. Approved 13.01.1997.

93/0129/FP Revised roof profile to swimming pool and new parapet wall (amendment to BN91/1166/FP - glazed conservatory extension and new roof to existing swimming pool granted 27.11.91). Approved 25.03.1993.

- 3.2. **91/1166/FP** Glazed conservatory extension and new roof to existing swimming pool. Approved 27.11.1991

12 Roedean Crescent

- 3.3. **BH2021/02056** Remodelling of dwelling incorporating roof alterations with raised ridge height to create additional floor and rear terraces, erection of garage/gym to front of house and padel tennis court enclosure to rear, new front gates and fence, revised fenestration, cladding and landscaping, new vehicular crossover and associated works. Approved 15.09.2021

6 Roedean Crescent

- 3.4. **BH2016/05506** Demolition of existing dwelling and erection of new six-bedroom dwelling. Approved 24.11.2016
- 3.5. **BH2016/00964** Demolition of existing house and erection of three storey, six bedroom house (C3). Refused 11.05.2016. Allowed under appeal 21.09.2016.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing dwelling and the erection of a five-bedroom house (planning use class C3) including the excavation of the lower ground floor, a proposed vehicle lift, landscaping and associated works.
- 4.2. From the front, the proposed dwelling would appear as two storeys plus roofspace accommodation. A basement garage is proposed to the front of the property, with a driveway and landscaping on land above. It would be traditional in form, finished with natural stone facades and slate sloping sections to the roof, with a flat roof area accommodating solar panels. There would be a replacement single storey garage to the west, with the additional basement storey visible to the rear.
- 4.3. The proposed layout would comprise main living accommodation at ground floor entrance level, with a range of living spaces accessing a south facing rear

terrace. A new lower ground floor would provide further living and guest accommodation with direct access to the existing garden. A range of additional internal leisure facilities and parking would also be provided, with vertical access via a car lift to the front forecourt. The first and second floors would accommodate five bedrooms with en-suite bathrooms, with access to the balconies and roof terrace at the rear.

- 4.4. Following discussions between the Local Planning Authority and the agent, amendments have been received during the lifetime of the application which have reduced the height of the new dwelling by 510mm, by lowering the entire building and reducing the storey heights to the upper floors.

5. CONSULTATIONS

External

- 5.1. **Arboriculture** No Objection subject to condition relating to physical protection during development for the 2x Cherry trees located within the front verge.
- 5.2. **Brighton and Hove Archaeological Society** Comment Among the finds from Roedean are burials dating from the Neolithic and Early Bronze Age periods, and the location of a Roman coffin burial. Suggest contact the County Archaeologist for recommendations.
- 5.3. **County Archaeologist** No Objection The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.
- 5.4. **Southern Water** No Objection A formal application for a connection to the public foul sewer is required.

Internal

- 5.5. **Sustainable Transport** Comment Excess parking /garage available (SPD14 1 parking space per dwelling). Redundant crossover should be reinstated as footway. Unlikely to increase trips to site. Cycle parking space within site/store.
- 5.6. **Urban Designer** Verbal Comment No Objection given the eclectic mix of styles and materials within the streetscene. No concerns re height.

6. REPRESENTATIONS

- 6.1. **Five (5)** letters have been received objecting to the proposal for the following reasons:
- Design
 - Height
 - Overdevelopment
 - Footprint

- Overlooking / loss of privacy
 - Overshadowing
- 6.2. Objections related to loss of view are noted, however are not material planning considerations.
- 6.3. **One (1)** letter has been received supporting the proposal for the following reasons:
- Good design
 - Not a conservation area
 - Many other houses with contemporary design
- 6.4. **One (1)** letter has been received commenting on the proposal as follows:
- Swift boxes should be secured.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban Design
CP14	Housing density
CP15	Heritage
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
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
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees and Development Sites.
SPD11	Nature Conservation and Development.
SPD14	Parking Standards
SPD17	Urban Design Framework

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations relating to the determination of this application are the principle of the proposed development, the impact upon the character and appearance of the area, impact on neighbouring residential amenity, and highways implications.

Principle of the Development

- 8.2. The development would replace, expand and modernise an existing residential property, in an area that is home to a number of large residential properties. In principle, therefore, it is considered acceptable, subject to the considerations set out below.

Design and Appearance

- 8.3. The existing property is a substantial two-storey dwelling, of traditional appearance, with two front gables. The land levels fall significantly from north to south (front to rear) within the plot. The dwelling is within a row of Tudor style dwellings on the southern side of the street that are quite similar in style. These properties are set below street level and are generally screened, at least in part, by boundary walls and mature vegetation.
- 8.4. However, it is noted that number 6 within this row has recently been demolished and replaced with an approved three-storey house of modern design. Number 12 has a recent planning permission (ref. BH2021/02056) for an extensive, modern remodelling of the dwelling including roof alterations with raised ridge height to create an additional floor and rear terraces.
- 8.5. Given the prevailing context, eclectic mix of existing and approved styles within the streetscene, there is no objection to a new property with an increased footprint, built in the style and materials proposed. There is also no significant concern with a slightly increased ridge height and roof profile. The top storey would be inset and provide, by virtue of scale, design and materials, a

lightweight and subservient appearance, in keeping with the massing of the existing roof forms. The front building line would remain behind number 12 to the east, and the rear building line would remain behind number 8 to the west.

- 8.6. Given the above, the proposal would be a suitable form of development on this site, which would not adversely harm the character and appearance of the streetscene or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan, emerging policy DM18 of City Plan Part 2 (which can be given significant weight) and SPD12 guidance. The Council's Urban Designer has no objection to the scheme.

Impact of Neighbour Amenity

- 8.7. Policies DM20 of the City Plan Part Two and QD27 of the Brighton & Hove Local Plan state that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 8.8. The impact on the adjacent properties at 12 and 8 Roedean Crescent and 6 and 7 Roedean Way to the rear has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified.
- 8.9. It is noted that balconies / terraces are proposed at all levels to the rear, which could potentially lead to an increase in overlooking/ perceived overlooking towards neighbouring properties gardens. However, views would be similar to the existing, with a southerly aspect towards the rear garden and to the sea beyond. A privacy screen is proposed to the east to prevent looking back into the windows and terrace of no. 12, the rear of which would be set behind the proposed rear building line of the new dwelling. Proposed side windows would serve bathrooms only. Therefore, it is considered that the development would not lead to unacceptable overlooking or a harmful impact on privacy to neighbouring properties.
- 8.10. The dwelling would be sited on a large plot with appropriate separation distances available between it and adjacent dwellings, minimising the risk of loss of light or outlook.
- 8.11. On this basis, the scheme is considered acceptable in terms of its impact on residential amenity, and to accord with Policy DM20 of City Plan Part 2 (which can be given significant weight) and QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 8.12. As noted in the response from Highway Officers, the erection of a replacement dwelling is unlikely to significantly increase trips to the site. There is ample room to accommodate cycle parking provision on the site and this can be secured by condition.
- 8.13. The vehicle entrance and crossover east of the front curtilage of the site would be retained and widened whilst the vehicle entrance to the west would be removed. This proposed arrangement means that the existing western

crossover is to become redundant and therefore it is recommended that it is removed and the footway, grass verge and kerb edge reconstructed and reinstated. This can be secured by condition.

- 8.14. The proposed development includes a basement level car parking area with space for four of the applicant's vehicles, with three further parking spaces proposed on the driveway for occupiers/ visitors.
- 8.15. The Council's Highways Officer has highlighted that there would be an overprovision of parking on site, with a maximum of two spaces required on the site to accord with SPD14 for dwellings of this size in this location. However, it is recognised that there is significant space to park several vehicles on the large driveway as existing. Additionally, a number of other properties in Roedean Crescent have large garages and/ or large areas of hardstanding where it is possible to park vehicles in excess of the requirements of SPD14. In these circumstances, as the scheme is acceptable in all other respects, it is not considered a refusal could be justified on grounds of the overprovision of on-site parking.
- 8.16. On this basis, the scheme is considered acceptable in terms of its impact on highway capacity and road safety.

Sustainability:

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

Other considerations

- 8.18. The proposed development is within an Archaeological Notification Area defining an area of prehistoric and Roman burials. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development it is recommended by the County Archaeologist that the area affected by the proposals should be the subject of a programme of archaeological works. This can be secured by condition.

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 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. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional

Technical Standards. The applicant is proposing a new 1.2m wide stepped pedestrian entrance to the site, the application states that this would be capable of accommodating a future chair lift, if required. Whilst steps means that this route would not be accessible by all, step-free/ ramped access elsewhere to the new-build dwelling appears to be achievable. A condition is recommended to ensure compliance with M4(2) Building Regulations Requirements.

11. CLIMATE CHANGE/BIODIVERSITY

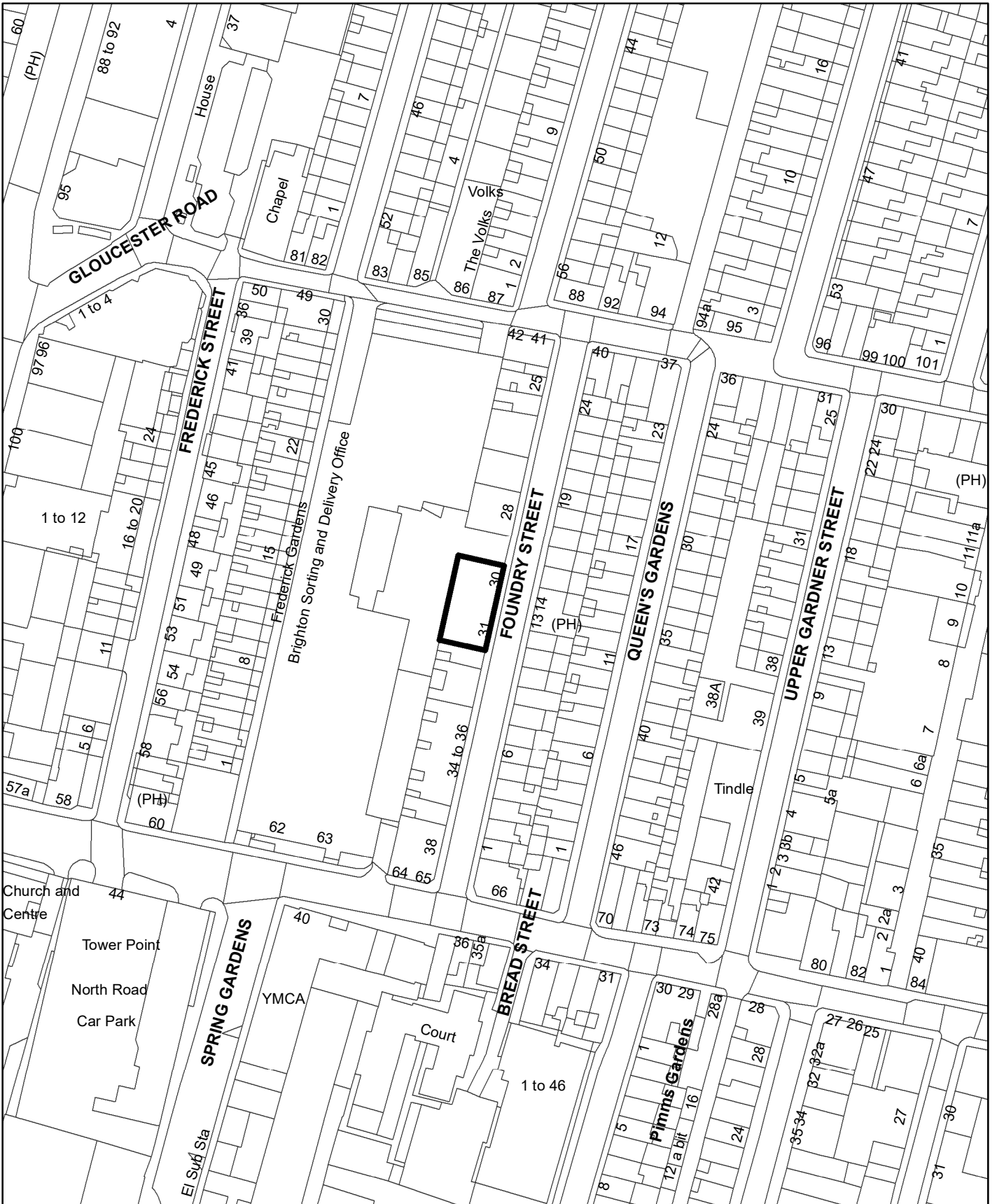
- 11.1. The application site is previously developed (brownfield) land and the scheme would ultimately achieve a more energy efficient house. Both energy efficiency and water efficiency would be secured by condition. Solar/ PV panels and electric vehicle charging are proposed, and a landscaping scheme, bee brick and 3 swift boxes would be secured by condition.

ITEM E

**30-31 Foundry Street
BH2021/03134
Advetisement**

DATE OF COMMITTEE: 12th January 2022

BH2021 03134 - 30-31 Foundry Street



N



Scale: 1:1,250

<u>No:</u>	BH2021/03134	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Advertisement		
<u>Address:</u>	30-31 Foundry Street Brighton BN1 4AT		
<u>Proposal:</u>	Display of 1no externally illuminated projecting lettering sign, 1no non-illuminated painted sign and 1no non-illuminated name plate sign and 1no non-illuminated hand painted sign. (revised signage).		
<u>Officer:</u>	Christopher Leary, tel:	<u>Valid Date:</u>	14.09.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	09.11.2021
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Chalk Architecture Ltd Chalk Architecture Ltd. Unit D Level 8 North New England House Brighton BN1 4GH		
<u>Applicant:</u>	Oakley Property (Sussex) 23/24 Marlborough Place Brighton BN1 1UB		

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** Advertisement Consent subject to the following Conditions and Informatives.

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**Reason:** To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. The illumination of the advertisement shall be non-intermittent.
Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

7. The illuminated advertisement hereby approved shall not be illuminated later than 19:00 and shall not be illuminated before 07:00 on any day.
Reason: To safeguard the appearance and character of the area in accordance with policy QD12 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. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Proposed Drawing	P204		18 November 2021
Proposed Drawing	P202 B		18 November 2021
Location and block plan	A00	A	14 September 2021

2. SITE LOCATION

- 2.1. This application relates to 30-31 Foundry Street, an unlisted commercial building located within the North Laines Conservation Area. The area is primarily residential in character, with the exception of the Foundry public house opposite the application site. The subject site is a three storey rendered industrial building originally built in the 1800s as two separate properties, but is now connected internally.

3. RELEVANT HISTORY

No relevant site history.

4. APPLICATION DESCRIPTION

4.1. Advertising Consent is sought for the display of four signs:

- one externally-illuminated projecting lettering sign;
- one non-illuminated painted sign;
- one non-illuminated name-plate sign; and
- one non-illuminated hand painted sign.

4.2. All signs are to be located on the street-facing façade of the building, with the illuminated, projecting sign to be fixed to support rods at first floor level.

5. REPRESENTATIONS

5.1. **Six (6)** representations were received objecting to the advertisements on the following grounds:

- Impact on amenity to neighbour in close proximity to the site in relation to light pollution and hours of lighting of the sign.
- Impact upon the character of the streetscene in a heritage area
- The 'un-aesthetic' nature of the sign
- Detrimental effect on property value
- Poor design
- Adverse effect on conservation area

North Laines Community Association

5.2. Objections relating to:

- The oversized design of the sign
- Residents opposite will be affected by the illuminated lettering
- Views from each end of the street will be compromised by this unattractive sign
- That the advertisement should be refused as advertisements or signs above first floor level would be out of keeping and harmful to the visual integrity of the street
- The notion that the North Laines conservation area does not need a 'wayfinding' sign which would damage the character of the area

5.3. Re-consultation was undertaken for a revised scheme received on the 18th November:

5.4. **North Laines Community Association** A further representation was received following re-consultation which stated that in light of the revised design to the development, they wished to withdraw their objection to the application.

6. CONSULTATIONS

- 6.1. **Heritage 08/11/21**
Object - note that signage is not a strong characteristic of Foundry Street, and with the exception of the traditional signage on the pub there is nothing above ground floor level; proposed projecting illuminated lettering on the first and second floor level would be dominant in the street scene.
- 6.2. **Final Heritage response upon receipt of amended design (15/11/21)**
Preference for a hand painted sign which portrays grey branding of the business upon the façade was indicated by the heritage consultant and additionally it was suggested that a condition should be attached to the advertising consent should ensure that the corten steel should be fixated by a material that would not corrode upon the masonry to which the sign is attached, to reduce this problem.
- 6.3. **Transport Verbal Consultation 24.11.2021: No objection**
No objection was raised to the proposal.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

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

DM18	High quality design and places
DM20	Protection of Amenity
DM24	Advertisements
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel

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

QD12	Advertisements and signs
HE9	Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

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

TR7	Safe development
QD5	Design - street frontages
QD12	Advertisements and signs
QD27	Protection of amenity
HE9	Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

Supplementary Planning Documents:

SPD07 Advertisements

8. CONSIDERATIONS & ASSESSMENT

- 8.1. In accordance with Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and paragraph 132 of the NPPF, in determining applications for advertising consent, the only material planning considerations relate to interests of amenity and public safety. There is no indication in the Regulations, the NPPF or Planning Practice Guidance that any other factors can be taken into account either for, or against, a proposal (other than signposting in rural areas).

Design and Visual Amenity

- 8.2. As set out above the application site is located within the North Laine Conservation Area.
- 8.3. When considering an application for advertisement consent in relation to buildings or other land in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 8.4. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 8.5. Because of concerns over the impact on the conservation area, amendments were sought during the course of the application. The externally illuminated projecting lettering sign spelling 'Oakley' was proposed to be project from the building approximately 3.6 metres above the public footway, with a sign of some 4.5m in height extending from the sill of the first floor level to the roof level, illuminated with white bullet lights (maximum of 600 candela per m2). In addition, a sign measuring 0.55m x 0.55m was proposed on the building frontage to replace the existing business name plate present.
- 8.6. With the revised scheme, the illuminated sign has been reduced to the letter 'O' of 0.6m X 0.6m and 10mm thick, sited some 2.6m above the public footway, with the same illumination, with the hours of illumination limited by condition to between 0700 and 1900.

- 8.7. A non-illuminated, grey, hand-painted sign is proposed with the inscription 'Property Works' in white, to be located above the main entrance. It would measure 2.5m X 0.4m.
- 8.8. A further non-illuminated name-plate sign would be located to the left of the main entrance and fixed to the face of the building with projecting pins. The sign is to be a free cut corten sign with 'Oakley' painted in white, and would replace an existing fascia sign sited in the same location on the face of the building.
- 8.9. A fourth sign would be non-illuminated, and hand-painted, measuring 1.2m X 1.3m. It would display the business name, and would be sited at first floor level, but would not exceed the highest part of the first floor windows.
- 8.10. All of the signage detailed above is considered appropriate in style and size for the host building and would not result in a form of advertising which would adversely harm the historic character or appearance of the host property or amenity of the relevant street scene and wider area, including the heritage features in the surrounding Conservation Area.

Impact on Safety

- 8.11. The proposed projected sign, at its lowest height, is approximately 2.67m above the public footway. Transport Officers have assessed any safety risk in relation to the public highway and confirmed that they have no objection to the advertisements, subject to the usual conditions being imposed.

Conclusion

- 8.12. The principle of the proposed advertisement is considered acceptable following the submission of the amended plans which reduced the size of the illuminated sign. The amendments have addressed the previously identified adverse impacts on the historic character and appearance of the North Laine Conservation Area and as such it is now considered that the proposed adverts would not have detrimental impacts upon the historic character and appearance of the host property, the relevant street scene and wider Conservation Area. In addition it is considered that the signage would not result in hazard to public safety.
- 8.13. Additionally a condition has been attached to limit the illumination of the sign to the normal working hours of the day to address any concerns raised by neighbours in the predominantly residential street.
- 8.14. Overall it is considered the proposed signage would not harm the appearance of the wider street scene, conservation area or result in hazard to public safety, in accordance with policy TR7, QD5, QD12, QD27, HE9 and SPD07 guidance of The Brighton and Hove Plan and SA2, CP12, CP13 and CP15 of the City Plan Part One. Additionally the Proposed Submission of the City Plan Part Two which is gathering weight, namely policy DM24, DM26 and DM33, which is considered to have more weight than the adopted Local Plan policy QD12.

9. EQUALITIES

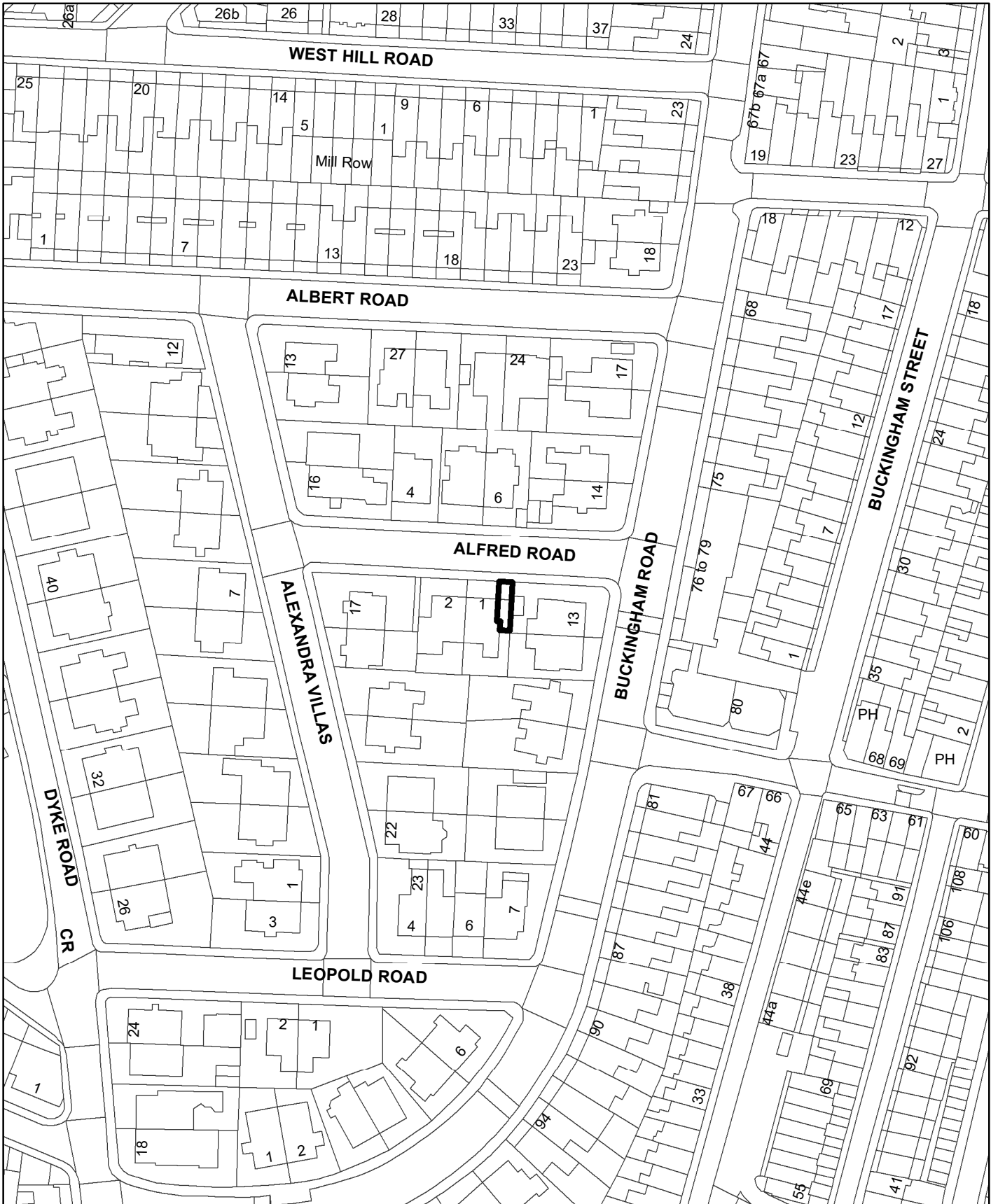
None identified

ITEM F

**Flat 1, 1 Alfred Road
BH2021/01877
Full Planning**

DATE OF COMMITTEE: 12th January 2022

BH2021 01877 - Flat 1, 1 Alfred Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/01877	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 1 1 Alfred Road Brighton BN1 3RG		
<u>Proposal:</u>	Change of use of ancillary accommodation to the existing ground floor flat to a holiday letting room/ancillary residential (Sui Generis) and installation of roller shutter to the front of the former garage as per the approved design under BH2017/02976. (Part-retrospective)		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	11.11.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	06.01.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Ms Nicola Hudson Flat 1 1 Alfred Road Brighton BN1 3RG		

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	005	A	8 November 2021
Location and block plan	001	C	8 November 2021
Proposed Drawing	002	A	8 November 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 roller shutter shown on the approved plans shall be installed in front of the timber doors within 3 months of the date of the decision, and thereafter maintained throughout the use of the site as approved.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with polices HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The holiday let hereby approved shall not be let for more than 28 consecutive days at a time.

Reason: To protect future occupiers from unsuitable long term accommodation and to prevent the garage from being used as longer term accommodation to the detriment of local residents in accordance with policy QD27 of the Brighton & Hove Local Plan.

5. The holiday let hereby approved shall not be occupied by more than two persons at a time.

Reason: To prevent overcrowding or a poor standard of accommodation in the holiday let, and to minimise the impact on neighbouring occupants, and to be in accordance with policy 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. SITE LOCATION

- 2.1. This application relates to the former garage attached to 1 Alfred Road. The site now forms part of the habitable space assigned to Flat 1, the ground floor flat, and is situated on the southern side of Alfred Road. It is noted that the former garage is currently in use as short-term accommodation rather than as additional habitable space for Flat 1.
- 2.2. The application site falls within the West Hill Conservation Area and covered by the accompanying Article 4 direction that restricts changes to house frontages that would otherwise fall under permitted development rights.

3. RELEVANT HISTORY

- 3.1. **BH2017/02976** - Conversion of garage into habitable space incorporating roof alterations and revised fenestration. Approved 08.11.2017

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission for the change of use of the former garage to use as a short-term holiday let, and associated alterations.
- 4.2. It is noted that planning permission (BH2017/02976) was previously obtained for alterations to form a habitable space within the former garage for use in association with the host property. However, this has not taken place in accordance with the approved plans.

- 4.3. The change of use to form a holiday let has already taken place, but the part-retrospective nature of the application is not a material consideration in its determination.
- 4.4. The current application would formalise the change of use and also proposes some external alterations, namely altering the glazing at the front of the property to provide internal doors. These would be similar to those approved under the previous application but with grey painted frames, set slightly forward within the footprint of the garage and opening inward. This would allow for the shutter door on the front of the building to open and close without the internal doors causing an obstruction.

5. REPRESENTATIONS

- 5.1. **Five (5) letters** have been received, objecting to the proposed development for the following reasons:
- Additional Traffic
 - Detrimental effect on property value
 - Noise and disturbance to other flatted developments nearby.
 - Overdevelopment
 - Unclear relationship to existing residential unit
 - Drawings differ from what is on site.
 - Bifold doors are not shown on the plan
 - Previous application to create habitable space has not been fully implemented.
 - Adversely affects the conservation area
 - Poor design
 - Would not set a good precedent for other garages in the vicinity
 - Current doors are not in keeping with the rest of the street.
 - Increased security risk
 - Holiday let guests have already compromised the privacy of the flats within the building and immediate neighbours.
 - Temporary change - for how long? What next?
 - Description is misleading and misrepresents the proposal
 - Increase in density
- 5.2. Following a second round of consultation as the description was changed and new plans were submitted, **two (2)** further objection comments were received:
- Shutter/door relationship not properly described
 - Poor design
 - Adverse effect on conservation area
 - Access to holiday let is through the front doors - when in use the shutter would be open all the time.
 - Shutter could not be used when there are people in the holiday let to allow light into the unit and for ease of access.

6. CONSULTATIONS

- 6.1. **Environmental Health:** No comment received
- 6.2. **Housing Strategy :** No comment received
- 6.3. **Planning Policy:** No objection
The proposed scheme would add to the stock of visitor accommodation in the city and therefore make a small contribution to the tourism economy. No C3 housing unit would be lost so policies seeking to retain housing do not apply in this instance.
- 6.4. **Private Sector Housing:** No comment
- 6.5. **Sustainable Transport:** No objection
We have no objection to this application as the change of use from habitable space to a small holiday let is not likely generate a significant enough increase in trips to warrant a reason for refusal. The existing car parking space on the front drive is retained and we would not wish to request cycle parking in this instance. No equalities impact identified.
- 6.6. *A second comment was provided following the second consultation, but this did not highlight any new points.*
- 6.7. **Tourism and Leisure:** No comment received

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. 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).
- 7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP5	Culture and tourism
CP6	Visitor accommodation
CP8	Sustainable buildings
CP9	Sustainable transport
CP14	Housing density
CP15	Heritage

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
QD27	Protection of amenity
HO8	Retained housing
HE6	Development within or affecting the setting of conservation areas

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.

DM1	Housing, Accommodation and Community
DM2	Retaining Housing and residential accommodation (C3)
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD14	Parking Standards
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of using the building as a short-term holiday let unit, the impact of the proposal on the West Hill conservation area, the impact on neighbouring amenity and transport matters.

Principle of Development:

- 9.2. The proposal is to change the use of the former garage and create a separate holiday let. No additional built footprint is proposed.

- 9.3. The scheme would not result in a change in bed spaces but would introduce a new type of tenure to the area through short term visitors. The Planning Policy team do not object to the change of use and state it will not result in a loss of a residential unit whilst making a small contribution to visitor accommodation capacity within the just outside the core hotel area within the City.
- 9.4. The unit has an approximate size of 17.1sqm which provides sleeping accommodation, kitchen facilities and a small shower room.
- 9.5. It is noted that there have been recent advertisements for the unit as a short-term holiday let, sleeping three to four people on a double bed and a sofa bed.
- 9.6. To put the size of the holiday let into context, the minimum for a residential studio, set out in Policy DM1 of CPP2, is 37sqm for a single occupant, with minimum bedroom sizes for single occupancy of 7.5sqm and 11.5sqm for double. While there are no minimum standards for hotels or visitor accommodation, the unit is considerably smaller than a studio unit, especially when floor space is apportioned for cooking and washing facilities.
- 9.7. Although the principle of the use is supported, it is proposed that the maximum occupancy be capped at two persons and that this is secured as a condition to prevent overcrowding and a poor standard of accommodation.
- 9.8. Due to the limited size and useability of the space it would be unsuitable for use as a separate dwelling. To protect the amenity of future occupiers it is also considered necessary to limit the length of stays to no more than 28 days consecutively. This is recommended to be secured by condition.

Design, Appearance and Heritage:

- 9.9. The site is located within the West Hill Conservation Area. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.10. As noted, the revised proposals seek to alter the glazing at the front of the property to allow for internal doors to allow for the shutter to open and close without the internal doors causing an obstruction. The proposals are acceptable in design terms and would have an acceptable impact upon the building, the streetscene and the wider conservation area. Conditions are recommended to ensure that the shutter is installed, and that the glazed doors behind the shutter only open inwardly to preserve the building line when in use.
- 9.11. The holiday let is modest in scale and sited within an existing building and the introduction of this use is not considered to harm the character of the conservation area.
- 9.12. Overall, the proposal would not harm the appearance or character of the building, or that of the wider area, in accordance with policies CP12 and CP15

of the City Plan Part One, QD14 and HE6 of the Brighton & Hove Local Plan and SPD12 guidance. It is also noted that the development would be in accordance with policy DM21, DM26 and DM29 of the emerging City Plan Part Two which can now be given significant weight

Impact on Amenity:

- 9.13. 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.
- 9.14. It is considered that the proposed change of use from residential garage to a holiday let does have the potential to cause material nuisance to the neighbours, including those from other flats within Number 1 itself. Objections have been received to the application which suggest that the potential for increased disturbance and loss in privacy are of most concern.
- 9.15. However, the increase in comings and goings, and general noise is not considered to be significant, particularly with a condition limiting occupancy within the unit. Although there is no information to set out the how frequently the holiday let would be in use, the conditions around occupancy and duration would limit the impact on neighbours to an acceptable level.
- 9.16. It is also noted that the holiday let would have a close relationship with the existing lower ground floor flat, particularly as there is a small outdoor amenity area to the rear which occupies a part of the existing garden relating to the ground floor flat. Although there is planting to divide the spaces, it is not formally separated.
- 9.17. However, it is noted that the closest side window to the holiday let serves a bathroom, reducing the potential for disturbance. Further, while there may be increased use of the garden, it has always provided external amenity space so there is an expectation that there would be outside noise.
- 9.18. Accordingly, the use of the former garage as a holiday let would not create significant noise and disturbance concerns owing to the increased comings and goings from the holiday let to be considered harmful to neighbouring amenity contrary to policy QD27.

Sustainable Transport:

- 9.19. The site is in a sustainable location, close to Brighton Station.
- 9.20. It is noted that the development boundary does not include the land to the front of the garage which is annotated as 'existing parking space'. Although the transport comments state that off-street car parking is provided, as this is not within the red-line this cannot be relied upon for this development. It is understood that the parking space is let separately.

- 9.21. However, the area is covered by a Controlled Parking Zone (CPZ), Zone Y, which would prevent non-residents from parking cars within the zone. Any unauthorised parking would be subject to the management controls in place for the parking zone. On this basis, the impact of the scheme on parking in the area, and highway capacity/road safety is considered acceptable.
- 9.22. No cycle parking none has been requested by the transport team, and the internal space would not be sufficient to provide cycle storage. Further, a cycle store on the frontage would detract from the streetscene and conservation area and conflict with the existing parking space.
- 9.23. Whilst the proposal has the potential to result in an increased level of vehicular trips it is not considered that any increase would be of a magnitude which would negatively impact the local transport network.
- 9.24. Accordingly, the proposals are considered to be in accordance with policy TR7 of the Brighton and Hove Local Plan and policy CP9 of City Plan Part One.

Sustainability:

- 9.25. The application concerns the change of use of an existing building and would be considered a conversion so it would not be considered appropriate to apply polices or conditions relating to sustainability.

10. EQUALITIES
None identified

11. CLIMATE CHANGE/BIODIVERSITY

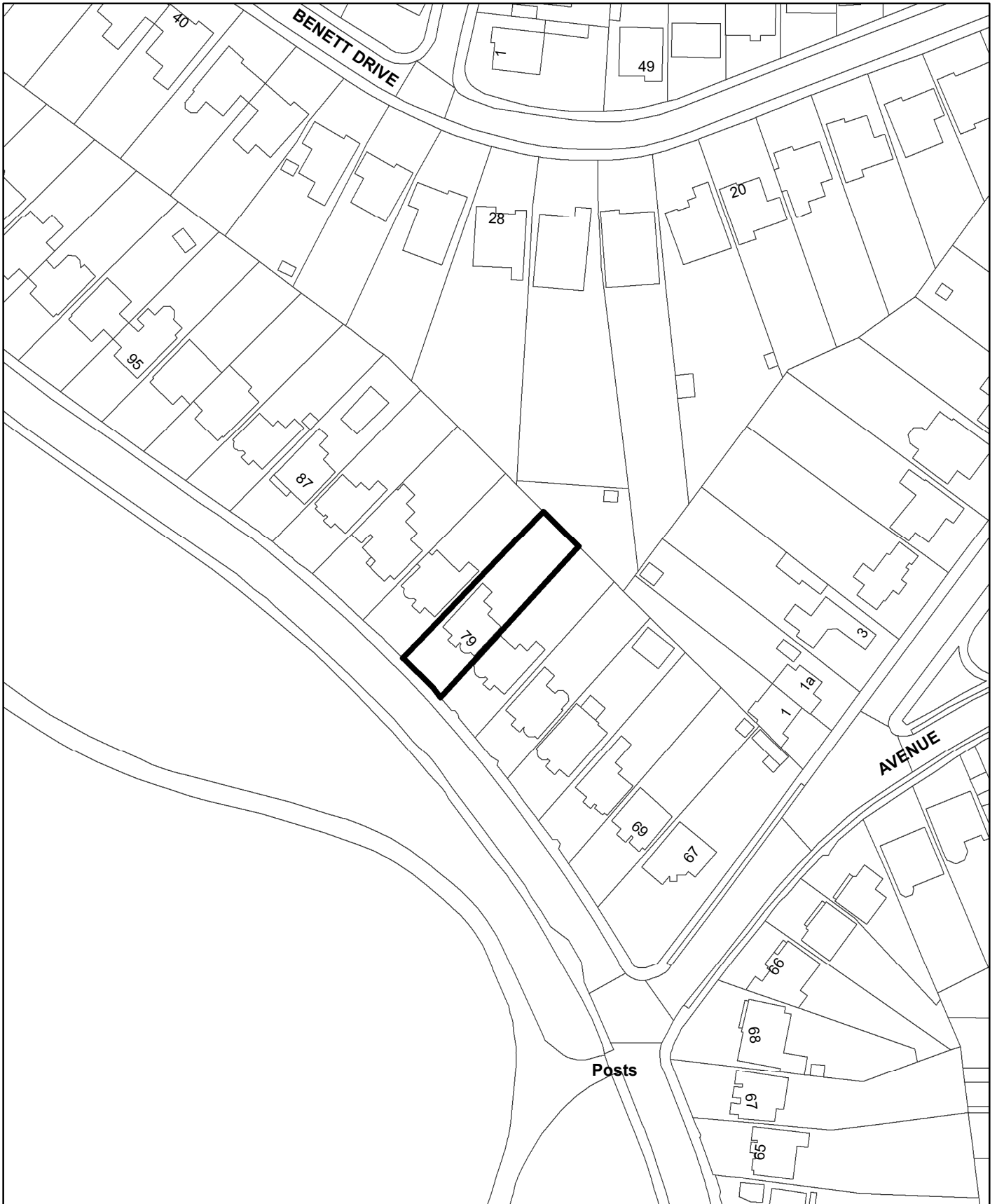
- 11.1. The development is in a sustainable location with good access to travel options and local facilities/services for future occupiers.

ITEM G

**79 Goldstone Crescent
BH2021/02943
Householder Planning Consent**

DATE OF COMMITTEE: 12th January 2022

BH2021 02943 - 79 Goldstone Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2021/02943	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	79 Goldstone Crescent Hove BN3 6LS		
<u>Proposal:</u>	Remodelling of existing dwellinghouse including part one, part two-storey rear extension and roof alterations including Sussex hips, front and rear dormer windows and rooflights, with associated alterations.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	10.08.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	05.10.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Stuart Hoyle 82 Stephens Road Brighton BN1 7ER		
<u>Applicant:</u>	Seymour 79 Goldstone Crescent Hove BN3 6LS		

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	(00)001	P1	7 December 2021
Proposed Drawing	(10)002	P1	7 December 2021
Proposed Drawing	(20)002	P1	7 December 2021
Proposed Drawing	(30)001	P1	7 December 2021
Proposed Drawing	(30)002	P1	7 December 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 relevant external finishes of the development hereby permitted shall be as follows:

- Walls in painted render to match the appearance of those found on the existing building.
- Roof tiles to match the appearance of those found on the existing building.
- Window and door frames painted/coloured white.
- Glazed screen on north elevation at loft level in Pilkington Profilit™ Profiled glass plank with TIMax

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan; CP12 of the Brighton & Hove City Plan Part One; and DM21 of the City Plan Part Two.

4. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, and DM20 of the City Plan Part Two.

5. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

6. Three or more swift bricks/boxes shall be incorporated within the external surface of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. 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.
4. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.

2. SITE LOCATION

- 2.1. The application site is a large two-storey detached dwellinghouse on the northeast side of Goldstone Crescent, opposite the locally listed Hove Park. The building has two bay windows with a centrally-placed main entrance and is considered to contribute positively to the character of the streetscene. The site is not within a Conservation Area or otherwise subject to any designation.

3. RELEVANT HISTORY

- 3.1. No evidence has been found that suggests that restrictive planning conditions were applied at the time of construction.

- 3.2. **BH2004/01507/FP** Two storey pitched roof rear extensions (Revised scheme to BH2003/03102/FP). Refused for one reason:

1. *“Notwithstanding inaccuracies on the submitted plans, not only would the proposed two-storey rear extension, due to its excessive size and relationship to the neighbouring properties, represent an unsympathetic and unneighbourly form of development detrimental to the amenity of the occupiers of the neighbouring properties by reason of its overbearing appearance and loss of light; but would also provide two rooms that would have no natural light or ventilation. As such the proposal would be contrary to policy BE1 of the Hove Borough Local Plan and policies QD1, QD2, QD14, QD27 & SU2 of the Brighton and Hove Local Plan Second Deposit Draft.”*

- 3.3. **BH2003/03102/FP** Two storey pitched roof rear extension and flat roof garage. Refused for two reasons:

1. *“The proposed two-storey rear extension would, due to its excessive size and relationship to the neighbouring properties, represent an unsympathetic and unneighbourly form of development detrimental to the amenity of the occupiers of the neighbouring properties by reason of its overbearing appearance and loss of light. As such the proposal would be contrary to policy BE1 of the Hove Borough Local Plan and policies QD1, QD2, QD14 & QD27 of the Brighton and Hove Local Plan Second Deposit Draft.*
2. *“The proposed garage would, due to its prominent location at the front of the property, represent an obtrusive incongruous feature detrimental to the appearance of the surrounding area which is characterised by open gardens. As such the proposal would be contrary to policy BE1 of the Hove Borough Local Plan and policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan Second Deposit Draft.”*

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a part one-, part two-storey rear extension, and roofworks including Sussex hip ends and front and rear dormer windows and rooflights, with other associated alterations.

- 4.2. The proposed development has been reduced in scale during the lifetime of the application: setting the single-storey element of the extension in from the south edge of the curtilage and decreasing the depth of the extension overall. The extension now has a total height of 8.3m, eaves height of 5.2m, and flat roof (at single-storey level) height of 3.2m, with a total depth of 5.2m - all measurements are approximate.

5. REPRESENTATIONS

- 5.1. Two representations have been received, objecting to the proposal on the following grounds:
- The proposed development is too large
 - The proposed development will cause harm to the streetscene
 - The proposed development would appear overbearing
 - The proposed development would cause a loss of light
 - The proposed development would cause loss of privacy
 - The proposed development would result in areas within the development with no natural light
 - The application should be determined by the Planning Committee to address boundary wall issues
 - Lack of structural information within the submission
 - Concerns regarding rainwater goods overflowing
 - Concerns regarding maintenance and structural stability
- 5.2. A representation has also been received from Ward Councillor Bagaeen; a copy of this correspondence is been attached to this report. In it, the Councillor has requested the application be decided by the Planning Committee.

6. CONSULTATIONS

None

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. 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.

- 7.3. 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.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

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

TR7	Safe development
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part Two 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 23rd 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.

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM29	The Setting of Heritage Assets

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development, and the potential impacts on the amenities of local residents, and on the significance of heritage assets in the vicinity.

Design and Appearance

- 9.2. The roofworks would be the main part of the development visible from the public highway and it is considered that some harm would be caused to the character of the streetscene due to the change in roofscape. The application site is part of a row of similar properties (nos.69-89) that share a fairly high degree of

uniformity, including their pitched roof-forms. The Sussex hip-ends and front dormer window would detract from this group value.

- 9.3. However, weight must be given to the 'permitted development' rights afforded single dwellinghouses which would allow for substantial enlargements to the roofscape without the need for express planning permission. Given a similar visual impact could result from works not requiring express permission, it is considered that it would not be reasonable to raise strong objection to the Sussex hip-ends which are considered to be the main cause of harm, given their bulk.
- 9.4. The front dormer window would be modest in scale and positioned well within the bounds of the roof-scape, and is considered to cause insignificant additional harm so would not warrant strong objection in this instance.
- 9.5. Whilst concerns about the impact of the development on the character of the streetscene are noted, it is considered that the harm would be less than significant and given that these properties are not subject to any significant constraints the group value in their uniform appearance is not protected from change.
- 9.6. The rear extension is a substantial addition to the host building but, following the slight reduction in scale, is considered to be proportionate in terms of mass and scale and would not cause any significant harm to the building's character and appearance.
- 9.7. The proposed external materials for the development should match or be similar in appearance to those found on the main dwelling, as would be secured by condition.

Impact on Heritage Assets

- 9.8. The application site is directly across the road from the locally listed Hove Park, which is a non-designated heritage asset. As abovementioned, the proposed development is considered to have an acceptable impact on the visual amenity of the streetscene and this includes the setting of the park. It is therefore considered to have a neutral impact on the significance of the park and there are no concerns in this regard.

Impact on Amenities

- 9.9. Given the scale of the development, it has the potential to cause harm to the amenities of residents of the properties either side of the site (nos.77 and 81) through appearing overbearing, reducing direct sunlight and privacy. Each of these concerns shall be addressed in turn.
- 9.10. The development would result in a substantial enlargement to the original dwelling, creating significant additional bulk at high level. However, the building line along Goldstone Crescent is reasonably straight, so the roofworks should not be visually prominent from the rear gardens of either adjacent property. The two-storey element of the rear extension would be adjacent to no.81 and highly visible from the rear garden of this property, but it would be set away from the

shared boundary by approximately 1.2m and adjacent to the single-storey extension within the neighbouring property's own garden. It is considered that these factors sufficiently mitigate the potential harm to an acceptable degree. The single-storey element would be set approximately 1.2m from the shared boundary with no.77 and, despite said property being on lower ground, should have an acceptable impact in this regard.

- 9.11. The proposed development is likely to reduce the level of direct sunlight to the rear garden of no.81 until the early afternoon, and parts of the rear garden of no.77 in the late afternoon/early evening hours. This will cause a degree of harm, but given that each garden is northeast of their respective dwelling, a significant degree of overshadowing (from the dwellings themselves) would already occur and the additional impact from the development is not considered significant enough to warrant refusal of the application.
- 9.12. The proposed development would not include any new side-facing windows that would offer compromising views into neighbouring land. The rear-facing windows would not provide any views that are not already possible, and given the layout of the local area there is already some mutual overlooking of gardens. A condition will be attached restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space would cause a harmful sense of overlooking for neighbours in the adjoining property.

Other Considerations

- 9.13. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably-worded condition will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.
- 9.14. Concerns have been raised that the proposed development would lead to internal spaces within the application property, without access to natural light. Given that this application seeks permission for alterations to an existing single dwellinghouse, this is not a material planning consideration.
- 9.15. Concerns have also been raised that structural information has not been submitted in support of the application. Building safety during construction are managed through the Building Regulations regime and are not material planning considerations; no weight has been given to the lack of this information in this instance.
- 9.16. Building maintenance and any boundary disputes between neighbours are also not material planning considerations and should be given no weight in the assessment of the acceptability of the proposed development.

Conclusion

- 9.17. The proposed development is considered to cause only minor harm to the character and appearance of the host building and wider streetscene, and the

amenities of local residents, particularly when compared with the works that could be undertaken under 'permitted development' rights, and would make more efficient use of an existing brownfield site. On balance it is considered that the harm caused is not significant enough to justify withholding planning permission and planning permission should be granted in line with policy SS1 of the CPP1 whereby there is a presumption in favour of sustainable development. Conditions shall be included to secure external materials and biodiversity improvements, and to restrict access to the flat roof area for amenity purposes. For these reasons the proposal is considered to be in accordance with policies QD5, QD14 and QD27 of the Brighton and Hove Local Plan; and CP8, CP10, CP12, CP13 and CP15 of the City Plan Part One.

- 9.18. It is also considered that the proposal would also be in accordance with policies DM20, DM21 and DM29 of the Proposed Submission City Plan Part Two which is gathering weight. These policies are considered to have significant weight at this stage.

10. EQUALITIES
None identified

11. COMMUNITY INFRASTRUCTURE LEVY

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

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The proposed development would improve and enlarge an existing dwelling in a sustainable location, making more efficient use of a brownfield site and reducing the need for development elsewhere. Biodiversity improvements would also be secured as part of the development.

PLANNING COMMITTEE

Agenda Item

Brighton & Hove City Council

NEW APPEALS RECEIVED 04/11/2021 - 01/12/2021

WARD

HANGLETON AND KNOLL

APPEALAPPNUMBER

BH2021/01088

ADDRESS

2 Cowdens Close Hove BN3 8FB

DEVELOPMENT DESCRIPTION

Subdivision of existing dwelling to form 2no attached dwellings (C3) incorporating the erection of a single storey ground floor rear extension, installation of 2no front dormers, revised fenestration and associated landscaping.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

17/11/2021

APPLICATION DECISION LEVEL

Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEALAPPNUMBER

BH2021/00769

ADDRESS

52 Barcombe Road Brighton BN1 9JR

DEVELOPMENT DESCRIPTION

Change of use from small house in multiple occupation (C4) to eight-bedroom large house in multiple occupation (Sui Generis) incorporating single storey ground floor rear extension.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/11/2021

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

MOULSECOOMB AND BEVENDEAN

APPEALAPPNUMBER

BH2021/01466

ADDRESS

64 Barcombe Road Brighton BN1 9JR

DEVELOPMENT DESCRIPTION

Change of use from dwellinghouse (C3) to dual use as a dwellinghouse (C3) and a five bedroom small house in multiple occupation (C4).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/11/2021

APPLICATION DECISION LEVEL

Delegated

WARD

WISH

APPEALAPPNUMBER

BH2020/03631

ADDRESS

93 St Leonards Road Hove BN3 4QQ

DEVELOPMENT DESCRIPTION

Conversion of 2no self-contained flats and former chiropody surgery room into 3no self-contained flats (C3) (part retrospective) and erection of car port (retrospective).

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 12/11/2021
APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WISH

BH2021/01152

Advertising Right Adjacent 415 Portland Road
Hove BN3 5DR

Display of internally illuminated digital LED
advertising hoarding.

APPEAL IN PROGRESS

15/11/2021

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WISH

93 St Leonards Road Hove BN3 4QQ

Appeal against

APPEAL IN PROGRESS

12/11/2021

Not Assigned

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

20 Bavant Road Brighton BN1 6RD

Appeal against

APPEAL IN PROGRESS

18/11/2021

Not Assigned

APPEAL DECISIONS FOR THE PERIOD BETWEEN 17/11/2021 AND 14/12/2021

WARD

BRUNSWICK AND ADELAIDE

APPEAL APPLICATION NUMBER

APL2021/00059

ADDRESS

3-4 Western Road Hove BN3 1AE

DEVELOPMENT DESCRIPTION

Erection of an additional storey to provide 1no self contained one bedroom flat.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/02799

APPLICATION DECISION LEVEL

Delegated

WARD

HANGLETON AND KNOLL

APPEAL APPLICATION NUMBER

APL2021/00084

ADDRESS

96 Fallowfield Crescent Hove BN3 7NN

DEVELOPMENT DESCRIPTION

Erection of additional storey with pitched roof over, single storey rear extension with flat roof over and associated alterations.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/00541

APPLICATION DECISION LEVEL

Delegated

WARD

HANGLETON AND KNOLL

APPEAL APPLICATION NUMBER

APL2021/00089

ADDRESS

Studio 49 Elm Drive Hove BN3 7JA

DEVELOPMENT DESCRIPTION

Prior approval for the erection of an additional storey to form a first floor extension.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/00573

APPLICATION DECISION LEVEL

Delegated

WARD

HOLLINGDEAN AND STANMER

APPEAL APPLICATION NUMBER

APL2021/00064

ADDRESS

Land To Rear Of 236 Ditchling Road Brighton BN1 6JF

DEVELOPMENT DESCRIPTION

Erection of 1no one bedroom two storey dwelling including a lower ground floor (C3)

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/01519

APPLICATION DECISION LEVEL Delegated

WARD

PATCHAM

APPEAL APPLICATION NUMBER

APL2021/00087

ADDRESS

186 Mackie Avenue Brighton BN1 8SB

DEVELOPMENT DESCRIPTION

Erection of front dormer.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/01510

APPLICATION DECISION LEVEL

Delegated

WARD

PRESTON PARK

APPEAL APPLICATION NUMBER

APL2021/00063

ADDRESS

Flat 4 169 Ditchling Rise Brighton BN1 4QR

DEVELOPMENT DESCRIPTION

Replacement of existing wooden windows with UPVC windows.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/02221

APPLICATION DECISION LEVEL

Delegated

WARD

PRESTON PARK

APPEAL APPLICATION NUMBER

APL2021/00067

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 TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/02612

APPLICATION DECISION LEVEL

Delegated

WARD

PRESTON PARK

APPEAL APPLICATION NUMBER

APL2021/00072

ADDRESS

25 Preston Park Avenue Brighton BN1 6HL

DEVELOPMENT DESCRIPTION

Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping. 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 TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/02934

APPLICATION DECISION LEVEL

Delegated

<u>WARD</u>	QUEEN'S PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00056
<u>ADDRESS</u>	26A And 26B Sussex Terrace Brighton BN2 9QJ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey rear extension with associated alterations.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/00009
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	QUEEN'S PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00085
<u>ADDRESS</u>	1 Freshfield Way Brighton BN2 0LE
<u>DEVELOPMENT DESCRIPTION</u>	Display of 1no freestanding internally illuminated advertisement display.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/01113
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	REGENCY
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00029
<u>ADDRESS</u>	Land Rear Of Garages Adjacent To 1 Clifton Hill Clifton Hill Brighton BN1 3HL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no three bedroom house (C3) incorporating excavation to lower existing floor level with boundary treatment, external amenity space, and cycle and bin stores.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02601
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	REGENCY
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00060
<u>ADDRESS</u>	83 Western Road Brighton BN1 2HA
<u>DEVELOPMENT DESCRIPTION</u>	Installation of roller shutters to front and rear. (Part-retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/03696
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	REGENCY
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00073

<u>ADDRESS</u>	Codrington Mansion 139 Western Road Brighton BN1 2LA
<u>DEVELOPMENT DESCRIPTION</u>	Erection of cycle store to rear. (Part Retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/00475
<u>APPLICATION DECISION LEVEL</u>	Delegated
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<u>WARD</u>	WISH
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00086
<u>ADDRESS</u>	194 New Church Road Hove BN3 4EA
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey side extension and demolition of existing conservatory. Installation of two front dormers, first floor balcony at rear and associated alterations.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/01896
<u>APPLICATION DECISION LEVEL</u>	Delegated
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<u>WARD</u>	WOODINGDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00057
<u>ADDRESS</u>	98 Warren Road Woodingdean Brighton BN2 6BA
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of rear existing extension and outbuilding (E) and construction of new rear single storey ground floor extension to form 1no two bedroom residential unit (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02619
<u>APPLICATION DECISION LEVEL</u>	Delegated
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<u>WARD</u>	WOODINGDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00083
<u>ADDRESS</u>	26 Warren Way Brighton BN2 6PJ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of three storey rear extension with green roof and terraces, roof extension with rear terrace, revised fenestration and associated works to create 4no. additional flats (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/00084
<u>APPLICATION DECISION LEVEL</u>	Delegated
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