

Planning Committee

Date: **9 March 2022**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

Contact: **Shaun Hughes**
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AGENDA

81 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.

82 MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 2 February 2022.

83 CHAIR'S COMMUNICATIONS

84 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on Thursday 3 March 2022.

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

86 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	BH2018/03356 - KAP Newtown Road, Hove - Deed of Variation	11 - 22
B	BH2021/04379 - Sussex County Cricket Ground, Eaton Road, Hove - Removal or Variation of Condition	23 - 52
C	BH2021/03056 - Royal Sussex County Hospital, Eastern Road, Brighton - Removal or Variation of Condition	53 - 94
D	BH2021/01731 - Brighton and Hove Bus Garage, 43 Conway Street, Hove - Full Planning	95 - 128

MINOR APPLICATIONS

E	BH2021/03532 - 1 Courtyard Lane, Hove - Full Planning	129 - 142
F	BH2021/04003 - 295 Dyke Road, Hove - Outline Application Some Matters Reserved	143 - 158
G	BH2021/04346 - 22 Hanover Terrace, Brighton - Householder Planning Consent	159 - 176
H	BH2021/04399 - 119A St James's Street, Brighton - Full Planning	177 - 188
I	BH2021/04244 - The Rottingdean Lounge and Bar, 89 High Street, Rottingdean, Brighton - Full Planning	189 - 200
J	BH2021/04479 - The Rottingdean Lounge And Bar, 89 High Street, Rottingdean, Brighton - Listed Building Consent	201 - 210

K BH2021/01394 - 1 Withyham Avenue, Saltdean, Brighton - Full Planning 211 - 230

L BH2021/04303 - 13 Cuckmere Way, Brighton - Householder Planning Consent 231 - 242

87 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

88 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 243 - 246

(copy attached).

89 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

90 APPEAL DECISIONS 247 - 250

(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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- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 2 FEBRUARY 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Shanks (Chair), Fishleigh, Hugh-Jones, Phillips, C Theobald and Yates

Apologies: Councillors Barnett, Ebel, Janio, Littman, Moonan,

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Nicola Hurley (Planning Manager), Don Anyiam (Highway Agreements Officer), Russell Brown (Principal Planning Officer), Kate Cole (County Ecologist), Paul Davey (Arboriculturist), Robert Davidson (Principal Planning Officer), Sonia Gillam (Senior Planning Officer), Rebecca Smith (Planning Officer), Mike Sansom (Building Control Manager), Jack Summers (Planning Officer), Hilary Woodward (Senior Solicitor) and Shaun Hughes (Democratic Services Officer)

PART ONE

71 PROCEDURAL BUSINESS

a) Declarations of substitutes

71.1 Councillor Phillips substituted for Councillor Ebel and Councillor Hugh-Jones substituted for Councillor Littman.

b) Declarations of interests

71.2 Councillor Fishleigh declared they had objected to item D – BH2021/03117: 10 Roedean Crescent.

c) Exclusion of the press and public

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

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

72 MINUTES OF THE PREVIOUS MEETING

- 72.1 **RESOLVED:** It was agreed that the minutes of the meeting held on 12 January 2022 were a correct record.

73 CHAIR'S COMMUNICATIONS

- 73.1 There were none for this meeting.

74 PUBLIC QUESTIONS

- 74.1 One public question has been received from Pippa Hodge of BADGE:

“Our Accessible City Strategy has now commenced, but it is in the very early phase. In the meantime, can disabled people in the city trust our Council to enforce businesses’ compliance with policies SA6 & CP5 of the city plan, Building Regulations Part M (Access to Buildings) and the Equality Act 2010 by using the full weight of the Law, swiftly and decisively, on any businesses, regardless of stature, should they fail to comply with imposed planning conditions within the stated time limit?”

Response:

“The Council, as local planning authority, has a legal duty to consider whether enforcement action should be taken where there is any breach of planning control. Although the actual taking of enforcement action is discretionary, in determining whether to take action the local planning authority must, and will, have regard to the public sector equality duty set out in the Equality Act.

Against this background, and as you are aware, where there is an alleged breach of planning control the Council will engage with the landowner and any others with an interest in the land concerned to establish whether there has been a breach and, if so, the circumstances surrounding it. Should the facts confirm that a breach has taken place the various enforcement options will be considered, ranging from no action if it is expedient not to do so, a negotiated solution, or the service of an enforcement or breach of condition notice.

However, whatever decision is taken as regards enforcement action you can be assured that the identity and stature of the person/body against whom the action may be taken is immaterial in coming to a decision as to whether or not such action should be taken.”

Supplementary question:

A previous Planning Committee stated that training in Part M of Building Regulations would be useful for the Committee. Has this happened yet?

Response:

The Planning Manager noted the comments and stated they would look into the status of training for committee Members.

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

75.1 None were requested.

76 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2021/03511 - Court Farm, King George VI Avenue, Hove - Full Planning

1. The application was withdrawn after the agenda was published.

B BH2021/03011 - 186-187 Lewes Road, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee.

Speakers

2. Councillor Gibson's statement was read out by the Chair: 'I support this application which will achieve 100% affordable rents run by Southdown Housing Association'.

Answers to Committee Member Questions

3. Councillor Yates was informed that there were 12 units with one bedrooms and could accommodate up to 17 people as 5 were of a size that could accommodate 2 people. The intention was for the units to be single occupancy.
4. Councillor Hugh-Jones was informed that the internal layout had changed in terms of the layout of flats.

Debate

5. Councillor Theobald stated they would have preferred a mix of unit sizes but was happy that it was for supported housing and considered the development to fit well and was a good scheme.
6. Councillor Hugh-Jones considered the affordable housing, heat pump and sedum roof to be good and an improvement on the existing.
7. Councillor Shanks stated they were in support of Councillor Gibson's comments and considered 100% affordable housing to be good.
8. Councillor Yates considered the development to be a good use of the site on the busy transport corridor The councillor considered the development to fit well in the area.

Vote

9. A vote was taken, and the committee agreed unanimously to grant planning permission.

10. **RESOVLED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 26 April 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of the report.

C BH2021/03525 - Land to the East of Coldean Lane, North of Varley Halls, South of A27 - Removal or Variation of Condition

1. The Planning Manager introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Phillips was informed by the Arboriculturist that there has been significant tree loss on the site from Elm disease and Ash dieback. 40 Elms were removed last summer. It is likely that all Elms and Ash will be lost and replacing them is a priority. A robust maintenance scheme is imperative. Some substantial trees will need to grow for 5 to 10 years before the screening is returned.
3. Councillor Hugh-Jones was informed that no Ash trees would be planted, the onsite Elms were not disease resistant, and the Sycamore trees were to be retained.
4. Councillor Yates was informed by the case officer that there was a total of 19 trees to be removed. The applicant's agent stated that 5 diseased trees were to be removed, 3 were to allow construction access, 4 were to allow drainage works, and 7 to be removed for ground works, giving a total of 19.
5. Councillor Shanks was informed that the site entrance changes would allow a left turn into the site only and there was no central reservation. The Highway Agreements Officer noted that exiting the site downhill was considered to be acceptable. If vehicles wanted to turn right when exiting they would need to wait for a gap in traffic. The changes were intended to stop conflict on the highway.
6. Councillor Yates was informed that there was no central reservation however there was a central pedestrian island. The councillor was informed that extending the island to prevent right turns out of the site could be looked into. It was noted that changes can be made later if the residents or Police make requests.
7. Councillor Shanks was informed that there was no pavement on the development side of the highway.
8. Councillor Theobald was informed that the Biodiversity statement had been submitted as part of a separate application which includes a method statement regarding badger setts on site.
9. The County Ecologist noted that the Biodiversity method statement had been revised and approved. There was no report due on 13 February 2022. It was noted that badgers are mobile and use different setts at different times. The Planning Manager noted that the site management were looking at the site and this was ongoing, and they may be

reporting on 13 Feb, which is part of their ongoing duties for the site and not a requirement of this application.

10. Councillor Fishleigh was informed by the County Ecologist that there was one clan of badgers on the site and the main sett would be protected. 5 outlying setts will be closed, one has been proved to be inactive and 5 setts would be retained with buffer zones.
11. Councillor Hugh-Jones was informed that condition 10 related to landscaping and this could be adapted to include screening on Coldean Lane. Councillor Hugh-Jones proposed this amendment to condition 10.
12. Councillor Phillips was informed by the applicant's agent that 14 trees would be removed because of construction works. It was noted that the construction plans were submitted after planning permission was granted and these plans highlighted the need to remove certain trees.
13. Councillor Fishleigh was informed that if the committee refused the application the applicant could appeal the decision. The development would not be stopped.

Debate

14. Councillor Yates stated they were understanding of local residents' issues and noted that ecology matters were discussed when the original application came before the committee. The Elm and Ash would have been lost whether there was development or not. The councillor supported the application.
15. Councillor Theobald considered that the residents needed reassuring that screening would be protected. The councillor asked that no more trees be removed and stated they were against the application.
16. Councillor Hugh-Jones requested the reinstatement of the screening with the original density.
17. Councillor Fishleigh stated that it was a shame the local councillors were not at the meeting as she would like to have heard there comments.
18. Councillor Hugh-Jones, seconded by Councillor Yates, proposed that condition 10 relating to landscaping should be adapted to include screening on Coldean Lane.

Vote

19. A vote was taken, and the adaption of condition 10 was agreed unanimously.

Vote

20. A vote was taken, and by 4 to 3 the committee agreed to approve the application. (The Chair employed a casting vote).
21. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **APPROVE** planning permission subject to the Conditions and Informatives as set out in the report.

D BH2021/03117 - 10 Roedean Crescent, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Hugh-Jones was informed by the case officer that a site waste management plan could be added as a condition. The councillor proposed the condition.
3. Councillor Theobald was informed that 2 metres of obscure glazing was proposed for the balcony, and it was considered that it was unlikely that the proposals would have a harmful effect on the neighbouring property at no.12.
4. Councillor Hugh-Jones was informed that it may be possible to park 5 vehicles in the front driveway and there was no electric charging point proposed. The Senior Solicitor advised that it would be unreasonable to condition an electric charging point for this application.

Debate

5. Councillor Theobald considered the existing property to be more in keeping with the area and it was a shame to lose the existing dwelling.
6. Councillor Hugh-Jones noted there had been a lot of development in the crescent and they had no reason to refuse the application. The councillor supported the application.
7. Councillor Yates agreed that losing the existing house was a shame. The councillor was minded to support the application following the improvements to the development.
8. Councillor Hugh-Jones proposed, seconded by Councillor Yates, a condition for a site waste management plan.

Vote

9. A vote was taken, and the committee agreed the proposed condition by 4 to 1. (Councillor Fishleigh took no part in the decision making process or the vote)

Vote

10. A vote was taken, and by 3 for 2 abstentions, the committee agreed to grant planning permission. (Councillor Fishleigh took no part in the decision making process or the vote)
11. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

E BH2021/01841 - 45 and 46 Trafalgar Street, Brighton - Full Planning

1. The Planning Manager introduced the application to the committee.

Speakers

2. Ward Councillor Deane submitted a statement to be read out at committee: "I am writing in my capacity of ward councillor in support of the NLCA and local residents, particularly those in nearby and adjoining properties, who have deep concerns about this proposal.

Residents feel that this is an over development on such a small site and fear the impact of more people coming into an already densely populated area. Concerns include greater pressure on local amenities, particularly relating to traffic, parking, waste/rubbish and increased noise.

Whilst I note there are letters of support for this proposal, the North Laine is a conservation area and as such it is important that any new build should be in keeping with and reflect local character.

If granted, it will inevitably be challenging for nearby residents during the construction period, and I would urge the Committee to ensure measures are in place to mitigate disruption as far as possible."

Answers to Committee Member Questions

3. Councillor Theobald was informed that the property was not listed and was in the North Laine Conservation Area. It was noted that this is a single dwelling not a house of multiple occupancy (HMO).
4. Councillor Fishleigh was informed that it would be against planning tests to condition the property against being an HMO.
5. Councillor Shanks noted that whether the property was an eyesore or in a poor state was not a planning matter.
6. Councillor Hugh-Jones was informed that the small sites don't have method of construction statements. It was noted that the government has asked planning authorities to be flexible until September 2022 on construction times.
7. Councillor Shanks was informed that external cycle parking was not possible at the property, only internal.
8. Councillor Phillips was informed that nearby cycle parking could not be increased by a condition on this property as the Planning Committee can only deal within the red line boundary of the property.

Debate

9. Councillor Shanks considered the infill to be good.
10. Councillor Yates considered the existing space to be a bit odd.

Vote

11. A vote was taken, and the committee agreed unanimously to grant planning permission.
12. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

F BH2021/03900 - Rockwater, Kingsway, Hove - Full Planning

1. The Planning Manager introduced the application to the committee.

Speakers

2. Ward Councillor Henry sent a statement to be read to the committee: "I'm writing on behalf of myself and Carmen Appich, as the Ward councillors for Westbourne Ward and Peter Kyle MP, as the MP for Hove. We would like the feedback we have received from the local community regarding the Rockwater shacks to be considered when considering the application to extend their life.

Although the shacks were created as a response to Covid and the lockdowns and provided an invaluable service for hot drinks which was greatly appreciated by the community at the time, it is undeniable that they have now evolved into a 'feature' of the Hove seafront and – crucially – remain loved and well used by walkers, joggers, dog walkers and visitors alike.

The three of us in our community roles have spent the last few months talking to users of the shacks, local residents and visitors alike and the feedback is overwhelmingly positive. The shacks now facilitate a range of health & wellbeing activities on this stretch of Hove. People meditating, doing yoga, walking their dog, jogging or walking hugely appreciate the ability to obtain a refreshment.

Comments have ranged from "they are a convenient pit stop" to "they look great and improve the look of the promenade" to "I use them as a reason to get out the house and walk".

Whilst there were problems with queues at their initial opening, we now observe a well-run queuing system that no longer creates a bottle-neck and is calm and friendly.

We would therefore appreciate the Committee taking into account our feedback and the views of the residents on Hove when considering the application to extend their fixture on the front and hope you can agree with the report and approve this application."

Answers to Committee Member Questions

3. Councillor Theobald was informed that although the service counter was high, wheelchair users would be assisted.
4. The Conservation Advisory Group representative was informed by the case officer that the temporary permission for 3 years was acceptable. The applicant had requested a 3 year permission, and this was considered acceptable by the Heritage Team.

5. Councillor Shanks was informed by the Senior Solicitor that the application history would be looked at to see what has gone before and the submitted application should be looked at in light of the relevant circumstances when the application comes before the committee.

Debate

6. Councillor Fishleigh proposed that the service hatch be lowered to wheelchair users by condition. Councillor Yates seconded the proposal.
7. Councillor Theobald considered the shacks had been great through lockdown and had no objections. The councillor agreed it would be good to lower the service hatch.
8. Councillor Yates noted this was a valued part of Hove seafront and the proposals were not significantly detrimental and was a good redevelopment.
9. Councillor Hugh-Jones supported the application.
10. Councillor Fishleigh did not support the application. The councillor asked that Rockwater talk to disability groups.
11. Councillor Shanks considered there was no reason to refuse the application.

Vote

12. A vote was taken on the condition to lower the service hatch. Proposed by Councillor Fishleigh and seconded by Councillor Yates. The condition was agreed unanimously.

Vote

13. A vote was taken, and by 5 to 1 the committee agreed to grant planning permission.
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

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

- 77.1 There were none.

78 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

79 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 79.1 There were none for this agenda.

80 APPEAL DECISIONS

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

The meeting concluded at 4.02pm

Signed

Chair

Dated this

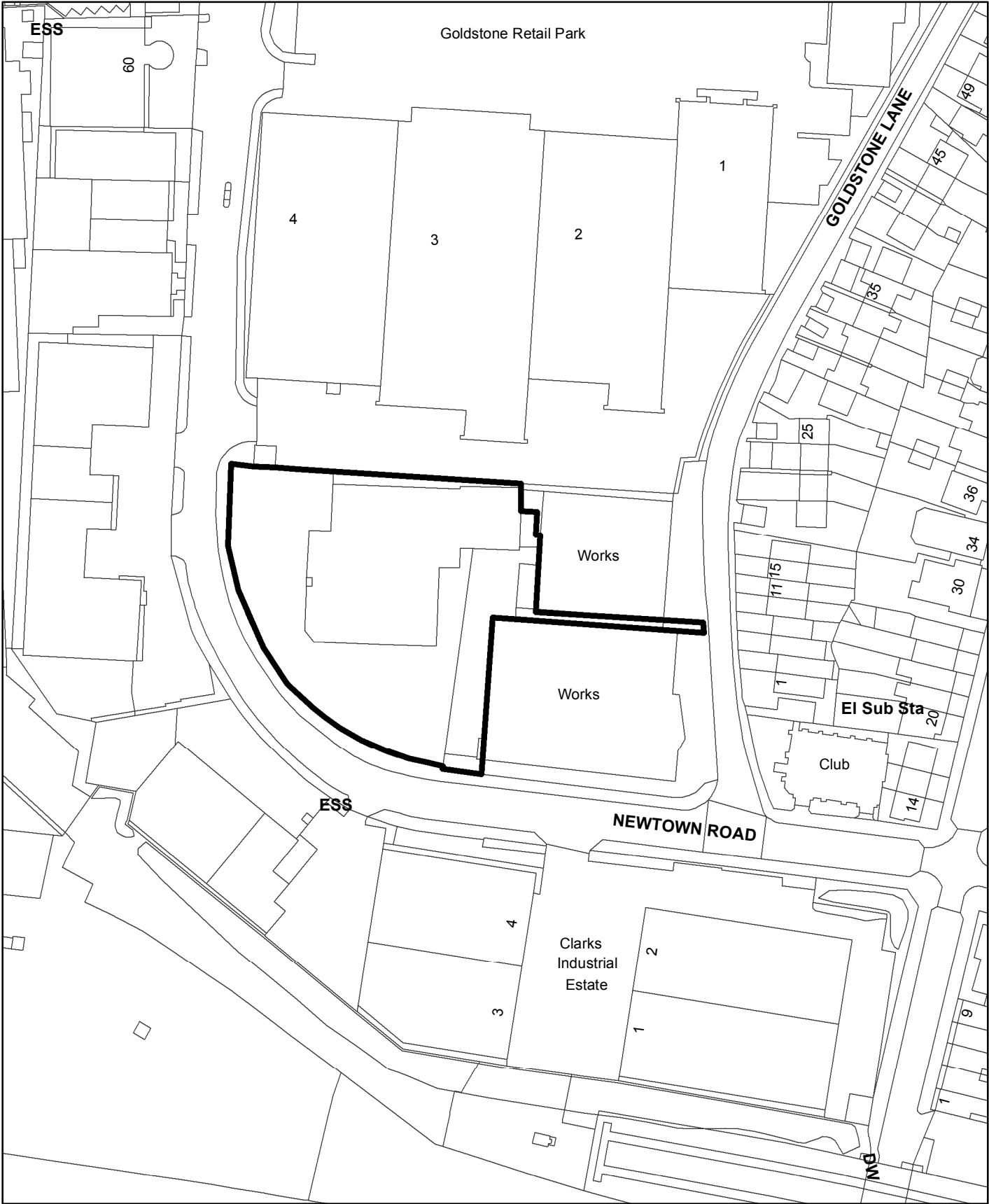
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ITEM A

**KAP Newtown Road, Hove
BH2018/03356
Deed of Variation**

DATE OF COMMITTEE: 9th March 2022

BH2018 03356 - Kap Ltd, Newtown Road



Scale: 1:1,250

Subject:	Former KAP garage, Newtown Road		
Date of Meeting:	9 March 2022		
Report of:	Liz Hobden, Head of Planning		
Contact Officer:	Name:	Chris Swain	Tel: 01273 292178
	Email:	Chris.swain@brighton-hove.gov.uk	
Ward(s) affected:	Hove Park		

1. PURPOSE OF THE REPORT

- 1.1. To consider a request to vary the Heads of Terms of Section 106 Agreement dated 28 September 2020 in connection with planning permission BH2018/03356 on the following points:
- Vary the clause requiring that 18 affordable rented dwellings are to be provided to instead provide a financial contribution (of £3.642M) for offsite affordable units in lieu of the on-site provision;
 - Vary the clause requiring 14 shared ownership affordable housing units to allow for either shared ownership or shared equity units; and
 - Transfer/Substitute the requirement for a financial contribution of £46,200 towards the Local Employment Scheme and instead require an enhanced financial contribution of £40,173 for offsite affordable housing.
 - Include a requirement to contribute £6,027 (the balance of the sum originally secured) to support the Local Employment Scheme Co-ordinator to work with the developer and their selected contractor to maximise the use of local supply chain, local labour, training and apprenticeship opportunities throughout the construction phase and provide monitoring.

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** the Deed of Variation to the S106 Agreement dated 28 September 2020 related to planning permission ref: BH2018/03356.

3. BACKGROUND INFORMATION

- 3.1. The permission relates to the redevelopment of the former Kap garage and car sales on Newtown Road. Full planning permission was granted for the following development:
BH2018/03356 - Demolition of existing buildings in association with car dealership (sui generis) to facilitate the erection of a mixed-use redevelopment to provide 148 dwellings (Class C3), 954sqm of office floorspace (Class B1), within a scheme of 3no Blocks ranging from 4 to 11 storeys in height with associated underground car

parking, cycle parking and landscaping and 22 sqm of cafe floorspace (Class A3).
Granted: 29 September 2020.

- 3.2. The permission provides for a residential led mixed used development involving 148 residential units and 954sqm of office space in three separate blocks set around a landscaped area with under cycle and vehicular parking.
- 3.3. The application secured, via the s106 legal agreement, 22% affordable housing. This provided for 18 affordable rented units and 14 shared ownership units.
- 3.4. The commencement of demolition and construction on site is earmarked for early/mid 2022, which will mean the development is undertaken in parallel with the approved developments nearby, such as at Sackville Trading Estate and Ellen Street.

4. PROPOSAL

- 4.1. The s106 Legal Agreement requires that 32 affordable housing units are provided. Eighteen of the new residential units must be offered up for affordable rent and 14 for shared ownership. A contribution of £46,200 is required for the Local Employment Scheme.
- 4.2. The proposal is to vary the legal agreement to firstly allow a commuted sum to be paid in lieu of the on-site affordable rented housing; secondly to allow for the 14 shared ownership units to be provided as either shared ownership or shared equity affordable housing; and thirdly to transfer/substitute part of the Local Employment Scheme Contribution to provide offsite affordable housing

5. CONSULTATIONS

- 5.1. **Housing Strategy:** No objection
Background:
Planning policy CP20: Affordable Housing requires the provision of affordable housing in developments of more than five homes. This is on a sliding scale as follows:
 - developments of between 5 and 9 homes to provide a 20% housing contribution (i.e., 20% of the homes being built) as a financial contribution.
 - developments of 10 to 14 homes to provide a 30% contribution either onsite or as a financial contribution and
 - developments of 15 homes or more to provide a 40% contribution onsite.
- 5.2. Provision of a commuted sum in lieu of onsite units is a policy position which can be applied in exceptional cases including where Registered Providers find it uneconomic or impractical to provide the units on site.
- 5.3. Supporting documents for the policy include the council's Affordable Housing Brief which is provided to developers and includes details such as the preferred unit and tenure mix, and the Developer Contribution Technical Guidance which provides a

policy overview on areas for developer contributions, enabling the granting of planning permission. The contributions to be secured as Planning Obligations under Section 106 of the Town and Country Planning Act 1990.

- 5.4. Affordable housing secured through S106 Agreements have historically been sold to a Registered Provider (RP) at a below market price for them to be provided as affordable homes (affordable rent or shared ownership). The council has several partner RPs based on their presence in and commitment to the city as confirmed via rent levels and nomination agreements.
- 5.5. If an RP purchaser is not found among the partners, the developer can bring forward an alternative provider, but they will need to meet the conditions of the council's proposed S106 Agreement. Developers may seek to pay a commuted sum to the council in lieu of providing the housing onsite (which is within policy conditions), with such funds used towards providing affordable housing elsewhere in the city through the council's own programmes such as home purchase and New Homes for Neighbourhoods.
- 5.6. Consideration is now also given as to whether the council could purchase S106 homes directly. Any assessment of risk, suitability and viability of the homes on offer would be undertaken along the same lines as that of the RPs.

Presentation Application: Kap, Newtown Road – BH2018/03356

- 5.7. April 2020 – original planning application approved. Scheme to provide 22% affordable housing with 18 x affordable rent and 14 x shared ownership homes.
- 5.8. Summer 2021 – the developers approached the council with confirmation that all the council's partner RPs had rejected the homes proposed. The reasons given were that there were too few units, they were pursuing alternative land-led opportunities, or seeking additional homes on top of S106 homes (as units provided as part of a S106 Agreement do not receive grant funding)
- 5.9. The developers approached a further set of RPs who presented similar feedback with some not active in the local area.
- 5.10. It is worth noting that cost is just one factor, as important consideration is also given to the quality of construction, long term maintenance issues and practical matters such as layout and outdoor space.
- 5.11. B&HCC Housing have also assessed the purchase opportunity. This was restricted to the affordable rented homes as the council do not manage shared ownership properties at present. The four key factors in approaching the purchase are financial viability; the construction quality (particular regarding sustainability and future maintenance liabilities); nature of tenure; and operational considerations (management of the homes).
- 5.12. Two options were considered for council purchase. Firstly the affordable rent homes within the Block B and secondly Block C was also investigated as it is a stand-alone block of 8 larger homes. This involved a valuation of the homes and viability undertaken based on the current Home Purchase process-

- 5.13. However, purchase was ultimately not considered suitable due to a combination of factors:
- The practical difficulties of managing rental homes in a mixed tenure block including housing for sale;
 - The homes would be a leasehold not freehold disposal. This applied even to the houses in Block C due to the underground car park constructed beneath the block. The council is keen to secure freehold interest;
 - A review of liability for wider site maintenance charges, some of which may not be rechargeable to tenants creating is an additional cost to the HRA;
 - There would have been an additional cost to secure car parking spaces; and
 - The property values within Block C were beyond the rates considered viable through the Home Purchase scheme operated by the council thereby not offering value for money (particularly when compared to the offsite housing that could be provided through the agreed commuted sum)
- 5.14. It was also noted that the provision of a commuted sum is a policy compliant position, and that such funds can be used to provide additional homes for affordable rent in the city by supporting the council's Home Purchase policy (and used towards other council projects).
- 5.15. Housing Finance officers confirm that commuted sums are an integral part of the delivery programme and are unlocking sites and allowing the home purchase scheme to continue at scale.

Shared Equity Housing

- 5.16. Landspeed Homes have confirmed they would like to take forward the affordable ownership units on the site supplying them as either shared ownership or shared equity. Shared equity was agreed at another site (Sackville Hotel, 189 Kingsway) and is an acceptable low-cost home ownership product that Housing would support.
- 5.17. Shared Equity Housing, where property dwellers and lenders share ownership of a property, falls within the national definitions of affordable housing for sale (as 'other low-cost homes for sale' NPPF definition). The national shared ownership eligibility criteria would also apply to the shared equity housing. Landspeed also apply a local connection as an additional eligibility criterion, which is not a national rule, but is supported by the Council.

Conclusion and Housing Strategy Position:

- 5.18. The council is actively assessing the purchase of s106 homes and consideration has been given to this scheme by both RPs and the council. A range of factors as described above has meant there is not a provider for the on-site affordable rent homes.
- 5.19. The scheme will however still benefit from on-site affordable home ownership either to be sold as shared ownership or shared equity.
- 5.20. In this instance with all factors above taken into consideration a commuted sum is now the most practical outcome for the affordable rented homes to be provided on this scheme.

- 5.21. Whilst achieving the homes on site is always the preferred option where viable and with suitable homes provided, a commuted sum remains a policy compliant position and will lead to an increase of affordable rented homes elsewhere in the city.

6. COMMENT

- 6.1. The main considerations in the determination of this application relate to the principle of varying the legal agreement to allow for the payment of a commuted sum in lieu of the on-site provision of 18 units in shared ownership, to allow for shared equity affordable housing and to transfer the financial contribution amount due for the Local Employment Scheme to offsite affordable housing.
- 6.2. City Plan Part One policy CP20 and the Affordable Housing Brief indicates that the Council's preference is for on-site affordable housing provision to help achieve balanced and mixed communities. However, the supporting text to the policy notes that this is not always possible, and that a commuted sum may be acceptable in 'exceptional circumstances':
"Only in exceptional circumstances, will the council accept a commuted sum or free serviced land in lieu of onsite provision on larger sites. These circumstances might include, for example, where the Registered Provider finds it uneconomic or impractical to provide the units agreed." (paragraph 4.244).
- 6.3. This is expanded on in the Developer Contributions Technical Guidance (2017) which notes that circumstances which might justify offsite provision or payment in lieu of affordable housing could include, in summary, where mixed community objectives/housing priorities could be better met in an alternative location; where there are high housing costs for occupiers associated with the development; or where a RP finds it uneconomic or impractical to provide the affordable units provided. With regards to the latter, the Guidance notes *"An example could be where on some sites it is not practical, from a management perspective, to provide and manage a small number of on-site affordable housing units."*
- 6.4. The final point is of some relevance to this proposal as it includes 18 affordable housing units within a block which would include other private and shared ownership housing. Registered Providers have currently indicated that this type of scenario would not be practical to manage, a view supported by the Housing Strategy Team.
- 6.5. The applicant has provided evidence that they have been unable to find a Registered Provider to take on the 18 affordable units. The key issues in the unwillingness of RPs to take on the units was the limited number of units (only 18) and the management issues associated with a mixed private / affordable rent block.
- 6.6. As noted in their response above, the Housing Strategy Team confirms that RPs are generally seeking to purchase a larger volume of units when they are making investment decisions as this will improve the viability of any scheme. For affordable rent, the local providers are generally seeking a minimum of 50 units within a standalone block. The Housing Team are satisfied that every effort has been made

to achieve the sale of the 18 affordable rented units to a Registered Provider and that this approach is not possible at this time.

- 6.7. As noted in their response above, the Housing Strategy team has also explored whether the Council could purchase the units as part of its affordable housing portfolio but as noted above, this was dismissed as unworkable.
- 6.8. On this basis, it is concluded that a commuted sum in lieu of on-site provision is acceptable and preferable, and in accordance with planning policy and guidance. The commuted sum would be put towards the Council's affordable housing programme within the city which includes homes for affordable rent, which has the benefit of providing homes with greater levels of affordability than the two shared ownership units that were to be provided on-site.
- 6.9. The 18 affordable units to be provided include 6 one bed, 8 two bed and 4 three bed homes in accordance with the preferred mix for affordable units set out in the Affordable Housing Brief. The commuted sum has been arrived at in accordance with the formula set out within the Developer Contributions Technical Guidance (June 2020) and the Schedule for Commuted sum payments for calculating affordable housing contributions (May 2021). The resulting figure is £159,000 for each one bed, £207,750 for each two bed and £256,500 for each three-bed unit. The overall total to be secured is £3.642M. The Housing Strategy Team have confirmed that the total offered by the applicant is in accordance with the guidance.
- 6.10. The second part of the proposal is the request to allow for the shared ownership affordable housing units to come forward as either shared ownership or shared equity affordable ownership.
- 6.11. A Shared Equity scheme is a scheme of affordable ownership which offers qualifying applicants discounts of at least 25% of open market value and does not charge rent on the discounted element (as in shared ownership purchase).
- 6.12. Shared Equity Housing falls within the national definitions of affordable housing for sale as 'other low-cost homes for sale' within the NPPF. The national ownership eligibility criteria is the same as for shared ownership affordable housing. In this instance Landspeed also apply a local connection as an additional eligibility criterion, which is not a national rule, but is supported by the Council.
- 6.13. The third request is to amend the required financial contribution of £46,200 for the Local Employment Scheme and instead require these monies for additional offsite affordable housing contribution and monitoring of the LES.
- 6.14. The Local Employment Scheme provides training for the benefit of the construction industry as a whole, to mitigate the impact of the predicted skills shortage in the sector and is necessary to meeting policy objectives in respect of Social Infrastructure in providing suitably trained individuals required for demolition or construction services for new development.

- 6.15. The training provision would be for people living within the administrative boundary of Brighton & Hove, and directly related to the employment needs of the development with the aim to increase opportunities to develop local skills and business performance and expand employment provision.
- 6.16. In this instance, the application site is adjacent to significant developments under construction at Sackville Trading Estate and Ellen Street. With over £360,000 for training and employment initiatives already secured in these areas there is a potential overprovision of employment contribution which would be difficult to spend during the construction phase. As such it is proposed to amend the requirement to provide the full contribution (of £46,200) for the LES. A reduced sum is now required with a total of £6,027 required for monitoring of the scheme.
- 6.17. As the original scheme failed to provide for a policy compliant level of 40% affordable housing it is required that the sum of £40,173 (the leftover sum from the LES) is put towards additional affordable housing provision. In this instance it is considered that the sum of £40,173 should be added to the overall offsite affordable housing contribution total.
- 6.18. In conclusion, it is considered that the applicant's proposal to vary the legal agreement to provide a commuted sum, in lieu of the onsite affordable rented portion of the affordable housing, is acceptable and would accord with the thrust of relevant planning policy and the aims of the Council. Shared equity is an acceptable form of affordable housing as set out in the NPPF and it is also agreed that the s106 legal agreement should be varied to allow either shared ownership or shared equity affordable housing for this part of the affordable housing offer. It is also agreed that the Local Employment Scheme contribution (excluding monitoring fees) is not required in this specific case and as such the requires monies should be put towards additional offsite affordable housing. It is therefore recommended that the Deed of Variation is permitted.

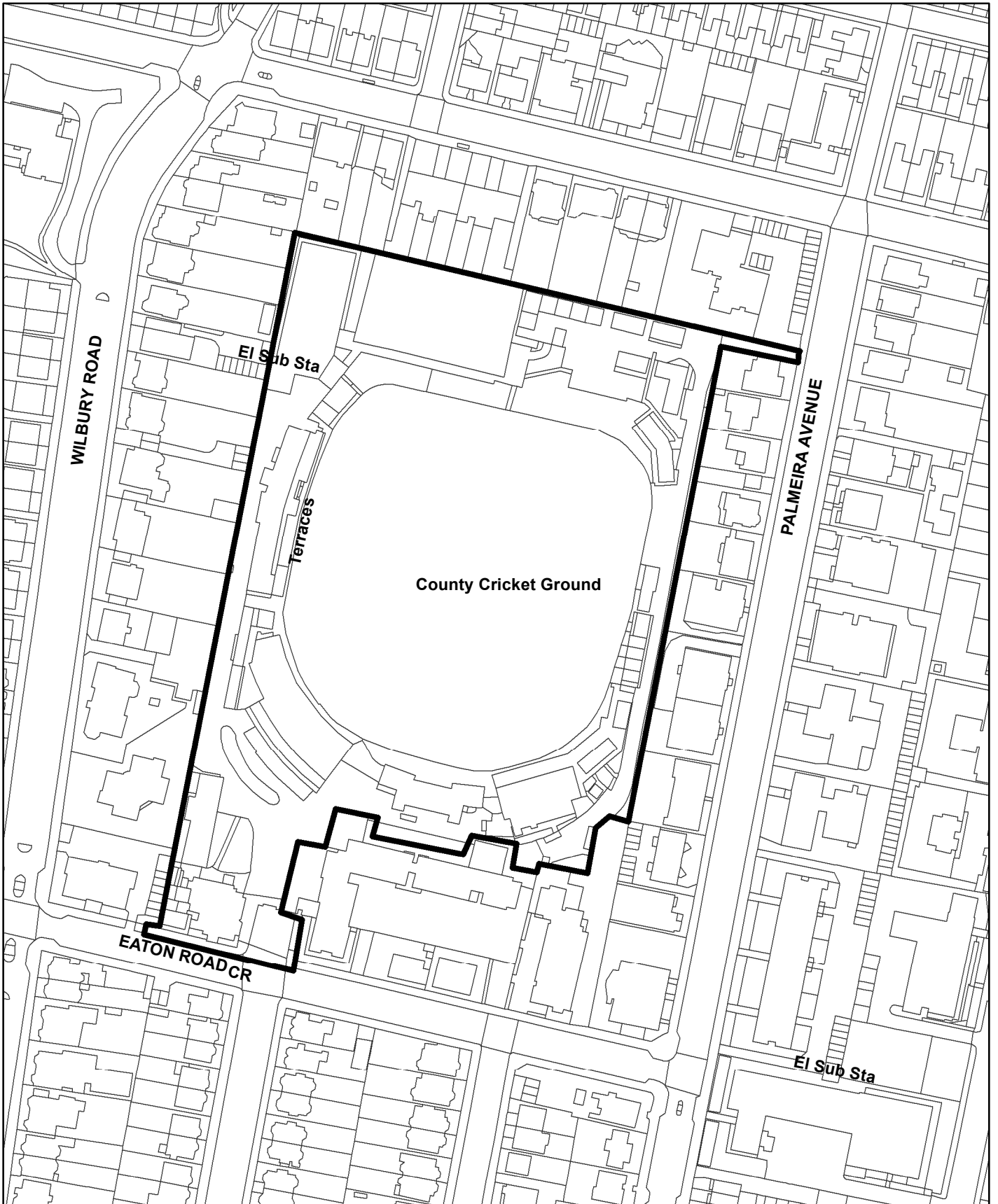
7. BACKGROUND DOCUMENTS: Planning Application BH2018/03356.

ITEM B

**Sussex County Cricket Ground
BH2021/04379
Removal or Variation of Condition**

DATE OF COMMITTEE: 9th March 2022

BH2021 04379 - Sussex County Cricket Ground



N



Scale: 1:2,000

<u>No:</u>	BH2021/04379	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Sussex County Cricket Ground Eaton Road Hove BN3 3AN		
<u>Proposal:</u>	Application to vary condition 43 (details of privacy screens to the balconies serving flats 2, 9, 10, 16, 22 and 27) of planning permission BH2020/03745.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	10.12.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	11.03.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	ECE Planning Limited Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road
<u>Applicant:</u>	Roffey Homes C/o ECE Planning Ltd Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road

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	6616-PL-Z0-03	P2	19 February 2020
Proposed Drawing	6616-PL-Z0-04	P2	19 February 2020
Proposed Drawing	6616-PL-Z0-05	P2	19 February 2020
Proposed Drawing	6616-PL-Z0-06	P2	19 February 2020
Proposed Drawing	6616-PL-Z3-03	P2	19 February 2020
Proposed Drawing	6616-PL-Z3-01	P2	19 February 2020
Proposed Drawing	6616-PL-Z3-02	P2	19 February 2020
Block Plan	6616-PL-Z0-02	P2	19 February 2020
Proposed Drawing	PL-Z4-02	P1	1 October 2019
Proposed Drawing	PL-Z4-03	P1	1 October 2019
Proposed Drawing	1369-HED-XX-XX-DR-L-1004	P01	1 October 2019
Proposed Drawing	1369-HED-SW-P1/P2-DR-L-1002	P01	1 October 2019

Proposed Drawing	1369-HED-XX-XX-DR-L-1001	P01	1 October 2019
Proposed Drawing	1369-HED-XX-XX-DR-L-1003	P01	1 October 2019
Proposed Drawing	1369-HED-XX-XX-DR-L-1005	P01	1 October 2019
Proposed Drawing	6350		1 October 2019
Proposed Drawing	1369-HED-XX-XX-DR-L-1006	P01	1 October 2019
Proposed Drawing	1369-HED-XX-XX-L-DR-2001	P01	1 October 2019
Proposed Drawing	1369-HED-XX-XX-L-DR-2002	P01	1 October 2019
Proposed Drawing	6351	P01	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-001	03	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-002	03	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-003	03	1 October 2019
Proposed Drawing	PL-Z1-02		1 October 2019
Proposed Drawing	PL-Z1-03	P4	21 November 2019
Proposed Drawing	PL-Z1-04	P4	21 November 2019
Proposed Drawing	PL-Z1-05	P4	28 February 2020
Proposed Drawing	PL-Z1-06	P4	28 February 2020
Proposed Drawing	PL-Z1-07	P4	28 February 2020
Proposed Drawing	PL-Z1-08	P2	1 October 2019
Proposed Drawing	PL-Z1-09	P2	1 October 2019
Proposed Drawing	PL-Z1-10	P3	28 February 2020
Proposed Drawing	PL-Z1-11	P3	28 February 2020
Proposed Drawing	PL-Z1-12	P3	28 February 2020
Proposed Drawing	PL-Z1-13	P2	28 February 2020
Proposed Drawing	PL-Z1-14	P1	1 October 2019
Proposed Drawing	PL-Z1-15	P2	28 February 2020
Proposed Drawing	PL-Z1-16	P1	1 October 2019
Proposed Drawing	PL-Z1-17	P2	2 March 2020
Proposed Drawing	PL-Z1-18	P1	1 October 2019
Proposed Drawing	PL-Z1-19	P1	1 October 2019
Proposed Drawing	PL-Z1-20	P1	1 October 2019
Proposed Drawing	PL-Z1-21	P2	1 October 2019
Proposed Drawing	PL-Z1-22	P1	1 October 2019
Proposed Drawing	PL-Z1-23	P3	28 February 2020
Proposed Drawing	PL-Z1-24	P1	1 October 2019
Proposed Drawing	PL-Z1-25	P1	1 October 2019
Proposed Drawing	PL-Z1-26	P1	1 October 2019
Proposed Drawing	PL-Z1-27	P1	1 October 2019
Proposed Drawing	PL-Z2-02	P1	1 October 2019
Proposed Drawing	PL-Z2-03	P1	1 October 2019
Proposed Drawing	PL-Z2-04	P1	1 October 2019

Proposed Drawing	PL-Z2-05	P1	1 October 2019
Proposed Drawing	PL-Z2-06	P1	1 October 2019
Proposed Drawing	PL-Z2-07	P1	1 October 2019
Proposed Drawing	PL-Z2-08	P1	1 October 2019
Proposed Drawing	PL-Z2-09	P1	1 October 2019
Proposed Drawing	PL-Z2-10	P1	1 October 2019
Proposed Drawing	PL-Z2-11	P1	1 October 2019
Proposed Drawing	PL-Z2-12	P1	1 October 2019
Proposed Drawing	PL-Z2-13	P1	1 October 2019
Proposed Drawing	PL-Z2-14	P1	1 October 2019
Proposed Drawing	PL-Z2-15	P1	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-004	01	1 October 2019
Proposed Drawing	LLD1590-ARB-DWG-005	01	1 October 2019
Location Plan	PL-Z0-01	P2	18 December 2020
Proposed Drawing	PL-Z1-04	P4	18 December 2020
Other		Cover Letter	18 December 2020

2. Not used.
3. The development hereby permitted must be begun not later than the expiration of five years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
4.
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping.
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
5. The works shall be carried out in strict accordance with the contaminated land details approved under application BH2020/02795.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

6. No works pursuant to this permission in respect of Phase 2 (other than demolition works and enabling works, and works to trees) shall commence on the respective phases, until there has been submitted to and approved in writing by the Local Planning Authority:
- a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme (a remediation method statement) shall include nomination of a competent person to oversee the implementation of the works.
AND
 - c) The phase 2 part of the scheme shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (1)c that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - i. built drawings of the implemented scheme;
 - ii. photographs of the remediation works in progress;
 - iii. certificates demonstrating that imported and/or material left in situ is free from contamination.
- Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
7. If during construction on any part of the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
- Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
8. The works shall be carried out in strict accordance with the ground level details approved under application BH2020/002795.
- 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 and Hove City Plan Part One.
9. The Phase 2 development hereby permitted shall not commence (other than demolition works and works to trees) until full details of existing and proposed

ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved 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 and Hove City Plan Part One.

10. Five per cent of the dwellings hereby permitted 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 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.
11. The works shall be carried out in accordance with the refuse and recycling storage facilities approved under application BH2021/03666. 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 recycling and to comply with policy QD27 of the Brighton and Hove local Plan.
12. Notwithstanding the approved plans, prior to occupation of Phase 2, a scheme for the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented and made available for use in accordance with the approved details. 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 recycling and to comply with policy QD27 of the Brighton and Hove local Plan.
13. None of the residential units hereby approved shall be occupied until each unit as 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 and Hove City Plan Part One.

14. None of the residential units hereby approved shall be occupied until each new build 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 and to comply with policy CP8 of the Brighton and Hove City Plan Part One.
15. Prior to their installation, details of the photovoltaic panels on the roof of Phase 1 shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panels shall be installed in accordance with the agreed details and made available for use prior to occupation of Phase 1. The photovoltaic panels shall be maintained thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water, materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton and Hove City Plan Part One.
16. Within 6 months of first occupation of the non-residential development in the Phase 1 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One
17. Within 6 months of first occupation of Phase 2 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been 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.
18. Details of any external lighting of the site within Phase 1 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed prior to first occupation of Phase 1 and maintained and operated in accordance with the approved details thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.
19. Details of any external lighting of the site within Phase 2 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type,

mounting height, aiming angles and luminaire profiles). The lighting shall be installed prior to first occupation/use of Phase 2 and maintained and operated in accordance with the approved details thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policy QD27 of the Brighton and Hove Local Plan.

20. The works shall be carried out in accordance with the material samples approved under application BH2021/01856. The development shall be carried out in strict accordance with the approved details.

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

21. No development above ground floor slab level of any part of the development hereby permitted on Phase 2 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, mortar, grouting, 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 of all hard surfacing materials
- d) details of the proposed window and door treatments
- e) details of all other materials to be used externally

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

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

22. The works shall be carried out in accordance with the example bay study approved under application BH2021/01856.

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

23. The works shall be carried out in strict accordance with the drainage details approved under application BH2020/02795.

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.

24. The development hereby permitted on Phase 2 shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for Phase 2 using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.

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

25. The works shall be carried out in accordance with the timetable for delivery of the public realm upgrade works in Phase 2 approved under application BH2021/03666. The scheme shall be implemented in accordance with the agreed timetable.
Reason: To ensure the satisfactory appearance of the development and to mitigate the Heritage harm identified in Phase 1 and to comply with policies HE6 of the Brighton and Hove Local Plan and policies CP12 and CP15 of the Brighton and Hove City Plan Part One.
26. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external façade except for those as shown on drawings and details of these shall be submitted to the Local Planning Authority for approval by the Local Planning Authority in writing for each respective phase of the development. The agreed measures shall be implemented.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
27. With the exception of the space shown as A3/A4 at ground floor level, the commercial premises hereby permitted in Phase 1 shall be used as flexible B1/D1 space only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.
28. The use of the offices/D1 space within Phase 1 hereby permitted shall not be carried out except between the hours of 06:30 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
29. No customers in the public house shall remain on the premises outside the hours of 09.00 to 00.30 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
30. The terrace attached to the public house shall not be in use between the hours of 22.30 and 09.30 on Mondays to Sundays, including Bank or Public Holidays.

The doors onto the external terrace must be closed and locked during those hours when the terrace is not in use.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

31. No music speakers are to be installed on the external terrace or amplified music played on the external terrace.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
32. Music or other audio equipment after 10.30pm, measured on the terrace of the flat above against the glazing line, should be no more than an average of 50db over 30 minutes. During the day, music from speakers as recorded on the terrace of the flat above against the glazing line should be no more than an average of 55db over 30 minutes.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
33. All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB greater than that required by Approved Document E of the building regulations performance standard for airborne sound insulation for purpose built dwelling-houses and flats. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.
Reason: To safeguard the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
34. The works shall be carried out in accordance with the treatment of all plant and machinery approved under application BH2021/01856. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the future occupiers of the development and adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
35. No development above ground floor slab level of Phase 2 of the development hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery in Phase 2 against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such
Reason: To safeguard the amenities of the future occupiers of the development and adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
36. The works shall be carried out in accordance with the landscaping and external cycle store details approved under application BH2021/03666. The approved

landscaping scheme 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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

37. Notwithstanding the plans submitted, within 6 months of the commencement of development of Phase 2 hereby permitted, a scheme for landscaping and external cycle store details shall be submitted to and approved in writing by the Local Planning Authority for the Phase 2 development. The approved landscaping scheme 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:
- (i) hard and soft surfacing and external structures (including steps, seating area, cycle stores to include type, position, design, dimensions, materials, durability and maintenance strategy and any sustainable drainage system used;
 - (ii) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, underground modular systems, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - (iii) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

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 unless the Local Planning Authority gives written consent to any variation.. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

38. The works shall be carried out in accordance with the details of the perimeter gates and fencing approved under application BH2021/03666. The boundary treatments shall be implemented and installed in accordance with the approved details prior to the occupation of Phase 1 of the development.

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

39. Prior to the occupation of Phase 2, details of the perimeter gates and fencing and any other boundary treatments (including Tate Gates) at scale 1:20, including their height, design, materials and durability, including lockable gates and designed to inhibit climbing and graffiti where it adjoining a highway, shall be submitted to and approved in writing by the Local Planning Authority. The

boundary treatments shall be implemented and installed in accordance with the approved details prior to the occupation of Phase 2 of the development.

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

40. The works shall be carried out in strict accordance with the Site Waste Management details approved under application BH2020/02457.
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 and Hove Waste and Minerals Local Plan.
41. No development, including demolition and excavation, shall commence until a Site Waste Management Plan for Phase 2, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The development in Phase 2 shall be carried out in accordance with the approved plan.
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 and Hove Waste and Minerals Local Plan.
42. Access to the flat roofs in Phases 1 and 2 other than those expressively approved as roof terraces/amenity space, shall be for maintenance or emergency purposes only and the flat roof shall not be used as an amenity area.
Reason: To protect neighbouring amenity and to comply with policy QD27 of the Brighton and Hove Local Plan
43. Notwithstanding the approved plans, prior to first occupation of the residential development hereby approved, balustrading of 1.3m in height with obscure glazing shall be installed to the western balustrade of the balcony to unit 9.
Reason: To protect the privacy of neighbouring occupiers in accordance with policy QD27 of the Brighton and Hove Local Plan.
44. The Phase 1 development hereby permitted shall not be occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of Phase 1 and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton and Hove Local Plan.
45. The Phase 2 development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of Phase 2 and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

46. The Phase 2 development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of Phase 2 and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
47. The works shall be carried out in strict accordance with the sustainability measures approved under application BH2020/02873. The agreed energy centre/plant rooms and connectons and metering shall be implemented before first occupation of each phase.
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.
48. The works shall be carried out in strict accordance with the access road details approved under application BH2020/02872. The works shall be implemented prior to the first occupation of the development and retained as such thereafter.
Reason: In the interests of highway safety and for the benefit of the public and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.
49. Within 6 months of the commencement of Phase 2, a Noise and Site Management Plan in respect of Phase 2 shall be submitted to and approved in writing by the Local Planning Authority, which shall include:
- restrictions on plant and equipment operation
 - restrictions on events and the use of amplified music or public address systems (within the buildings and the open space)
 - restrictions on the fire alarm and the life safety plant testing
 - the opening times of the café/restaurant
 - details of the management and monitoring of the open space when open and closed, and
 - How people will be managed and removed from the open space at closing times.
 - The aim of the plan should be to provide security and avoid noise nuisance within and around the site and should provide that during opening hours of the open space, security staff will patrol the public open space and take steps to minimise noise nuisance and anti-social behaviour. The approved Plan shall be implemented, maintained and the site operated in accordance with the agreed details.
- Reason:** To protect neighbouring amenity and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
50. Notwithstanding the approved plans, the windows in the western elevation at first and second floor level serving commercial space 03 and commercial space 05 shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

51. The works shall be carried out in strict accordance with the Demolition Environmental Management Plan approved under application BH2020/02457.
Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One
52. The works shall be carried out in strict accordance with the Construction Environmental Management Plan approved under application BH2020/02797.
Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.
53. 53. Notwithstanding the submitted details, prior to the commencement of Phase 2 a Demolition Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:
- i) The control of noise and dust during the development process;
 - ii) Traffic management and signage during demolition;
 - iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the demolition period;
 - iv) Arrangements during the demolition period to minimise the deposit of mud and other debris on to the adjacent highway;
 - v) The safe means of access of demolition traffic to the site;
 - vi) Routing agreement for demolition traffic; and
 - vii) The hours in which deliveries and demolition works would take place.
- Reason:** In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One
54. Notwithstanding the submitted details, prior to the commencement of Phase 2 a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:
- i) The control of noise and dust during the development process;
 - ii) Traffic management and signage during construction;
 - iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;
 - iv) Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;
 - v) The safe means of access of construction traffic to the site;
 - vi) Routing agreement for construction traffic; and
 - vii) The hours in which deliveries and construction works would take place.
- Reason:** In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

55. At least 12 car parking spaces shall be fitted with Electric Vehicle Charging points from the outset and these shall be retained for the lifetime of the development. In addition, the remaining car parking spaces should have the infrastructure arrangements provided to enable points to be installed retrospectively.
Reason: In the interest of promoting sustainable modes of transport, to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
56. The works shall be carried out in strict accordance with the provision and layout of the disabled car parking spaces approved under application BH2021/03666. The spaces shall be implemented on site in accordance with the approved details prior to occupation of the development and shall be retained for the lifetime of the development.
Reason: To ensure the availability and appropriate layout of the disabled car parking spaces and to minimise any impact on the operation of the local highway network and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
57. The works shall be carried out in accordance with the scheme of management of the vehicle parking in respect of Phase 1 approved under application BH2021/00149.
Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
58. No development above ground floor slab level of Phase 2 shall commence on site until a scheme of management of the vehicle parking in respect of Phase 2 has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:
- Details of how each car parking space will be allocated;
 - Details of how each car parking space will be managed to ensure there is maximum flexibility of the use of spaces within the parking layout;
 - Details of measures to ensure that there is no overspill parking onto the local highway.
- The above works must be implemented prior to the occupation of the building and hereafter be maintained as such.
Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
59. The works shall be carried out in accordance with the cycle parking facilities approved under application BH2021/03666. The approved facilities shall be fully implemented and made available for use prior to the first occupation of Phase 1 and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities and safe access to 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.

60. Notwithstanding the plans hereby permitted, prior to first occupation of Phase 2 the development details of secure and safe cycle parking facilities and access for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of Phase 2 and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities and safe access to 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.
61. Prior to the occupation of Phase 1, a Travel Plan, to encourage sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be in accordance with appropriate best practice guidance. The Travel Plan shall be implemented fully in accordance with the details approved pursuant to this condition prior to occupation of the development and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the Travel Plan and any replacement to it.
Reason: To encourage sustainable modes of transport and reduce reliance on the car amongst all occupants, residents and visitors and to comply with policy CP9 of the Brighton and Hove City Plan Part One
62. Prior to the occupation of Phase 2, a Travel Plan, to encourage sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be in accordance with appropriate best practice guidance. The Travel Plan shall be implemented fully in accordance with the details approved pursuant to this condition prior to occupation of the development and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the Travel Plan and any replacement to it.
Reason: To encourage sustainable modes of transport and reduce reliance on the car amongst all occupants, residents and visitors and to comply with policy CP9 of the Brighton and Hove City Plan Part One
63. The works shall be carried out in accordance with the Delivery and Servicing Management Plan approved under application BH2021/00149. The agreed plan shall be implemented before first occupation of Phase 1.
Reason: In order to ensure that the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton and Hove Local Plan.
64. The B1(a) office element of Phase 1 shall not be occupied until the changing room/shower and locker facilities have been provided for employees at the development
Reason: To encourage sustainable modes of transport and reduce reliance on the car amongst all occupants, residents and visitors and to comply with policy CP9 of the Brighton and Hove City Plan Part One
65. Not used.

66. Notwithstanding the approved plans, the vehicle parking areas in the basement of Phase 1 shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the residential development/commercial floorspace in Phases 1 hereby approved. No parking, waiting or loading shall take place in the external areas of the street except for the purposes of delivering and servicing the development.
Reason: To ensure that adequate parking provision is retained, to ensure the safety of people accessing the site and to comply with policy CP9 of the City Plan Part One and retained policy TR7 of the Brighton & Hove Local Plan.
67. No part of Phase 2 the development shall be first occupied until such time as a Delivery and Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, provision of management measures to ensure all loading and unloading can take place safely on-site and all vehicles can manoeuvre such that they arrive / depart in a forward gear, and shall set out arrangements for the collection of refuse. The Phase 2 Delivery and Servicing Management Plan shall consider the Phase 1 Delivery and Servicing Management Plan. Once occupied the use shall be carried out only in accordance with the approved Plan.
Reason: In order to ensure that the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
68. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment, Lizard Landscape Design and Ecology dated 11/09/19 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act Policy CP10 of Brighton & Hove City Council's City Plan Part One.
69. The works shall be carried out in accordance with details of the bird/bee/bat boxes or bricks approved under application BH2021/01856. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton and Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.
70. No development above ground floor slab level on Phase 2 hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird/bee/bat boxes or bricks have been submitted to and approved in writing by the Local Planning Authority. The

scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton and Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.

71. The works shall be carried out in accordance with the Drainage Strategy approved under application BH2021/00171.

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

72. The works shall be carried out in strict accordance with the tree protection measures approved under application BH2020/02457.

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

73. The stands in Phase 3 and 4 of the development shall not exceed the following heights in each of the following positions within the site:

- a) The terrace in Phase 3 shall not exceed 5.5 metres in height
- b) The terrace in Phase 4 shall not exceed 6 metres in height

Reason: To ensure the development integrates effectively with its surroundings and to comply with policy CP12 of the Brighton and Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan.

74. Prior to the commencement of the development of Phases 3 and 4 (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details. Specific issues to be dealt with in the TPP and AMS include:

- Details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) for the duration of the development within Phase 1 and Phase 2.
- Location and installation of services/ utilities/ drainage.
- Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- Details of construction or demolition within the RPA or that may impact on the retained trees.
- A full specification for the installation of boundary treatment works.
- A full specification for the construction parking areas including details of the nodig specification and extent of the areas of the parking areas to be constructed using a no-dig specification where possible. Details shall include relevant sections through them. Methodology and detailed assessment of root pruning should also be submitted, if required.

- A specification and plan for protective fencing to safeguard trees during both demolition and construction

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

75. No development to Phase 3 and Phase 4 (including demolition and excavation), shall commence until a Site Waste Management Plan for each respective Phase, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan.

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 and Hove Waste and Minerals Local Plan.

76.

- (1) No works pursuant to this permission in respect of Phases 3 and 4 shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

- a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the Local Planning Authority that the results of the site investigation are such that site remediation is required then,
- a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- built drawings of the implemented scheme;
- photographs of the remediation works in progress;
- certificates demonstrating that imported and/or material left in situ is free from contamination.

77. The development hereby permitted on Phase 3 and Phase 4 shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water

drainage for the relevant Phase using sustainable drainage methods as per the recommendations of the Sustainable Drainage and Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in accordance with the approved detailed design and management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

78. Prior to the occupation of Phase 3 and Phase 4, a Noise and Site Management Plan for each respective Phase shall be submitted to and approved in writing by the Local Planning Authority, which shall include:

- restrictions on plant and equipment operation
- restrictions on events and the use of amplified music or public address systems (within the buildings and the open space)
- restrictions on the fire alarm and the life safety plant testing
- the opening times of the café/restaurant
- details of the management and monitoring of the open space when open and closed, and
- How people will be managed and removed from the open space at closing times.
- The aim of the plan should be to provide security and avoid noise nuisance within and around the site and should provide that during opening hours of the open space, security staff will patrol the public open space and take steps to minimise noise nuisance and anti-social behaviour. The approved Plan shall be implemented, maintained and the site operated in accordance with the agreed details.

Reason: To protect neighbouring amenity and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

79. Prior to the commencement of Phase 3 and 4, a scheme in respect of the following matters will be submitted in respect to Phase 3 and 4:

- details for the secure cycle parking facilities for Phases 3 and 4 visitors have been submitted to and approved in writing by the Local Planning Authority
- details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority
- the provision and layout of the disabled car parking spaces shall be agreed in writing with the Local Planning Authority
- management plan for the surface car parking spaces (updated following implementation of Phases 1 and 2 and to take into account phases 3 and 4.

These facilities shall be fully implemented and made available for use prior to the use of the stands hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to ensure adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

80. Phases 3 and 4 of the development shall not be occupied until 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 has been 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.

81. No development beyond Phase 2 shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.

The works will include:

- Creation of a new vehicle crossover to the south west of the site from Eaton Road. Works will include the installation of new textured concrete edging, tactile paving and repairs/reinstatement of existing flagged paving
- Repairs and reinstatement of the existing flagged paving on the existing footway that runs between the entrance to the ground and the Ashdown building and Wilbury Lodge
- Repairs to the tarmac paving adjacent to the side of the Ashdown building and reinstatement with matching flag paving
- Refurbish and upgrade the existing access off Eaton Road to include new tactile paving, textured concrete edging and new block paving. The works will also include new brick wall planters and planting along the side of the new apartment block
- Where applicable indicating proposals for:
 - Existing levels of the finished highway tying into building threshold levels
 - Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
 - Signing, street furniture, street trees and pits
 - Structures on or adjacent to the highway
 - Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order. Prior to first use of Phase 4 of the proposals these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

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. The site is located on the northern side of Eaton Road, Hove and is currently under redevelopment. It includes the Sussex County Cricket Ground, the former Cricketers Public House (now demolished), No.1 Eaton Road (now demolished), and a chalet-type commercial building to the south of the site. The site covers an area of approximately 3.8 hectares and although generally flat, there is a clear and notable difference in ground levels in various locations, as evidenced by the levels of adjacent properties and roads.
- 2.2. The main access for pedestrians and vehicles is to the east side of the former Cricketers Public House, part of the approach being shared with access to 'Ashdown' an L-shaped flatted block. A secondary access, referred to as 'Gate 2', is located to the north-east of the site, adjacent to the access to Cromwell Court and north of the detached dwelling at No.66 Palmeira Avenue. It is understood this also services business uses located in the north-eastern section of the site.
- 2.3. Works to redevelop the site began on 1 December 2020.

3. RELEVANT HISTORY

- 3.1. Planning permission was granted in August 2020 for the redevelopment of the site, as follows:
- 3.2. BH2019/02948 Hybrid Planning Application comprising: (Phase 1) Full Planning application for the demolition of existing public house, single dwellinghouse & single storey commercial building and the construction of a 9-storey (over basement) mixed use building comprising re-provision of public house/restaurant (A3/A4), 37no. residential apartments (C3) and approximately 1,200sqm flexible commercial space (B1/ D1) together with ground & basement parking; (Phase 2) Full Planning application for demolition of Club offices and partial demolition of southwest stand and the construction of new build extension and adaptation of southwest stand to include club shop, reception area; bar and café, hospitality area together with enhancements to the public realm; (Phase 3) Outline Planning application for provision of two stands of permanent seating to replace informal seating areas, together with improvements to spectator hospitality facilities including works to existing single storey buildings; (Phase 4) Outline Planning application for demolition of existing hospitality area and construction of new stand to replace displaced seating. Approved 24 August 2020.
- 3.3. Since that date, various conditions and non-material amendments have been approved, as well as the following variation of condition.

- 3.4. BH2020/03745: Application for variation of condition 29 of application BH2019/02948 (see original description) to amend the wording of condition 29 to the following 'No customer in the public house shall remain on the premises outside the hours of 09:00 - 00:30 on Mondays to Sundays, including Bank or Public Holidays'. Approved March 2021.

4. APPLICATION DESCRIPTION

- 4.1. This application seeks to vary condition 43 of application BH2020/03745 which, as approved, stated:
“Notwithstanding the approved plans, prior to first occupation of the residential development hereby approved full details of privacy screens to the balconies serving flats 2, 9, 10, 16, 22 and 27 shall be submitted to and approved in writing by the Local Planning Authority. The approved screening shall prevent overlooking westwards and shall be carried out in full as approved prior to first occupation of the development and thereafter permanently retained as such. Reason: To protect the privacy of neighbouring occupiers in accordance with policy QD27 of the Brighton and Hove Local Plan.”

5. CONSULTATIONS

None

6. REPRESENTATIONS

- 6.1. **Twelve (12)** representations have been received objecting to the proposals on the following grounds:
- Loss of privacy/overlooking;
 - Trees on the boundary don't provide sufficient screening for the majority of the year.

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

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.

DM1 Housing Quality, Choice and Mix
 DM10 Public Houses
 DM11 New Business Floorspace
 DM18 High quality design and places
 DM19 Maximising Development Potential
 DM20 Protection of Amenity
 DM22 Landscape Design and Trees
 DM26 Conservation Areas
 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
 DM43 Sustainable Urban Drainage
 DM44 Energy Efficiency and Renewables

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP1 Housing delivery
 CP2 Sustainable economic development
 CP3 Employment land
 CP5 Culture and tourism
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP11 Flood risk
 CP12 Urban design
 CP13 Public streets and spaces
 CP14 Housing density
 CP15 Heritage
 CP16 Open space
 CP17 Sports provision

CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

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

TR4 Travel plans
TR7 Safe Development
TR12 Helping the independent movement of children
TR14 Cycle access and parking
TR18 Parking for people with a mobility related disability
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO8 Retaining Housing
HO13 Accessible housing and lifetime homes
HO19 New community facilities
HO20 Retention of community facilities
EM4 New business and industrial uses on unidentified sites
SR12 Large Use Class A3 (food and drink) venues and Use Class A4 pubs and clubs)
HE3 Development affecting the setting of a listed building
HE6 Development within or affective the setting of conservation areas
HE10 Buildings of local interest
SU3 Water resources and their quality
SU5 Surface water and foul sewerage disposal infrastructure

Supplementary Planning Guidance:

SPGBH15 Tall Buildings

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The original approved scheme (BH2019/02948) was granted on the 21st February 2020. This application was subsequently varied under application BH2020/03745 which was approved on the 23rd of March 2021. The current application seeks to vary this latest application.

- 9.2. The Local Planning Authority considered the previous schemes to be acceptable in all regards and secured various details and measures by planning conditions and via a S106 agreement.
- 9.3. The considerations to be taken into account in this application solely relate to the variation of condition 43 of application BH2020/03745 which relates to privacy screens to particular balconies on the western side of the development.

Condition 43

- 9.4. The condition as currently attached states:
*“Notwithstanding the approved plans, prior to first occupation of the residential development hereby approved full details of privacy screens to the balconies serving flats 2, 9, 10, 16, 22 and 27 shall be submitted to and approved in writing by the Local Planning Authority. The approved screening shall prevent overlooking westwards and shall be carried out in full as approved prior to first occupation of the development and thereafter permanently retained as such.
Reason: To protect the privacy of neighbouring occupiers in accordance with policy QD27 of the Brighton and Hove Local Plan.”*
- 9.5. The approved plans of the original permission (BH2019/02948) provided balconies to apartments 2 9, 10, 16, 22 and 27 (as listed within condition 43) with balustrading of 1.1m in height with clear glazing.
- 9.6. However, the above condition was attached in order to provide additional screening of views, to protect the amenities of neighbours within Saffron Gate and Wilbury Lodge to the west of the application site.
- 9.7. The current application seeks to remove the requirement to provide privacy screens to each of the units listed above, noting that the height of the balustrades, as shown on the approved plans, is acceptable and further privacy screening is not needed to prevent views into neighbouring dwellings.
- 9.8. This application is supported by plans showing the separation distances between the balconies to units 2, 9, 10, 16, 22 and 27 and the nearest neighbouring property to the west. The plans demonstrate that the minimum distance between the proposed balconies and Saffron Gate would be in excess of 26m, other than for Apartment 9, for which the distance would be 24.7m.
- 9.9. On the eastern side of the development, a number of balconies are proposed of a similar size and position to those the subject of this application. Under the original application, officers and committee members considered that the separation distance between the scheme and the properties to the east was sufficient to not result in a loss of privacy owing to the space between which provides the entrance to the cricket ground.
- 9.10. The separation distance between the eastern elevation of phase 1 of this development and Ashdown (located to the east) is measured to be 24m. As this distance has previously been considered acceptable in maintaining privacy for neighbouring residents, it is considered that the distance between the balconies on the western elevation and Saffron Gate is sufficient and does not warrant the

need for additional screening. In addition it should be noted that the balconies to the fourth and fifth floor would be positioned above the ridge height of Saffron Gate.

- 9.11. Further it should be noted that between the application site and Saffron Gate is a line of trees that provides screening between the two sites. Whilst it is acknowledged that the level of screening between properties will vary depending on the season, it is considered that this, combined with the distance between the properties will ensure acceptable levels of privacy are maintained.
- 9.12. Notwithstanding the above, the proposed balcony to unit 9 would be situated at a closer distance to Wilbury Lodge which fronts Eaton Road. The resultant distance between this proposed balcony and the corner of Wilbury Lodge would measure 19.4m. In this instance, the proposals include provisions to increase the height of the western balustrade to this external amenity space to 1.3m and provide opaque glazing. These measures are considered acceptable in ensuring the privacy of occupiers within this neighbouring residential block. These measures will be secured by condition. Given the position of the balcony in relation to Wilbury Lodge, any views would not be directly opposite.
- 9.13. It should also be noted that the balconies within the units listed within condition 43 serve the primary living areas of these units within phase 1 and therefore any significant increase in the height of the balustrades or measures to include opaque glazing will reduce the light and outlook from within these units thereby reducing their standard of accommodation.
- 9.14. It is for these reasons that the variation of condition 43 to require only additional privacy measures to unit 9 is considered acceptable.

106 Agreement:

- 9.15. There are provisions in the S.106 Legal Agreement, so that the Agreement will relate to and bind any new permission resulting from a S.73 application.

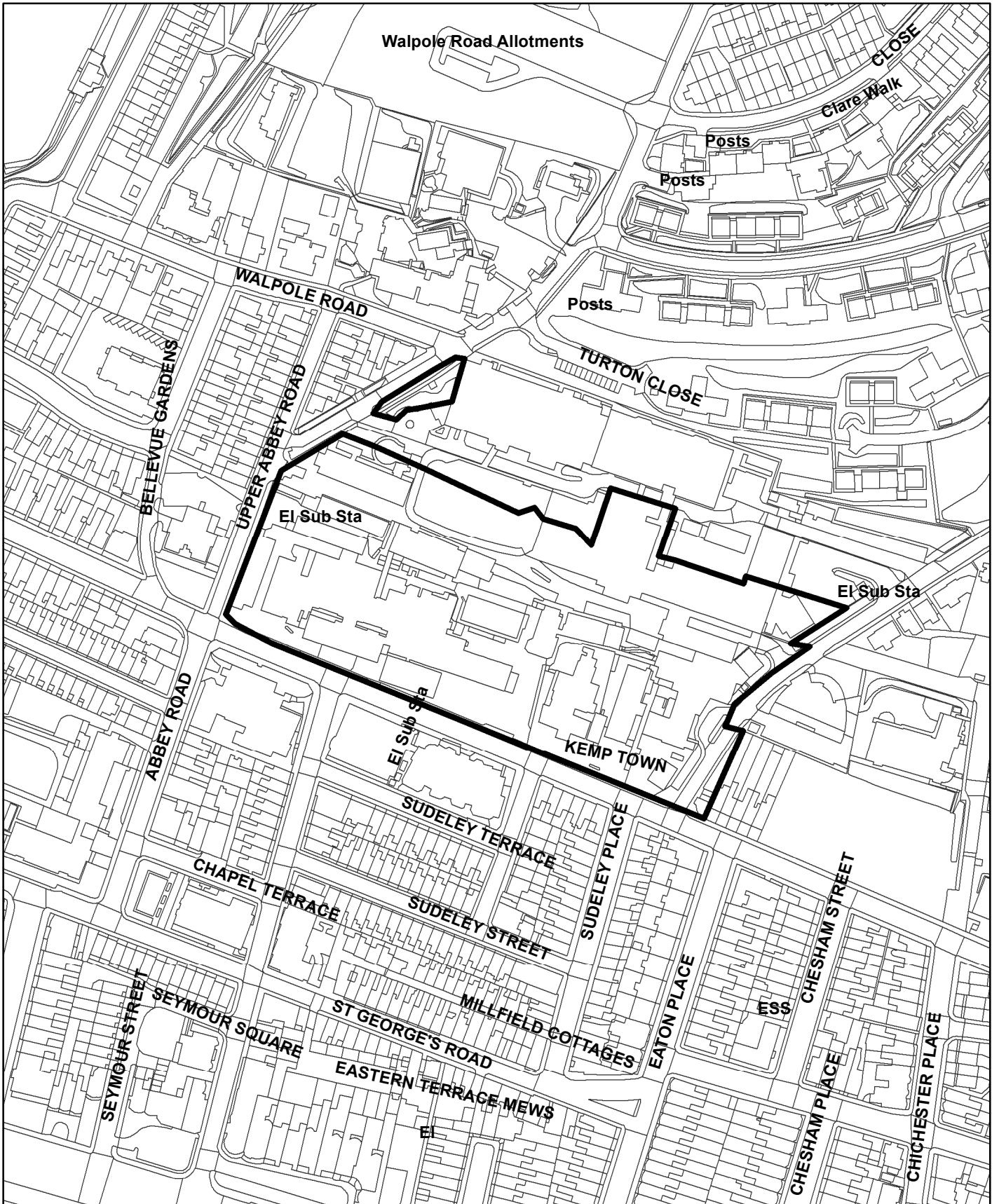
10. EQUALITIES
None identified

ITEM C

**Royal Sussex County Hospital
BH2021/03056
Removal or Variation of Condition**

DATE OF COMMITTEE: 9th March 2022

BH2021 03056 - Royal Sussex County Hospital



N



Scale: 1:2,500

<u>No:</u>	BH2021/03056	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Royal Sussex County Hospital Eastern Road Brighton BN2 5BE		
<u>Proposal:</u>	Demolition of existing hospital buildings located to the north of Eastern Road and to the south of the existing children's hospital building and Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp Tower. Erection of new hospital buildings incorporating Stage 1: Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road. (Part retrospective to address non-compliance with Condition 2 (approved drawings) and Condition 10 (helipad height and design). (The application includes an Environmental Impact Assessment).		
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	18.08.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	08.12.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	BDP 16 Brewhouse Yard London EC1V 4LJ		
Applicant:	C/O BDP 16 Brewhouse Yard London EC1V 4LJ		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the S106 agreement for planning permission BH2011/02886, the securing of a Unilateral Undertaking relating to transport issues, and the following Conditions and Informatives as set out hereunder **SAVE THAT** should the Deed of Variation not be completed on or before 1 June 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report.

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	BDP-AR-SW-A00-GA-00-0201	F01	18 August 2021

Proposed Drawing	BDP-AR-HE-A00-GA-L15-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-HE-A00-GA-L16-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-HE-A00-GA-L18-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST3-A00-EL-00-0203	F02	18 August 2021
Proposed Drawing	BDP-AR-SB-A00-SE-00-0201	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0251	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0252	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0253	F03	18 August 2021
Proposed Drawing	BDP-AR-SB-A00-EL-00-0202	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0207	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0209	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0212	F04	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-EL-00-0202	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0239	F02	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-SE-00-0206	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0204	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0202	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0203	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-SE-00-0201	F04	18 August 2021
Proposed Drawing	BDP-AR-HE-A00-EL-00-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-HE-A00-EL-00-0202	F03	18 August 2021
Proposed Drawing	BDP-AR-SB-A00-EL-00-0203	F03	15 February 2022
Proposed Drawing	BDP-AR-SB-A00-GA-L05-0201	F03	15 February 2022
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0202	F04	18 August 2021

Proposed Drawing	BDP-AR-ST1-A00-EL-00-0203	F05	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0204	F05	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0233	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-EL-00-0241	F04	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-B01-0231	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-B02-0201	F02	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L01-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L02-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L03-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L04-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L05-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L06-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L07-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L08-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L09-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L10-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L11-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L12-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-L13-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0201	F02	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0202	F02	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-EL-00-0204	F02	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-GA-L02-0201	F02	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-GA-00-0241	F03	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-GA-00-0261	F02	18 August 2021

Proposed Drawing	BDP-AR-SW-A00-GA-00-0271	F03	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-GA-00-0281	F03	18 August 2021
Proposed Drawing	BDP-AR-SW-A00-GA-00-0291	F03	18 August 2021
Proposed Drawing	BDP-LS-ST1-A00-GA-ZZ-0201	F03	18 August 2021
Proposed Drawing	BDP-AR-ST1-A00-GA-B01-0201	F04	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-GA-B01-0201	F04	18 August 2021
Proposed Drawing	BDP-LS-SW-A00-GA-L01-0201	F04	18 August 2021
Proposed Drawing	BDP-LS-SW-A00-GA-ZZ-0201	F05	18 August 2021
Proposed Drawing	BDP-AR-ST2-A00-GA-L01-0201	F05	18 August 2021
Proposed Drawing	BDP-EL-ST1-A00-GA-ZZ-6314	F01	18 August 2021
Proposed Drawing	BDP-EL-ST1-A00-GA-ZZ-6315	F01	18 August 2021
Proposed Drawing	BDP-EL-ST1-A00-GA-ZZ-6316	F01	18 August 2021

2. Not used.
3. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In accordance with BS7445:2003, there shall be no low frequency tones produced by the plant.
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.
4. Apart from patient transfer, no vehicular movements nor any loading or unloading of vehicles shall take place in the Stage 3 service yard or on the southern service road except between 7am and 7pm.
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.
5. Within 3 months of the date of this planning permission, a tree planting scheme, including a 5 year management and maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timeframe for such planting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP10 of the City Plan Part 1.

6. Any trees which are planted as required by condition 5, that die within 5 years of being planted, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP10 of the City Plan Part 1.

7. Use of the basement car parking hereby approved shall be for patients and visitors only.

Reason: In order to retain an acceptable number of dedicated patient and visitors car parking spaces on site and to restrict the number of staff parking spaces available and to comply with policy CP9 of the City Plan Part 1.

8. A minimum number of 40 car parking spaces for cancer patients, 21 disabled car parking spaces, 27 motorcycle parking bays, 12 short stay parking bays and the dedicated underground drop off zone shall be marked out and permanently retained within the basement car park.

Reason: In order to retain an acceptable number of dedicated patient and visitors car parking spaces on site and to restrict the number of staff parking spaces available and to comply with policy TR18 of the Brighton & Hove Local Plan.

9. Development shall be carried out in accordance with details approved under BH2016/00623.

Reason: To ensure that satisfactory facilities for the parking of cycles during the construction phase and post occupation of the development hereby approved 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 CP9 of the City Plan Part 1.

10. Within 3 months of the date of this permission, details of the final verified design of the helipad including details of the associated plant, lifts and staircases shall be submitted to and approved in writing by the Local Planning Authority. The height of the helipad shall not exceed 118.3 metres AOD. The details submitted shall include confirmation from a suitably qualified person that the final design to be implemented would meet the requirements of the Civil Aviation Authority and all other necessary safety requirements. The helipad shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: In order that the Local Planning Authority can be satisfied that the final design is acceptable in terms of its visual impact, in particular its effect on the setting of adjoining Conservation Areas and Listed Buildings and complies with policies HE3 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the City Plan Part 1.

11. Within 3 months of the date of this permission, final details of external lighting of the helipad shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
12. The helipad hereby approved shall not be used other than by helicopters of the Air Ambulance, HM Coastguard or Police, for Major Trauma Medical Emergencies or Major Incidents and will not be used for any other journeys whatsoever including visitors, personal or pleasure use.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
13. The helipad shall only be used between 07.00 and 19.00 hours except in the case of a Major Incident. A Major Incident is defined within the NHS Emergency Planning Guidance (2005), or any subsequent update to this Guidance.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
14. The number of helicopter flights landing on the helipad hereby approved shall be limited to 64 per annum plus a tolerance of 10 %.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
15. All lighting on the helipad shall only be in use temporarily in connection with an impending helicopter landing or departure for the minimum period required for operational or safety reasons. An exception to this will be any steady red aviation warning lighting required at night by the Civil Aviation Authority on tall buildings or structures.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan .
16. The helipad hereby approved shall not be used for carrying out routine repairs and maintenance to helicopters including leaving engines idling.
Reason: To safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
17. Following the commencement of use of the helipad, annual monitoring reports shall be submitted to the Local Planning Authority for a period of 10 years. The reports shall include details of:
 - a) Total number of landings and departures in previous 12 months.
 - b) Total number of daytime (0700-1900 hours) and night time flights in previous 12 months
 - c) Details of the number of flights carried out by each operator permitted to use the helipad in condition 15.
 - d) Trauma level and degree of medical emergencies (using the medical definition of a Major Trauma as having an Injury Severity Score of 15 or above) for which the helipad was used in daytime and night time.

- e) A log of the number of complaints in the previous 12 months received by the Trust concerning all operations of the helipad.
 During this 10 year period the Trust shall make the log book of helipad use available for the Council's inspection upon 7 days prior notice.
Reason: In order to monitor and minimise the levels of activity associated with the helipad and to safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. Within 3 months of the date of this permission, samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the helipad, additional lifts and Energy Centre flues shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.
19. The Energy Centre shall not be brought into use until the Applicant has demonstrated that the emissions produced would result in an NO₂ concentration at all heights of the Thomas Kemp Tower which is less than 40µg/m³ as an annual mean and is less than 200µg/m³ for the 19th highest hour in the year. This evidence is to be submitted to and approved in writing by the Local Planning Authority. This final evidence will include the results of further dispersion modelling and nitrogen dioxide monitoring which will be used to inform the scope of any Computation Fluid Dynamic (CFD) study (if required) and details of any Mitigation Scheme proposed to reduce emissions from the Energy Centre. The Mitigation Scheme shall also include details of mechanical ventilation systems and the specification and maintenance of NO_x filters for the Thomas Kemp Tower where appropriate. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To protect local air quality and to ensure that the cumulative impacts are managed and to comply with policy SU9 of the Brighton & Hove Local Plan.
20. The development shall be implemented in accordance with details approved under BH2016/01437 and BH2021/03392.
Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
21. If, during development of the Stage 1 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.
Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
22. The development shall be carried out in accordance with the external lighting details approved under BH2021/03682 and thereafter retained.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

23. An acoustical survey shall be carried out post completion and occupation of the Stage 1 building to demonstrate that all plant and machinery is capable of running cumulatively at 5dB(A) below existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 1 building, and 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 development shall be implemented in accordance with details approved under BH2016/01904 and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.
25. The development shall be implemented in accordance with details approved under BH2016/01905 and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.
26. The development shall be implemented in accordance with details approved under BH2016/01904 and retained as such thereafter.
Reason: To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with Policy SU5 of the Brighton & Hove Local Plan and policy CP11 of the City Plan Part 1.
27. Within 3 months of the date of this permission, a scheme for the landscaping of the Stage 1 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development, shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP10 of the City Plan Part 1.
28. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 1 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written

consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP10 of the City Plan Part 1.

29. Within 3 months of the date of this permission, samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.
30. The development shall be carried out in accordance with details approved under BH2017/03881.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.
31. The cycle parking facilities shall be carried out in accordance with details approved under BH2021/03393 and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and policy CP9 of the City Plan Part 1.
32. The Stage 1 Building shall not be occupied until details including locations of one Real Time Information and one REACT facility have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details prior to the Stage 1 Building being first occupied and shall be retained as such thereafter.
Reason: To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy CP9 of the City Plan Part 1.
33. A signage strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of Stage 1 to include details of the location of information, warning and directional signage around the perimeter of the development hereby approved as follows:
- a) information, location and availability of visitor car parking spaces hereby approved.
 - b) directional signage for staff car parking.
 - c) information signage at Bristol Gate access to underground car parking
 - d) warning signage for cars emerging from underground car park.
 - e) information on location and availability of all staff and visitor cycle parking facilities serving the RSCH campus.
 - f) directional signage to main entrances of Stages 1 and 2.
 - g) directional signage for location of bus stops.

The strategy shall include details of the timeframe for the implementation of a) to g) above. The scheme shall be implemented fully in accordance with the approved details.

Reason: To ensure efficient navigation around the site and to comply with policy TR7 of the Brighton & Hove Local Plan.

34. A non-clinical waste and recycling strategy to cover the whole development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of Stage 1. The strategy shall include details of separation at source of all waste within the public areas of the hospital to include all public reception and waiting areas, shops, cafes, restaurants, staff management and teaching areas together with the Stage 3 service yard area. The Strategy shall include targets for reduction in waste and for increasing recycling with annual monitoring. The scheme shall be implemented in accordance with the approved strategy for each stage of the development.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policy CP8 of the City Plan Part 1.

35. The development shall be carried out in accordance with details approved under BH2016/01603.

Reason: To ensure the satisfactory preservation of these listed structures and their setting and to comply with policies HE1, HE3 and HE4 of the Brighton & Hove Local Plan and policy CP15 of the City Plan Part 1.

36. The hospital chapel shall be reconstructed in the location shown on the drawings hereby approved prior to the occupation of Stage 1 development.

Reason: To ensure the satisfactory preservation of this listed building and to comply with Policies HE1 and HE4 of the Brighton & Hove Local Plan and policy CP15 of the City Plan Part 1.

37.

- (i) No works shall take place on the Stage 2 development site until a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
- (ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 2 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented. Such verification for each phase shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

38. If, during development of the Stage 2 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

39. No development shall commence at Level 1 of the Stage 2 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

40. An acoustical survey shall be carried out post completion and occupation of the Stage 2 building to demonstrate that all plant and machinery is capable of running cumulatively at 5dB(A) below existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 2 building, and 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.

41. The Stage 2 building shall not be occupied until a final rainwater recycling scheme for the irrigation of the Stage 2 roof terrace, has been submitted to and approved in writing by the Local Planning Authority. The rainwater recycling scheme shall also include details of the necessary safeguards to protect public health. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure that the rainwater recycling scheme would not cause harm to public health and to comply with policy SU9 of the Brighton & Hove Local Plan.

42. No works on the Stage 2 development site shall take place until final details of the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.

43. No works on the Stage 2 development site shall take place until final details of the proposed water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.
44. No works on the Stage 2 development site shall take place until a final scheme detailing the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the principles within the submitted document, the 'Conceptual Surface Water Strategy" (WSP-CI-SW-RP-0012 dated September 2011), with regard to the Sustainable Urban Drainage System techniques. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Prior to the occupation of the Stage 2 Building, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with Policy SU5 of the Brighton & Hove Local Plan and policy CP11 of the City Plan Part 1.
45. No development shall commence at Level 1 of the Stage 2 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping on the Stage 2 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the City Plan Part 1.
46. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 2 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the City Plan Part 1.
47. The Level 6 roof terrace of the Stage 2 building shall be made available for public use within 6 months of first occupation of the Stage 2 Building.

Reason: To ensure the roof terrace facilities are made available to the public and to comply with policy QD27 of the Brighton & Hove Local Plan.

48. Prior to re-construction of the existing brick boundary wall at the Upper Abbey Road/Eastern Road junction, a sample panel shall be constructed for approval by the Local Planning Authority to include details of the brick sample and mortar colour and jointing details. The wall shall be implemented fully in accordance with the approved details prior to the occupation of the Stage 2 Building.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.

49. The Stage 2 development hereby permitted shall not be occupied until details of secure and covered cycle parking facilities at the front of Stage 2 as indicated on the approved plans for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and policy CP9 of the City Plan Part 1.

50. No development at Level 1 of the Stage 2 Building shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.

51. The Stage 2 Building shall not be occupied until details including locations of one Real Time Information and one REACT facility have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details prior to the Stage 2 Building being first occupied and shall be retained as such thereafter.

Reason: To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy CP9 of the City Plan Part 1.

52. No development at Level 1 of the Stage 2 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.

- 53.

- i) No works shall take place on the Stage 3 development site until a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
- (ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 3 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented such verification for each phase shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

54. If, during development of the Stage 3 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

55. No development shall commence at Level 3 of the Stage 3 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

56. An acoustical survey shall be carried out post completion and occupation of the Stage 3 building to demonstrate that all plant and machinery is capable of running cumulatively at 5dB(A) below existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 3 building, and 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.

57. No works on the Stage 3 development site shall take place until final details of the means of foul water disposal have been submitted to and approved in writing

by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.

58. No works on the Stage 3 development site shall take place until final details of the proposed water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy CP11 of the City Plan Part 1.

59. No works on the Stage 3 development site shall take place until a final scheme detailing the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the principles within the submitted document, the 'Conceptual Surface Water Strategy" (WSP-CI-SW-RP-0012 dated September 2011), with regard to the Sustainable Urban Drainage System techniques. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Prior to the occupation of the Stage 3 Building, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with Policy SU5 of the Brighton & Hove Local Plan and CP11 of the City Plan Part 1.

60. No development shall commence at Level 3 of the Stage 3 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping of the Stage 3 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the City Plan Part 1.

61. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 3 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the City Plan Part 1.

62. No development of the Stage 3 site shall take place 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 in full as approved prior to first occupation of the Stage 3 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 policy QD27 of the Brighton & Hove Local Plan and policy CP8 of the City Plan Part 1.

63. No works shall take place on the Stage 3 development site until a servicing and delivery strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the type and size of delivery vehicles that may use the service yard and arrangements for access and egress to and from the public highway and the service yard. The scheme shall also include details of a swept path analysis for HGV and larger delivery vehicles. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of residential properties with the objective of minimising use of the service road exit onto Upper Abbey Road and to minimise noise and disruption and congestion on Upper Abbey Road and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

64. No development at Level 3 of the Stage 3 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part 1.

65. No development of the substation site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping on the substation site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the City Plan Part 1.

66. All planting, seeding or turfing comprised in the approved scheme of landscaping for the substation site shall be carried out in the first planting and seeding seasons following the operation of the building or the completion of the

development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the City Plan Part 1.

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 a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
3. The applicant is advised that the above conditions on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
It is strongly recommended that in submitting details in accordance with these conditions the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
5. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP

(telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).

6. Additionally, the holding of a planning consent, does not guarantee against the Council receiving and being required to investigate complaints of noise or light nuisance. The Council has a statutory duty to investigate such matters under the Environmental Protection Act 1990 and if deemed to be a statutory nuisance, to serve an abatement notice to remedy the matter accordingly.
7. Not used.
8. 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).
9. With regard to condition 12, a Major Trauma Medical Emergency is defined as having an Injury Severity Score of 15 or more, using the Association for the Advancement of Automotive Medicine's global Abbreviated Injury Scale (1974).
10. With regard to conditions 12 and 13, the NHS Emergency Planning Guidance (2005) defines a Major Incident as 'any occurrence that presents serious threat to the health of the community, disruption to the service or causes (or is likely to cause) such numbers or types of casualties as to require special arrangements to be implemented by hospitals, ambulance trusts or primary care organisations.'
11. Not used.
12. The applicant should note that the CEMP as finally agreed should include details of 24 hour helpline for local residents to contact Council officers as well as the applicant/contractor.
13. The s106 Public Art Contribution should in part be used to fund the installation of a blue plaque to commemorate the work of Charles Barry on the site.
14. The existing historic signage located on the site should not be lost and the Planning Committee would like to see them re-used throughout the site as appropriate.

2. SITE LOCATION

- 2.1. This application relates to the Royal Sussex County Hospital (RSCH) which is bounded by Eastern Road on its south side, Bristol Gate to the east, Upper Abbey Road and Whitehawk Hill Road to the west and Turton Close and the Bristol Estate to the north.
- 2.2. The application site within the red line predominantly comprises the land south of the Southern Service Road and north of Eastern Road. The existing buildings currently on site within the red line include the Barry Building and Grade II Listed Chapel. The majority of the other buildings on the site have since been

demolished as part of Stage 1 of the redevelopment works currently taking place as part of the implementation of the 3Ts redevelopment, granted planning permission in March 2012 (Ref: BH2011/02886). Stage 2 of the project would involve the demolition of the Barry Building and the Listed Chapel.

- 2.3. The red line of the application site also includes a small area adjacent to the Northern Service Road (North Road) and the western end of the Multi Storey Car Park (MSCP) where a new sub-station is proposed.
- 2.4. The existing 13 storey Thomas Kemp Tower on the north side of the southern service road is also included within the application site as a helipad is proposed on top of it. At the time of writing, this helipad has largely been constructed.
- 2.5. The current main entrance for the hospital is at the front of the Barry Building. To the north of the southern service road are the Children's Hospital (8 storey), the Thomas Kemp Tower and the Pathology and A & E Building. To the north of the Northern access road are the 7 storey multi-storey car park, Sussex Kidney Unit and the 5 storey Millennium Wing.
- 2.6. The RSCH site rises up steeply north of Eastern Road and there is a difference in levels of approximately 18 metres from Eastern Road to the northern boundary of the whole hospital site.
- 2.7. There are other RSCH buildings on the south side of Eastern Road including Outpatients, the Audrey Emerton Building and the Sussex Eye Hospital. These buildings are outside of the application site. The Macmillan Horizon Centre is located to the east of the site and east of Bristol Gate.
- 2.8. Upper Abbey Road to the west consists of two-storey Victorian terraced residential properties with Courtney King House, which is a 10 storey residential block to the south at the junction with Eastern Road.
- 2.9. Two and three-storey residential properties are present to the south of the site on Eastern Road, east of the Eye Hospital. To the east of Bristol Gate on the north side of Eastern Road are a block of four storey terraced dwellings.
- 2.10. Further to the east is St Mary's Hall (former school) and to the north of the playing field is the former Junior School which is now in use by Brighton College.
- 2.11. To the north of the main RSCH is the Bristol Estate, which comprises a number of blocks of flats ranging from 3 to 9 storeys in height. These flats are set in spacious open grassed amenity grounds and are in an elevated position overlooking the hospital site. The residential blocks at Turton Close and Chadbourn Close are closest to the hospital site. Nos. 1 -24 Turton Close is a 6 storey block and Nos. 2 - 4 Chadbourne Close are 3 storeys.
- 2.12. The East Cliff Conservation Area runs along the southern side of Eastern Road omitting the hospital buildings to the south of Eastern Road and extends down to the seafront including the beach. The north-east part of the conservation area

nearest the hospital comprises tightly knit streets of two storey Victorian terraced dwellings of more simple designs but with a variety of individual features.

- 2.13. The College Conservation Area to the west of the site is much smaller and mainly comprises the Brighton College School site and the terraced residential streets on its east and north side. The front of the College on Eastern Road comprises Grade II Listed buildings in red brick with Caen stone and terracotta dressings.
- 2.14. The Kemp Town Conservation Area adjoins East Cliff to the east and comprises Arundel Terrace, Chichester Terrace and the set pieces of Sussex Square and Lewes Crescent. The grand four storey white rendered residential properties here are Grade I Listed although many of them have had a variety of roof extensions and alterations carried out.

3. RELEVANT HISTORY

- 3.1. Whilst there is a substantial volume of historic planning and listed building applications associated with Brighton College, the following is considered to be of most relevance to this application:
- 3.2. **BH2011/02886:** Demolition of existing hospital buildings located to the north of Eastern Road and to the south of the existing children's hospital building and Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp Tower. Erection of new hospital buildings incorporating Stage 1: Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road. **Approved** 28 March 2012.

4. APPLICATION DESCRIPTION

- 4.1. This planning application proposes amendments to planning permission BH2011/02886 to allow alterations to the approved drawings. Because some of the amendments are retrospective, the application is determined under Section 73A of the Town and Country Planning Act, though the retrospective nature of the application is not a material consideration.
- 4.2. These amendments are the following:
Physical / Structural
 - Alterations to the helipad structure to provide a modified helipad frame;
 - Increase in height of the helipad by 10cm;
 - Increase in height of the roof level louvre screening plant area by 1.1m;
 - Increase in number and height of flues, and relocation;
 - Revision to roof lanterns framing and addition of roof slopes;
 - Addition of new Building Maintenance Unit gantry steelwork;

- Addition of small local quench pipe plenums;
- Alterations to façades, materials and colours;

Parking and Accessibility

- Retention of the temporary car park ramp; and
- Revision / reduction to total car parking numbers.

Landscape

- Removal of trees from Bristol Gate and addition of trees to terraces;
- Repositioning of landscaping features including bollards and street furniture; and
- Addition of ramps and stairs to external terraces.

Energy and Sustainability

- Removal of photovoltaic panels
- Alterations to Energy Centre façade and surrounding landscape

North-west Substation

- Alterations to the position, landscaping and layout of the north-west substation.

- 4.3. The above proposed changes have mainly arisen through the tender and construction phase of the Stage 1 hospital redevelopment and, in general, relate to the need to meet both the functional / operational requirements of the hospital as well as the requirements of legislative updates that have occurred since planning permission was granted in 2012.
- 4.4. The impact of the main proposed alterations are considered in further detail in the Considerations and Assessment section of this report.
- 4.5. It should be noted that a significant amount of the proposed amendments set out above are part-retrospective including the helipad structure and a number of the proposed façade alterations.
- 4.6. The application also seeks to address non-compliance with Condition 10 of the original planning consent which states that '*The height of the helipad shall not exceed 118.2 metres AOD.*' This application seeks to increase the height of the helipad by 10cm to 118.3 metres AOD.

5. REPRESENTATIONS

- 5.1. Four (4) letters of objection to the planning application have been received. One of these objections states that it is submitted on behalf of a group of local residents although it is not specified who these additional residents are. The objections raised are as follows:
- Residents have been adversely affected by elements of the Stage 1 work since 2016.

- The two service roads should be returned to their original reconfigurations: North Service Road access and egress from Bristol Gate; South Service Road access from Bristol Gate, egress from Upper Abbey Road. This is to end the unacceptable addition of extra traffic, estimated by the Trust at over 1000 vehicles per day, on to Upper Abbey Road.
- The additional vehicle movements on to Upper Abbey Road result in noise, air pollution and danger to pedestrians.
- All drawings should be amended to show that the North Service Road is not a through road and bollards at the western end of the North Service Road should be replaced with a gate and fixed panels to block all pedestrian and vehicular access.
- The gate at the western end of the South Service Road should be brought back into use, preventing delivery drivers from using Upper Abbey Road and trying to reverse into the hospital site.
- Any new ventilation and air conditioning units should not exacerbate noise pollution caused by existing units.
- The proposed development should not exacerbate existing wind, vibration and noise issues through increased height of development.
- The original application has driven various ecological species from the site.
- The increased lighting of Stage 1 is disturbing residents
- The Design Statement and Environmental Statement are not accurate in respect of noise, vibration and ecology.
- Why do the photovoltaic panels need to be removed as part of this application?
- The noise/vibration from the substation permeates the houses in this area.

6. CONSULTATIONS

Internal Consultees

- 6.1. **Arboriculture:** No comments received
- 6.2. **City Clean:** No comments received.
- 6.3. **County Archaeologist:** No objection
Based on the information supplied, it is not considered that any significant archaeological remains are likely to be affected by these proposals.
- 6.4. **Economic Development:** No comment
- 6.5. **Environmental Health:** No comments received.
- 6.6. **Heritage:** No objection. However Heritage make the following comments:
Note in particular the alterations to the helipad structure and increase in height of the roof level louvre screening. It is considered that the addition of structures to the void below the helipad landing area would have a negative impact on the previous openness and clean lines of this space, and in addition to the other roof-top amendments there would be added bulk to the silhouette of this

development. However, this would result in a negligible change to the impact on identified heritage assets in comparison with the approved scheme and the Heritage Team does not wish to object to the amendments.

6.7. **Planning Policy:** No comment

6.8. **Sustainable Drainage:** No comment

6.9. **Sustainability:** No objection and make the following comments:
The original approved building included PV panels at roof level on the roof of the Thomas Kemp Tower (Level 11). Revised proposals require a greater provision of air handling units and it is proposed to place these on this roof instead; and there is no suitable alternative locations for the PV units. In mitigation, it is proposed to reduce carbon emissions from the building by introducing LED light fittings throughout. It is considered that this is an acceptable proposal which will meet the requirements of the hospital services and help to reduce the energy requirements of the building.

External Consultees

6.10. **Ancient Monuments Society:** No comments received

6.11. **Brighton City Airport:** No comments received.

6.12. **Brighton & Hove Archaeological Society:** No objection as unaware of any archaeological deposits that are likely to be affected by these amendments.

6.13. **Brighton & Hove Primary Care Trust:** No comments received.

6.14. **Civil Aviation Authority:** No comments received.

6.15. **Council for British Archaeology:** No comments received

6.16. **County Ecologist:** No objection

6.17. **East Sussex Fire & Rescue Service:** No comments received.

6.18. **Environment Agency:** No comments received.

6.19. **Georgian Group:** No comments received.

6.20. **Historic England:** No comment

6.21. **National Highways:** No objection

6.22. **Scotland Gas Network:** No comments received.

6.23. **Society for the Protection of Ancient Buildings:** No comments received.

6.24. **South Downs National Park Authority:** No comment

- 6.25. **Southern Water:** No objection
- 6.26. **Sussex Police:** No objection but recommend a number of measures relating to crime prevention.
- 6.27. **Sustainable Transport:** No objection but draw attention to the following points:
- Temporary drop-off (at stage 1 only) conflicts with the bus stop at the point of entry into the lay-by and requires revision.
 - Applicant to confirm that a minimum 2m width of clear footpath is to be maintained in between the proposed cycle stands and front of footpath along the back of temporary drop-off lay-by (at stage 1 only) as part of general access and accessibility for public.
 - Applicant to confirm that the current technical proposals under the s278 agreement process are not altered by this application and if these are modified to specifically highlight these on the s278 related drawings for our further review/approval.
- 6.28. **Twentieth Century Society:** No comments received.
- 6.29. **Victorian Society:** No comments 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. 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
DA5	Eastern Road and Edward Street Area
CP8	Sustainable buildings
CP7	Infrastructure and Developer Contributions
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public Streets and Spaces
CP15	Heritage
CP18	Healthy City

Brighton & Hove Local Plan 2005 (retained policies):

TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO19	New community facilities
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Brighton and Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 (CPP2) do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below, where applicable.

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
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
DM44	Energy Efficiency and Renewables

9. CONSIDERATIONS & ASSESSMENT

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

Principle of Development

- 9.2. The principle of the redevelopment and enlargement of the hospital has already been established by planning consent BH2011/02886. The current application seeks amendments to this extant consent but there are no fundamental changes proposed to the approved scheme that would warrant a reconsideration of the principle of development.
- 9.3. Additionally, the redevelopment and enlargement of the hospital is supported by Part C1 of Policy DA5 of the Brighton & Hove City Plan Part 1. This policy directly refers to planning consent BH2011/02886 for the 3Ts development.

Design, Scale, Appearance and Heritage

- 9.4. This application proposes a number of alterations (many of which are part-retrospective) to planning permission BH2011/02886 as set out below.

Physical / Structural

Alterations to the Helipad

- 9.5. It is proposed that the helipad structure is amended to meet structural engineering requirements. This includes a marginal increase in the height of the helipad by 10cm to lift the north side higher to enable water run-off. It is not considered that the height increase is discernible from street level so has no impact on the appearance of the area.
- 9.6. Amendments are also proposed to the various stairs and ramps that form part of the helipad structure, and the removal of cladding below the helipad deck. Whilst the semi-transparent appearance of the structure is retained, the proposed amendments result in the structure appearing more asymmetrical and convoluted in its appearance. Whilst such amendments clearly do not represent an enhancement to the visual appearance of the structure, they are not considered to have such a harmful impact on the visual amenities of the area and nearby Conservation Areas as to warrant a reason for refusal, and the compromise between structural requirements and aesthetics is acknowledged. It should also be noted that the Council's Heritage Team have raised no objection to the amendments although they note that the clean lines and openness of the original helipad structure design would be negatively impacted to some extent.
- 9.7. Four fixed omni-directional red obstructional lights (i.e. highlighting aerial obstacles) are also proposed on the adjacent flue tower. Whilst not shown on the approved plans, condition 11 of the original planning consent required details in this regard and it was therefore acknowledged that such lighting was always going to be a requirement for the helipad in respect of landings and departures. Further details of the lighting will be secured via planning condition.

Increase in height of roof level louvre screening plant area

9.8. The approved roof level plant screening at Level 13 of the Stage 1 building is at 95.75 metres in height (above ordnance datum (AOD)). Plant equipment sits on top of lift overrun lids, which have been increased in height to account for changed safety requirements for the construction and installation of lifts and test/examination of lift components. The increased lift overrun height would result in plant equipment becoming visible in views of the hospital. Therefore, to minimise the visual impact of plant it is proposed to increase the height of the plant screening by 1.1 metres to a level of 96.1 metres AOD. It is considered that a 1.1m increase in the louvre screening is preferable to plant equipment being visible, and at level 13 would not have a significant impact on the visual amenities of the area.

9.9. Therefore it is not considered that the proposed amendments and increase in the height of the roof level louvre screening would have a harmful impact on the visual amenities of the area or the East Cliff, Kemp Town and College Conservation Areas.

Increase in height and relocation of flues

9.10. Four approved flues are situated on Level 13 of the Stage 1 building at a total height of 97.75 metres AOD. Amendments to the Clean Air Act in 2020 mean that revisions to flue heights, locations and numbers are required to resolve congested services routes through the building, and to meet the minimum distance from the lift overrun at roof level. In response, the flue locations have been amended to provide five flues at Level 13, repositioned to be placed further north and more centrally within the screened plant enclosure. The heights of the Level 13 flues have been increased by just over 2 metres to a maximum height of 99.85 metres AOD.

9.11. The impact of these amendments to the flues have been considered as part of the Environmental Statement Addendum submitted with the planning application. This report considers the amendments unlikely to have an adverse impact upon noise and vibration or air quality.

9.12. Whilst the increase in the number and height of the flues would be a noticeable change, the reasons for this amendment are acknowledged and it is not considered that the impact on the streetscene or heritage assets would be unacceptable. Given the nature of the site and its use as a hospital, it is accepted that there are likely to be some compromises between functionality and design.

Addition of new Building Maintenance Unit steelwork

9.13. The approved elevations for the Stage 1 building did not take into account the need to accommodate a gantry access structure for a Building Maintenance Unit (BMU). This unit effectively comprises a movable steel truss to be located at Level 12 on the south elevation of the Stage 1 building, between two of the building 'fingers'. This allows the BMU to access the tapering elevations of fingers one and two of the Stage 1 building on the south elevation for cleaning and maintenance purposes. A window cleaning cradle would hang from the truss.

- 9.14. The gantry steelwork is 17.32m in length with a width of 1.8m and a depth of 0.45m. Whilst this is a notable size, the steelwork will only be in use for temporary periods for routine maintenance to the 'finger' elevations. When not in use, the proposed gantry will be stationed at level 12 on the building and is not considered to be highly visible in views of the hospital due to its location on the building. The functionality of the proposed gantry has therefore been weighed against the visual harm and it is not considered that it would represent an unacceptable addition and would not result in any significant harm to the nearby Conservation Areas.

Addition of small local quench pipe plenums

- 9.15. The revisions to the proposals include the provision of two magnetic resonance imaging (MRI) quench pipe plenums located on the north elevation at Level 04 of the Stage 1 building. The 'quench pipe' provides for gas/vapour release from the MRI, and the 'plenum' provides an area for this to circulate safely.
- 9.16. The plenums proposed to be installed comprise stainless steel boxes to match local façade widths, projecting outwards by approximately 1.7 metres from the façade and 2.55 metres in height. The boxes are proposed to be located on an elevation (north) that is not prominent, facing out onto the South Service Road. The plenum boxes are not considered unsuitable within a hospital environment and are not clearly visible from any public streetscene.

Façade Alterations and revisions to roof lanterns

- 9.17. Minor revisions are proposed to the façade of the proposed new hospital buildings including replacing clear with obscure glazed windows, the addition of vents to windows, the removal/relocation of doors, amendment to balustrades, colour changes, and a temporary façade on the east and west facades of the Stage 1 building.
- 9.18. The approved proposals for the roof lanterns above stairways included flat roofs on all three lanterns. It is proposed to add roof slopes to these lanterns to provide a seven degree pitch order to avoid water ponding and minimise the risk of water leaking into the Stage 1 building.
- 9.19. It is not considered that individually or cumulatively the proposed alterations would have a harmful impact on the visual amenities of the area or the nearby Conservation Areas. It is also not considered that the amendments would significantly compromise the design intention of the approved scheme.

Alterations to the position, landscaping and layout of north-west substation

- 9.20. As part of this application, the proposed substation towards the western end of the North Service Road would be increased in footprint and repositioned slightly westwards in order to avoid underground gas mains pipework and extensive geotechnical works at Whitehawk Hill Road. In the approved position, there was an increased likelihood of working close to the existing gas main which posed a significant safety risk. In addition, two external condensers are proposed to the east of the substation, and one car parking bay will be omitted.

- 9.21. The relocation of the proposed substation is minor and is considered to be relatively negligible in visual terms, and the proposed 5sqm increase in footprint and 700mm increase in height, whilst noticeable, would not have a significantly harmful impact on the visual amenities of the area.
- 9.22. It is therefore considered that, having regard to issues of design, appearance, and heritage, the proposed amendments would not conflict with the National Planning Policy Framework, policies CP12 and CP15 of the City Plan Part 1, HE6 of the Local Plan (2015), and DM18, DM26 and DM29 none of the emerging City Plan Part 2.

Landscaping and Ecology

- 9.23. The following landscape amendments are proposed as part of this application.
- Removal of proposed trees from Bristol Gate and addition of trees to terraces
- 9.24. As approved under planning permission BH2011/02886, all existing trees on the Royal Sussex County Hospital site were proposed to be removed to facilitate the 3Ts development. However 135 new trees were proposed to mitigate this loss. Of the 135 new trees, 57 trees were proposed as part of Stage 1 of the 3Ts development.
- 9.25. It has since become apparent that planting 18 trees on Bristol Gate would not be possible due to service routes and the space required for root protection. It is therefore proposed that five trees would be planted in this area, and the number provided elsewhere in the development increased, so that overall, two fewer trees would be provided over what was previously approved.
- 9.26. The net loss of two trees when compared to the approved scheme is not considered to be unacceptable, particularly given the significant constraints on and around the site.

Other landscaping amendments

- 9.27. Other minor landscaping amendments proposed as part of this application include the following:
- Repositioning of landscaping features including bollards and street furniture: such features have been refined during detailed design development in order to provide sufficient anti-terrorism measures. This includes increased bollard sizes and reduced spaces between bollards and fixed seating.
 - Addition of ramps and stairs to external terraces: During detailed design development, the internal access ramps and stairs have been relocated externally to free up space in internal areas to accommodate clinical functions.
- 9.28. The above amendments are not considered to be significant from a visual perspective and would provide enhanced security benefits.
- 9.29. It is therefore considered that the proposed landscape amendments would not conflict with policies QD15 and QD16 of the Local Plan (2015), CP10 of the City Plan Part 1, and DM22 of the emerging City Plan Part 2.

Sustainable Transport

- 9.30. A number of the amendments proposed as part of this application have potential transport implications and are assessed below.

Parking and Accessibility

Reduction in total car parking numbers

- 9.31. The approved 3Ts development incorporates a two level, underground car park which runs beneath both the Stage 1 and Stage 2 Buildings and is accessed to the east, off Bristol Gate.

- 9.32. The approved 3Ts parking figures within the proposed basement car park were as follows:

407 total parking spaces including:

- 21 accessible car parking spaces
- 47 motorcycle parking spaces
- 40 parking spaces for cancer patients
- 12 short stay parking spaces

- 9.33. Design development has identified that approved column locations within the basement car park interfere with the accessible parking bay access strips. In response, the basement car park layout has been updated to provide access bays outside of the column footprints to provide sufficient clearance zones around accessible bays. In order to accommodate sufficient space for accessible bays, a reduced overall parking figure of 391 parking spaces is proposed, comprising a reduction of 16 spaces overall. Revised parking figures are as follows:

391 total parking spaces including:

- 21 accessible car parking spaces
- 38 motorcycle parking spaces
- 40 parking spaces for cancer patients
- 12 short stay parking spaces

- 9.34. The revised parking figures remain in compliance with condition 8 (Parking Figures) of planning permission BH2011/02886, which requires:

'A minimum number of 40 car parking spaces for cancer patients, 21 disabled car parking spaces, 27 motorcycle parking bays, 12 short stay parking bays and the dedicated underground drop off zone shall be marked out and permanently retained within the basement car park.'

- 9.35. The amendments to the number of parking figures have still sought to ensure that an appropriate level of accessible, motorcycle, cancer patient and short stay spaces are retained and provided to support the redevelopment. No objections are raised by the Local Highway Authority in this regard and it is not considered that the loss of 16 spaces would have an unacceptable impact on the availability of parking at the hospital.

Retention of temporary car park ramp

- 9.36. The approved car park entrance ramp from Bristol Gate to the proposed basement car park included a temporary ramp to be provided up until the completion of Stage 1, and a permanent ramp of extended length to be provided

following completion of Stage 2 of the 3Ts development. In response to concerns relating to construction phasing constraints and detailed design development, it is proposed to retain the Stage 1 temporary ramp down to the basement car park. By retaining the existing temporary ramp, the need to close car park access for a period of time is avoided and therefore minimises disruption to hospital car parking arrangements that would occur while a new longer ramp would be constructed.

No objections are raised by the Local Highway Authority in this regard.

- 9.37. It is not considered that the parking and accessibility amendments proposed as part of this application would have any significant impacts on the transport network in terms of capacity and congestion, or highway safety and therefore would not conflict with the NPPF, policy CP9 of the City Plan Part 1, and emerging policy DM36 of the emerging City Plan Part 2.

Use of the North Service Road

- 9.38. The North Service Road runs east-west through the hospital site, providing access from Bristol Gate (to the east) to the public carpark.
- 9.39. Whilst neither the original planning consent nor this current application propose any amendments to the North Service Road (other than a new substation at the western end), the construction phase of Stage 1 of the 3Ts development as well as other ongoing development works at the hospital have resulted in a temporary restriction in the width of this road. The result of this is that there is currently only sufficient space on the North Service Road for traffic to travel one way – east to west with traffic entering the North Service Road from Bristol Gate and exiting the hospital via the narrow Upper Abbey Road and Whitehawk Hill Road. Previously, traffic would access and exit the North Service Road via Bristol Gate. As a result, there has been an increase in traffic movements onto Upper Abbey Road and Whitehawk Hill Road to the west.
- 9.40. It should be noted that this matter is raised in some of the objections received in relation to the current application and has been a source of concern for a number of residents since construction works commenced in 2016.
- 9.41. In order to try and address residents' concerns and ensure that the impact on residents and highway safety as a result of the one way use of the North Service Road is minimised, the applicant has provided a draft Unilateral Undertaking (UU) to be agreed with the Council prior to any potential approval of the current application. This UU would provide a commitment for the applicant to undertake a detailed Access Study, including traffic surveys, and to agree and implement mitigation measures to address any identified impact on Whitehawk Hill Road and Upper Abbey Road. Specifically the UU would include the following obligations:
- Undertake Access Study within 12 weeks after signing the UU.
 - Agree with the Council the findings of the Access Study, and the necessary mitigation, prior to occupation of the Stage 1 building.
 - Ensure that the spatial scope of measures is restricted to the RSCH site, Whitehawk Hill Road, and Upper Abbey Road (the 'Neighbouring Streets Area')

- If the North Road is returned to two way operation with access and egress via Bristol Gate, the Trust is no longer required to comply with the terms of the Unilateral Undertaking.
- 9.42. It has not been possible to produce the Access Study prior to this point because traffic movements since 2020 have been lower than normal due to the COVID19 pandemic and therefore it is considered that any survey would have been unrepresentative. At the same time, it is acknowledged that the application relates to a critical hospital use and a decision on the S73 application cannot be delayed until the Access Study is undertaken as this will delay the overall timetable for the Stage 1 construction of the 3Ts development.
- 9.43. It is proposed that the Access Study will include the following:
- Traffic surveys to quantify the traffic impact in the current scenario with 3Ts Stage 1 under construction (North Road single lane traffic with access via Bristol Gate and egress via Whitehawk Hill Road; and Southern Service Road closed).
 - Traffic flow modelling to quantify traffic impact in the future scenario with 3Ts Stage 1 complete and operational (North Road single lane traffic with access via Bristol Gate and egress via Whitehawk Hill Road; and Southern Service Road open with access and egress via Bristol gate).
 - Review hospital wide access, waste and servicing strategy and explore options to rationalise and improve access, in both the current and future scenario.
 - Develop and test mitigation or operational management measures to improve access arrangements and alleviate traffic impacts on Whitehawk Hill and Upper Abbey Road in the current and future scenario.
- 9.44. The applicant and their transport consultant will work with the Local Planning Authority and the Local Highway Authority to agree the scope of the Access Study.
- 9.45. However, prior to the Access Study, the applicant's Transport Consultants have completed an estimate of current traffic flows on Upper Abbey Road / Whitehawk Hill Road as a result of the hospital development. This is based on the traffic survey data that fed into the original 3Ts application, extrapolated to include DfT growth estimates. It concludes that traffic flows are likely to have increased by 16-18% to the year 2021, with a likely significant effect on the North Service Road/Whitehawk Hill Road junction. However, the degree of impact (and subsequent mitigation) will be confirmed by the Access Study.
- 9.46. It is considered that on this basis, and subject to securing the Unilateral Undertaking to clarify and mitigate the impact on the local highway network, the scheme is acceptable in terms of its impact on highway capacity and road safety.

Sustainability

Removal of photovoltaic panels

- 9.47. The eastern 'finger' of the approved Stage 1 building included 290m² of photovoltaic panels on the roof. Design development since the BH2011/02886 consent has highlighted a requirement for greater provision of air handling units

located on the roof of the Stage 1 building, in order to meet the requirements of the Ecodesign Directive (2009/125/EC) which stipulates higher efficiencies for heat recovery. The applicant's agent states that the design team have considered various Stage 1 roof layout options but concluded that there are no suitable alternative locations to relocate the 290m² area of photovoltaic panels.

- 9.48. In order to mitigate the loss of the photovoltaic panels, which were proposed to contribute to generating 33MWh of electricity per annum, a carbon savings study has been undertaken to identify where gains can be made in the Stage 1 building. The design team consider that the loss of carbon savings associated with the photovoltaic panels have been offset by the change from compact fluorescent lighting to LED fittings throughout the building. The applicant's agent also states that BREEAM credits have increased from 9 to 11 as a consequence of the design change, which has a beneficial overall impact on the 3Ts hospital.
- 9.49. It should be noted that the Council's Sustainability Officer has raised no objection to these proposed amendments and agrees that the proposals will help reduce the energy requirements of the building.

Impact on Residential Amenity

- 9.50. Policy QD27: Protection of Amenity of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This policy is further supported by policy DM20: Protection of Amenity of the emerging City Plan Part 2 (which can be given more weight than the Local Plan policy).
- 9.51. Whilst there are a number of residential properties close to the hospital site on Whitehawk Hill Road, Upper Abbey Road, Turton Close, Chadborne Close, Bristol Gate and Eastern Road, the proposed amendments to the existing planning permission are considered to be negligible in respect of the impact on amenities of neighbouring properties.
- 9.52. The increase in the height of the helipad by 10cm is not considered to be discernible from neighbouring properties and whilst the alterations to the helipad structure would be visible from neighbouring residential properties, the impact on the outlook and light available to neighbouring residential properties as a result of these amendments is considered to be minimal.
- 9.53. The increase in the height of the proposed flues by just over 2m and their slight repositioning northwards would be visible from a number of residential properties. Again, however, such amendments would not result in an unacceptable impact on the outlook and light available to neighbouring properties.
- 9.54. The proposed quench pipe plenums are situated on the north side of the Stage 1 building, facing into the site and would therefore not be visible to neighbouring residential properties.

- 9.55. None of the proposed façade alterations result in any significant additional bulk to the Stage 1 building and as a result would not have a detrimental impact on the light and outlook available to neighbouring properties. It is not considered that the proposed alterations would result in any additional impacts on the privacy of neighbouring residential properties above and beyond the existing approved development.
- 9.56. The application proposes amendments to the proposed north-west substation adjacent the mini roundabout at the western end of the North Service Road as set out earlier in this report. However, it is not considered that a slight repositioning of the substation to the west, its increase in height by 700mm and an increase in the floor area by 5sqm would have any notable impact on the residential amenities of properties on Whitehawk Hill Road. Whilst it is noted that two condensers are proposed on the eastern side of the substation, the substation at its closest point is still approximately 24m from the nearest residential property and it is therefore not considered that the substation or condensers would be likely to result in unacceptable noise impacts on any residential properties. However, a condition will be attached to any planning consent to ensure that noise levels from any plant (including the substation and condensers are controlled and minimised).
- 9.57. Therefore it is not considered that individually or cumulatively the proposed amendments would have any harmful impacts on the residential amenities of neighbouring properties and would therefore not conflict with policy QD27 of the Brighton & Hove Local Plan.
- 9.58. However, the impact of the current one way use of the North Service Road on the residents of Upper Abbey Road and Whitehawk Hill Road is considered further in the sustainable transport section of this report.

Conclusion

- 9.59. The principle of development on the site has already been established by the extant planning consent BH2011/02886.
- 9.60. Whilst a significant number of amendments are proposed, many of these are minor in their nature and it is not considered that individually or cumulatively the amendments would have a harmful impact on the visual amenities of the area or compromise the design of the approved scheme. Additionally, it is not considered that any of the proposed amendments would have a harmful impact on the amenities of neighbouring properties.
- 9.61. It is acknowledged that a significant number of the proposed amendments relate to the functional/operational requirements of the hospital, structural requirements, and requirements associated with legislative updates since planning permission was granted for the original scheme in 2012. The need for these amendments has arisen through the tender and construction phase of the development. It is also acknowledged that a hospital particularly will have a significant number of functional and operational requirements and this needs to be given due consideration in the decision making process.

- 9.62. The proposed amendments are not considered to have any significant impacts on the transport network in terms of capacity and congestion, or highway safety. However, it is recognised that the current one-way use of the North Service Road and the resultant impact on Upper Abbey Road and Whitehawk Hill Road should be addressed where possible through this application and as set out in this report, a Unilateral Undertaking will be produced by the applicant and agreed by the Council to assess the impact on Upper Abbey Road and Whitehawk Hill Road and provide appropriate mitigation.
- 9.63. It should also be noted that the Environmental Statement Addendum submitted with this application concluded that the proposed design changes would have no significant effect on the outcome of the Environmental Assessment work to date and no further work is considered to be required as a result of the design changes. These conclusions are not disputed.
- 9.64. 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, a Deed of Variation to the original S106 agreement, and the securing of a Unilateral Undertaking relating to transport issues.

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. However, due to the proposed use of the building as a hospital, the proposal would not be CIL liable.

11. DEED OF VARIATION

- 11.1. A Deed of Variation to the S106 for planning permission BH2011/02886 is required for this planning application as the original S106 does not allow for any amendments to the original planning permission via a S73 application.
- 11.2. The Heads of Terms for the original S106 agreement were as follows:
- A Construction Phasing Plan.
 - A Construction Environmental Management Plan (CEMP).
 - Fourteen days prior written notice of commencement of development.
 - Contribution towards Sustainable Transport of £556,190.
 - Employment of a Travel Plan Co-Ordinator
 - Provision of Framework Travel Plan
 - Commitment to enter into a S278/S38 agreement to carry out off site works to the highway
 - Agreement to fund the necessary Traffic Regulation Orders (TROs) for the highway works

- Residents/Transport Liaison Group to be set up to include a list of invitees with transport interest.
- Employment Strategy to be submitted aimed at employing a minimum 20% of local construction workers from within Brighton & Hove City boundary.
- Artistic component to be provided in accordance with the Trust's Public Art Strategy at a cost of not less than £421,000 index linked to 2012 costs.
- Off-site consolidation centre to be operational prior to commencement of demolition works on Stage 1.
- Updated Wind Assessment and Mitigation Scheme.
- Peregrine falcon relocation measures and exclusion works at Thomas Kemp Tower.

11.3. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails to deliver an employment strategy in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to deliver a Travel Plan and other necessary measures to help reduce the impact of the development on the highway, enhance Sustainable Transport and reduce car use in accordance with Policy CP9 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposal fails to ensure the adequate protection of amenity, highway safety and managing waste throughout development works in accordance with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, and policy CP8 of the Brighton & Hove City Plan Part One.
4. The proposal fails to provide an artistic component in accordance with Policy CP12 of the City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposal fails to protect biodiversity in accordance with Policy CP10 of the Brighton & Hove City Plan Part One.

12. UNILATERAL UNDERTAKING

12.1. As set out in the Sustainable Transport section of this report, the applicant will prepare a Unilateral Undertaking to be agreed with the Local Planning Authority and to include the following:

- Undertake access study within 12 weeks after signing the UU
- Agree with the Council the findings of the Access Study, and the necessary mitigation, prior to occupation of the Stage 1 building.
- Ensure that the spatial scope of measures is restricted to the RSCH site, Whitehawk Hill Road, and Upper Abbey Road.

- If the North Road is returned to two way operation with access and egress via Bristol Gate, the Trust is no longer required to comply with the terms of the Unilateral Undertaking.

13. EQUALITIES

- 13.1. Whilst a number of the internal access ramps and stairs have been relocated externally to free up space in internal areas, the additional ramps and stairs are in compliance with Part M Requirements so it is not considered that the proposed amendments would have an impact on equalities.

14. CLIMATE CHANGE / BIODIVERSITY

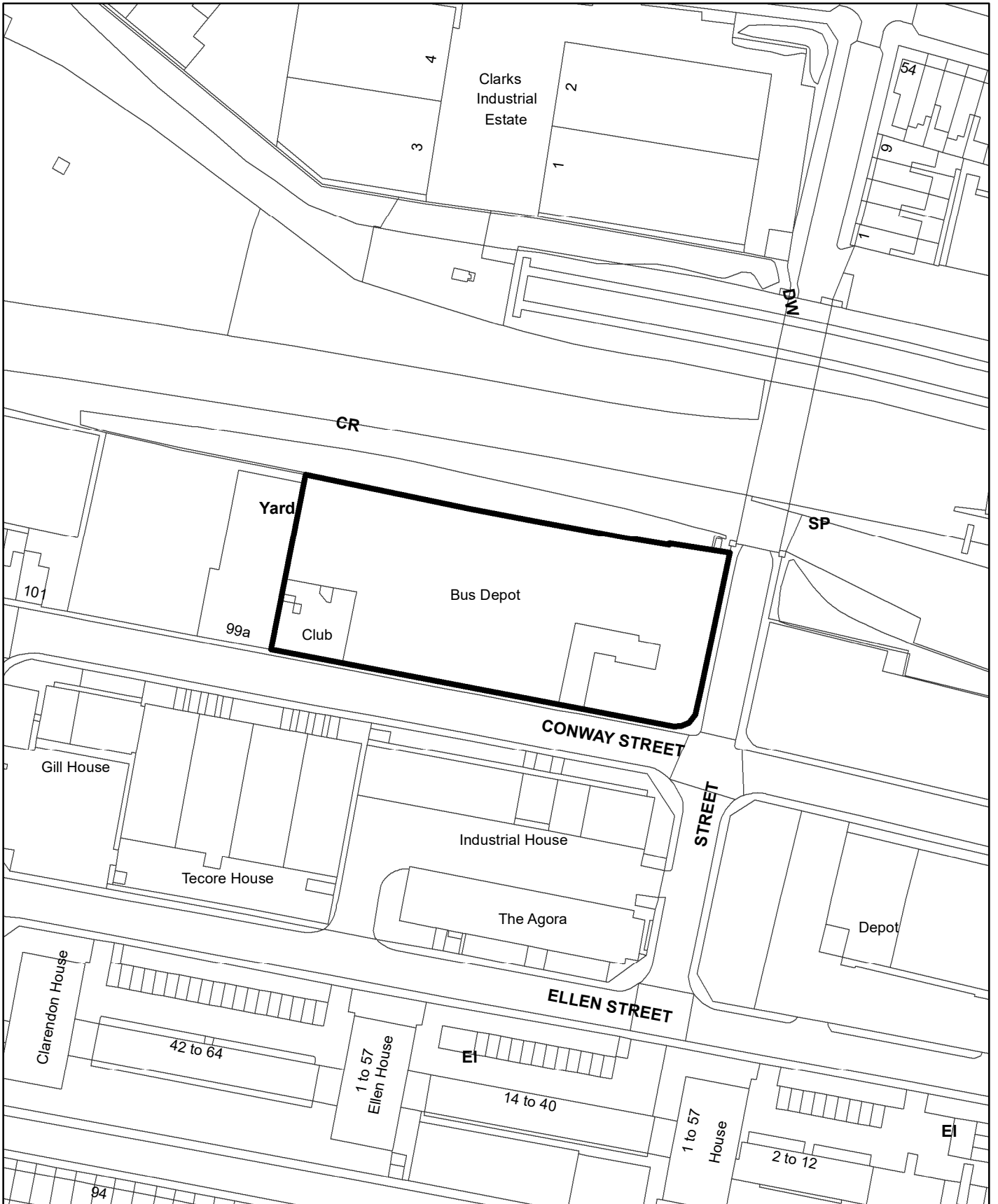
- 14.1. Whilst there are a number of landscape amendments proposed which would reduce the number of trees being provided by two, it is not considered that the proposed amendments would have any material impacts on biodiversity.
- 14.2. Amendments to the proposal to replace photovoltaic panels with more air handling units, when combined with proposed LED fittings instead of compact fluorescent lighting, have an overall beneficial impact on the sustainability of the proposed hospital building.

ITEM D

**Brighton and Hove Bus Garage,
43 Conway Street
BH2021/01731
Full Planning**

DATE OF COMMITTEE: 2nd February 2022

BH2021 01731 - Brighton And Hove Bus Garage, 43 Conway Street



N



Scale: 1:1,250

<u>No:</u>	BH2021/01731	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton And Hove Bus Garage 43 Conway Street Hove BN3 3LT		
<u>Proposal:</u>	Demolition of existing buildings and the erection of new four storey bus garage building including office and engineering floorspace, external bus parking provision and new boundary treatment.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	18.05.2021
<u>Con Area:</u>	None	<u>Expiry Date:</u>	17.08.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	09.02.2022
<u>Agent:</u>	Gerald Eve Gerald Eve 72 Welbeck Street London W1G 0AY		
<u>Applicant:</u>	Go-Ahead Bus Company C/O Gerald Eve 72 Welbeck Street London W1G 0AY		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before 9 June 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in in the final section of this report:

S106 Heads of Terms

Travel Plan

- 1.2. To promote safe, active and sustainable travel choices by its future occupiers and visitors.

Highway Works

- Reinstatement of existing footway on Conway Street where existing vehicular access is to be removed
- Extension of vehicle access on Fonthill Road

Employment and Training

- 1.3. Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.

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	OS50	00	18 May 2021
Proposed Drawing	P101	PL4	13 January 2022
Proposed Drawing	P102	02	12 November 2021
Proposed Drawing	P103	02	12 November 2021
Proposed Drawing	P104	02	12 November 2021
Proposed Drawing	P200	PL2	12 November 2021
Proposed Drawing	T202-PR0		4 January 2022
Proposed Drawing	PL199	PL2	12 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 use of the open vehicle parking area hereby permitted (as indicated on submitted drawing PL101/PL4) shall cease within 10 years from the date of this permission.

Reason: The open vehicle parking is not considered suitable as a permanent form of development in terms of visual amenity and future neighbouring residential amenity impact due to the lack of enclosed roof, in order to achieve the long-term regeneration of the Hove Station Area, and to accord with Policies DA6 and CP12 of Brighton and Hove City Plan Part One.

4. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

5. No development shall take place until a Construction Environmental Management Plan (CEMP) and Demolition Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The CEMP/DEMP shall at least include:

- a. scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- b. a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- c. details of hours of construction including all associated vehicular movements
- d. a plan showing construction traffic routes

- e. details of any site entrances and their management, construction compound and offices
- f. details of any oversailing of the highway construction, falsework, formwork and scaffolding
- g. details of the use of any cranes, lifts, escalators and lifting vehicles
- h. details of any Department for Transport Abnormal Load Notification and/or Order
- i. details of where staff and buses will park when the site is under construction

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

Reason: In the interests of amenity and road safety and to comply with policies TR7, SU3, SU5, SU9, SU10, QD27 and HE6 of the Brighton & Hove Local Plan and CP1, CP2, CP3, CP7, CP9, CP11, CP12, CP13 and CP15 of the City Plan Part One.

- 6. Prior to the commencement of the development hereby approved, detailed plans shall be submitted to and approved by the local planning authority to demonstrate how the scheme will be able to connect to any future decentralised energy scheme, should one become available. Specifically these plans shall include details of below ground works which will be implemented within the scheme to ensure that appropriate piping routes are available and safeguarded to enable future connections from the highway, and demonstrate where connections will be made including where space is left available in designated plant rooms for future heat exchanger installation or similar.

Reason: To ensure the site is network ready and to comply with the sustainability requirements of Policy CP8 of the Brighton & Hove City Plan Part One.

- 7. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment PGWD/J7920 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.

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

- 8. 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, 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 of all hard surfacing materials

- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally, including rainwater goods.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

9. No development above ground floor slab level of any part of the development hereby permitted shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, to include a biodiverse green/brown roof, green fencing, the use of native species and/or species of known wildlife value within the planting scheme, and the provision of swift bricks/boxes and house sparrow boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

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

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

10. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until an energy statement setting out measures to reduce energy usage, achieve reductions in carbon emissions, have low

embodied carbon, and improve sustainability has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented as approved and the measures set out implemented throughout the operation of the development.

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 1.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and visual amenity of the locality in accordance with policy and CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

13. The development hereby permitted shall not be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

14. 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.

15. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will be scheduled, take place and otherwise be managed, and the frequency of deliveries, shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, SU10, QD27 and SR4 of the Brighton & Hove Local Plan and SA2, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.

16. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.
17. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments, including gated access, has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be 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 policies QD15 and QD27 of the Brighton & Hove Local Plan, and CP12 and CP13 of the Brighton & Hove City Plan Part One.
18. Prior to first occupation of the development hereby approved, details of the photovoltaic array depicted on the roof plan shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details and retained thereafter.
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.
19. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants, to include food-bearing plants, including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials.
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton &

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

20. Prior to the first occupation of the development hereby approved a Noise Management Plan for the activities on site shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the management plan shall be implemented and retained thereafter.
Reason: To safeguard the amenities of occupiers of the adjoining properties and the residents of the property to comply with Policies SU10 and QD27 of the Brighton and Hove Local Plan.
21. 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 policy QD27 of the Brighton & Hove Local Plan, Policy DM21 of the Submission City Plan Part 2, 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.
22. No plant and machinery shall first be brought into use until details of their appearance and location and a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and the visual amenities of the locality to comply with policies HE3, HE6, SU10 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
23. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
24. The commercial uses hereby approved shall be retained as office (Use Classes E(c) and E(g)) office/industrial (Use Class B8) storage uses only and shall not be used for any other purpose in Class E of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country

Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

25. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

26. Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at -metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

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

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

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

28. 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 Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.

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. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer. To make an application visit: southernwater.co.uk/developing.
3. 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).
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
5. The Council Flood Risk Officer states that the 30% consideration for Climate Change mentioned in the Flood Risk Assessment will need to be increased to 40% in line with current BHCC recommendations. Additionally, the streets directly adjacent to the site are shown in the EA flood maps to act as flood water routes for medium-risk flood events, and so the detailed drainage plan should provide mitigation to manage this flood risk.
6. The applicant / developer may be required to enter into an Asset Protection Agreement. Network Rail requests the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk as soon as possible
7. The applicant is advised that the CEMP should also include the following information:
 - Details of any oversailing of the highway construction, falsework, formwork and scaffolding
 - Details of use of any cranes, lifts, escalators and lifting vehicles
 - Details of any Department for Transport Abnormal Load Notification and/or Order
 - A commitment to implement vehicle cleaning and drainage facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
 - A commitment that any temporary traffic management measures and/or marshalling of traffic on the highway, including that of both construction traffic and general traffic, shall be undertaken by Contractors holding National Highways Sector Scheme 12(d) certification.
 - A commitment to register the site during construction with the Considerate Constructors Scheme (CCS) and the Construction Logistics & Community Safety scheme (CLOCS), to retain that certification for the duration of the works and to comply with all mandatory requirements of the related Codes, to arrange associated monitoring visits every 4 months, and to make the monitoring reports available to us.
 - A commitment that the Principal Contractor for both demolition and construction shall have Silver certification under the Fleet Operators Recognition Scheme (FORS).

The applicant is recommended to contact the Highway Authority (s278@brighton-hove.gov.uk assigned officer phone number will be provided in

e-mail response) at their earliest convenience to avoid any delay and prior to any works commencing on-site and on the adopted (public) highway.

2. SITE LOCATION

- 2.1. The application relates to buildings and land used by the Brighton & Hove Bus Company located on the western side of Goldstone Street, covering 4,100sqm on the corner of Conway Street. Three and four storey office buildings occupy the site, with mixed commercial buildings beyond. The Brighton & Hove Bus Company (a subsidiary of the Go-Ahead Group) is the main bus operator in the city. As well as the application site (known as the West Garage site), the bus operator uses the East Garage and land to the south of Conway St (which is used for bus parking), both of which do not form part of this current application.
- 2.2. The site is located within the Conway Street Industrial Area Strategic Allocation, which is located within the wider policy DA6 Hove Station Area of the Brighton & Hove City Plan Part One.
- 2.3. Conway Street was developed from the 1870s with a mix of light industry and residential use. Immediately to the west lies Jewson's builders' merchant's yard. Further to the west of the site is the locally listed heritage asset of 101 Conway Street. It is of two storeys with attic and located at the end of a terrace of dwellings. Immediately adjacent to the site to the north is the locally listed heritage asset the Fonthill Road Railway Bridge. The bridge is set in between the existing building on the application site, and the bus depot building on the east side of Goldstone Street. To the south of the site lies the industrial/storage use building Industrial House.

3. RELEVANT HISTORY

Land At Goldstone Street Hove

- 3.1. **BH2017/01176** Erection of a 3 storey office building (B1) with 2no disabled parking spaces, bin storage and roof terrace - Refused 22/09/2017

Unit 1-3 Ellen Street Hove

- 3.2. **BH2020/00917** Demolition of existing buildings & redevelopment to provide a mixed-use scheme comprising commercial floorspace (B1 use), flexible commercial & community floorspace (B1/D1/D2 use) & residential units (C3 use), together with associated car & cycle parking, plant, supporting facilities, amenity space, landscaping & infrastructure works - approved 01/10/2020

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing buildings and the erection of a new four storey bus garage building, including office and engineering floorspace, external bus parking provision and new boundary treatment.

- 4.2. The proposals include the following works:
- Complete demolition of the West Garage;
 - New four storey building (2,600sqm) providing 4 bay workshop with offices, driver's accommodation and bus storage occupying the first two floors. Remaining two floors above to be used as headquarters' office;
 - Use of the remainder of the site as open parking for buses (increased space for up to 67 buses, and employee parking during office hours);
- The site generally would be used for the day to day running of the bus fleet and maintenance of vehicles, while functions like refuelling and washing would remain part of the East Garage.
- 4.3. Following receipt of consultation comments, the applicant submitted amendments to the scheme as follows:
- Amended plan indicating a 'Buffer Zone' reserved for future development along the east boundary of the site;
 - Alterations to landscaping including wider planted boundary strips;
 - Amendment to roof parapet and external materials of building;
 - Internal layout alterations to facilitate re-arrangement of external main entrance and building fenestration.
- 4.4. The applicant also submitted further information in relation to contextual analysis, Sustainability Review, submission of a framework Travel Plan, and further transport details including on deliveries, capacity analysis and trip generation.

5. REPRESENTATIONS

- 5.1. Two (2) letters of representation have been received commenting on the application as follows:
- Concern of disruption during development with a shortage of parking facilities;
 - Concerns over any excessive dust and demolition pollution in the atmosphere as a result of the works;
 - Recommend for installation of the appropriate number of swift bricks/boxes in new development to provide biodiversity enhancements.
- 5.2. Hove Civic Society have commented on the application as follows:
- No objection in principle with the development of the site for the proposed uses;
 - Pleased to see the applicant's intention for this development to free up the applicant's two neighbouring sites for development;
 - 'Form' of the design for the combined office/engineering building is smart and interesting;
 - Concerns about the new building having an oppressive look, if the proposed choice of black aluminium materials is pursued;
 - It's important that the front boundary is well executed and its appearance is maintained to a high standard, reinforced as necessary in conditions.

6. CONSULTATIONS

External

6.1. **County Archaeology:** No objection

This application site is not located within a current Archaeological Notification Area.

6.2. **County Ecologist:** No objection.

Note development would not have a significant impact on priority habitats; site has negligible potential for bat roost, foraging or commuting; demolition of buildings should take place outside bird nesting season, or nesting bird check undertaken by qualified ecologist prior to demolition. Planting should use species that are native/of known wildlife value. Should include green/brown/chalkland green roof to increase biodiversity potential, and include swift box.

6.3. **Network Rail:** Comment

Due to the close proximity of the proposed demolition and construction of new bus four storey bus garage building to Network Rail's land and the operational railway, Network Rail requests the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team.

6.4. **Scotia Gas Networks:** Comment

In the event that gas pipes are present within the site, there may be restrictions on the work being undertaken to ensure the safety of the site and the protection of the gas pipes.

6.5. **Southern Water:** No objection

Our investigations indicate that Southern Water can facilitate foul and surface water sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

6.6. The proposed development would lie within a Source Protection Zone. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome of this consultation.

6.7. **Sussex Police:** No objection

Access control will be essential in maintaining security and authorised access into the yard and building, ensuring only those authorised to enter specific elements of the building have access. In order to provide a minimum level of security within the proposed development, it is recommended that the development conforms to the requirements within SBD Commercial Development document 2015.

- 6.8. The boundary fencing is interspersed with solid blockwork for community artist use. This will remove the amount of natural surveillance available further, so it will be important to maintain as much natural surveillance as is possible.
- 6.9. **UK Power Networks: Comment**
Should the excavation affect relevant Extra High Voltage equipment, the applicant should contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.
- Internal
- 6.10. **Air Quality: No objection**
Beneficial if a higher proportion of parking bays can be electromotive ready. Slow rate EV chargers (<7kW) are not expensive to wire into new development parking areas, and electrical ducting connections will be required anyway.
- 6.11. Electric car and van sales are a higher proportion of the market than six years ago (SPD14). For health and wellbeing reasons, road traffic emissions need to be avoided in Air Quality Management Areas such as the nearby Sackville Road north of the railway.
- 6.12. Otherwise recommend approval on grounds of air quality.
- 6.13. **City Regeneration: No objection**
Employment and Skills supports this application as despite the redevelopment of the site resulting in a loss of 1510 sqm of employment space, it will maximise the use of the new floor space and the wider site and will create a fit-for-purpose work environment for current and future employees.
- 6.14. Hopefully, this development will generate employment opportunities for local residents in the new business administration centre and attract residents to consider the training and employment in the core business, as an award-winning public transport operation.
- 6.15. As this application meets the criteria to be subject to a S106 Agreement, there will be a requirement to submit employment and training strategies in respect of both the demolition and construction phases of the development. As the redevelopment of this site results in a nett loss of 1510 sqm there will not be requirement for a developer contribution to be paid, in this instance.
- 6.16. **Environmental Health: No objection**
With regards to any concerns regarding contaminated land, the information held on Environmental Protection records indicate that the land is relatively low risk with regards to any potential contamination from historic use. Along with this, the hardstanding of the development will sever any source pathway-receptor link. However, as a precautionary measure, it would be recommended that a Land Discovery Strategy is applied by condition.
- 6.17. **Heritage: Objection**
The new four storey building would be sufficiently distanced from 101 Conway Street, with intervening buildings and land, as to have little impact on the setting

of the 101 Conway Street. If the aluminium panels are to be a combination of black and grey as indicated that would nevertheless make appropriate reference to the flint facing of the locally listed heritage asset.

- 6.18. The most impressive view of the Railway Bridge is the view from the Goldstone Street approach looking north, from where it is suitably framed by the similar two storey red-brown brick bus depot buildings. The brickwork of these contrasts warmly with the buff brick of the Bridge and brings out the red brick string course.
- 6.19. The replacement of the western flank of this approach with a 2.5m high planted mesh fence would greatly unbalance and disrupt the visual coherence of the flanked approach, whilst the parked multi-coloured buses would be clearly visible above the fencing in these views. Overall therefore the proposed development would cause clear harm to the setting of the locally listed Railway Bridge. In accordance with paragraph 197 of the NPPF this harmful impact should be taken into account in determining the application
- 6.20. **Planning Policy: No objection**
- The Council is strongly committed to the provision of an integrated, safe and sustainable transport system (Policy CP9). Both the draft Neighbourhood Plan and Hove Station Area SPD recognise the bus company's desire to remain in this location, subject to exploring the potential to rationalise its use of the site(s) and/or incorporate other uses.
 - The SPD identifies the bus depot (particularly the East Garage site) as a potential 'gateway' to the area from Hove Station and therefore a key location for unlocking the regeneration potential of the area. The current application to some extent conflicts with these longer term aspirations, however the Masterplan/SPD acknowledges this and has established the principle that the West Garage site can be redeveloped by the bus company in the short term without necessarily compromising the longer term objectives for the East Garage site. Therefore, the current application is considered to be in broad conformity with the strategy and project timeline set out in the draft SPD.
 - Whilst the proposal is designed to meet the specific needs of the bus company, it would provide (or retain) on-site employment, support off-site employment and allow the bus company to modernise and potentially expand.
 - The proposed design of the new building would in general support Policy DA6 priorities for the Hove Station area, including improvements to the public realm and green infrastructure (DA6.A.2, DA6.A.3 and DA6.A.9) as well as overarching City Plan policies such as Policy CP12 and CP13.
- 6.21. **Sustainability: No objection**
This is an excellent outline, setting the direction for improving energy efficiency and biodiversity while creating modern offices and bus workshop
- 6.22. Heating - technologies such as infrared radiant heaters (for workshop) and heat pumps (for offices) should be explored to ensure the heating system is the most efficient possible.

- 6.23. Renewable energy - in particular solar panels should be considered for the roof to offset electricity use on site. External lighting should be low-energy.
- 6.24. The hardy planting proposed for the green wall is suitable for this location, use and constrained growing conditions. Advice should be sought about native climbing species which can provide a diverse range of shelter and food sources for wildlife. There should be a management plan in place for the green wall along the boundary to ensure the planting is watered appropriately, replaced when necessary, pruned, litter removed etc.
- 6.25. **Sustainable Drainage** No objection
Recommend for approval subject to conditions.
- 6.26. **Sustainable Transport:** No Objection
Initial comments:
The proposal does not address delivery and servicing and other kerb-side movements. No demand forecasts or related capacity analysis has been provided. No details have been provided on whether there will be an increase in the number of staff on the site. It is currently unclear from the submitted plans where the proposed cycle parking would be located. There is also currently an under provision of 38 spaces.
- 6.27. Currently unsuitable for determination due to a lack of information necessary to assess the potential impacts of the proposals in accordance with the requirements of NPPF paragraph 111. Further information required.
- Further comments following submission of further information:
- 6.28. No objection subject to the inclusion of the following condition/informatives and obligations to any permission granted.
- 6.29. **Urban Design Officer:** No objection
Initial comments:
The principle of retaining operational bus depot facilities, including open bus parking at this time, is in line with design guidance in the draft Hove Station Area Masterplan SPD.
- 6.30. Proposals seek to respond to design ambitions for comprehensive redevelopment and consolidation of the bus depot facilities as outlined within the draft SPD, and the submitted Planning Statement and Concept Masterplan Programme are indicative of this.
- 6.31. However, as currently proposed, the site configuration does not align with some of the more detailed elements of this guidance, including the generation of strategic active frontages and public realm enhancements on the eastern site boundary. As such, proposals somewhat inhibit future comprehensive redevelopment of the site.
- Further comments following submission of amendments/further information:

- 6.32. Proposals now respond positively to future ambitions by incorporating a "buffer zone" for strategic active frontage and public realm enhancements on the eastern site boundary as part of future comprehensive redevelopment of the site.

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. Section 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 JAAP (adopted October 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 & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
DA6	Hove Station Area
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

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

TR4	Travel plans
TR7	Safe Development

TR14	Cycle access and parking
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
SU11	Polluted Land and Buildings
SU12	Hazardous Substances
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites
HE6	Development within or affecting the setting of a Conservation Area
HE10	Buildings of local interest

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

DM11	New Business Floorspace
DM18	High Quality Design & Places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green infrastructure and nature conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy
DM46	Heating and cooling network infrastructure

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

Hove Station Neighbourhood Plan (Regulation 16 publication version):

Policy 1 Creation of the Hove Station Quarter

Policy 4 Bus Depot

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the impact of the proposed development upon the character and importance of nearby locally listed heritage assets and the wider area, impacts upon neighbouring amenity including noise/disturbance, sustainable drainage, air quality, sustainability, landscaping, ecology, and related traffic implications.

Policy Context

- 9.2. The site is located within the Conway Street Industrial Area Strategic Allocation which forms part of the Hove Station Area Development Area (Policy DA6). The application is therefore assessed against the overall strategy and priorities in DA6, along with the emerging Hove Station Neighbourhood Plan (at Regulation 16 public consultation) and the recently adopted Hove Station Area SPD.
- 9.3. The overall strategy for the DA6 area is stated as:
"to secure the long-term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The aim is to secure the creation of a high-quality employment environment that will attract investment and new employment opportunities for the city and promote the efficient use of land through, predominantly employment and residential, mixed use developments."
- 9.4. The Strategic allocation in Policy DA6 for Conway Street Industrial Area is for the following:
"Comprehensive mixed-use redevelopment to deliver more effective use of the under-used land and buildings, requiring the retention / replacement of 12,000sqm employment floorspace with a shift into high quality flexible office / business (B1) floorspace, the provision of 200 residential units and enhancements to the streetscape."
- 9.5. The Council published the draft Hove Station Neighbourhood Plan for pre-submission (Regulation 16) consultation over the period from 20 May to 15 July 2021 to then be submitted for examination by an independent examiner, with the aim for the Plan to be formally 'made' in 2022, at which point it will form part of the statutory development plan for the Hove Station area.
- 9.6. Hove Station NP Policy 4 specifically relates to the Bus Depot site. It states that:
"Proposals for redevelopment and/or rationalisation of the current bus depot to provide or incorporate residential and employment uses will be supported as part of a comprehensive redevelopment of the area of DA6 South of the railway. Development of the site would need to take into consideration the need for an

improved linkage to Hove Station and would need to be essentially car free as set out in Policy 16. The Hove Station Area Master Plan / SPD will provide the means to ensure that the strategic operational and development needs of the bus company are provided for."

- 9.7. The Hove Station Area SPD was adopted on 16 September 2021, and supports the retention and improvement of the bus depot within the DA6 area. The current planning application equates to Phase 1 of the envisaged timeline involving the redevelopment of the western site to create new office space and demolition of the buildings on the eastern site to provide for open bus parking.

Principle of Development:

- 9.8. The proposal is to demolish existing buildings and redevelop the site to provide a new office/engineering building to the west, and to accommodate a new open bus parking area in the remainder of the site. The applicant has indicated in the submission that the proposal would replace existing, out-of-date office accommodation, and would improve the bus operations on site.
- 9.9. The draft Hove Station Neighbourhood Plan and the Hove Station Area SPD set out the need for a bus company to remain in operation in this location, with an understanding that the use of sites would need to be rationalised in order to support the long-term redevelopment of the area with a broader and more intensive mix of uses. The proposal would accord with the aims in Policy CP9 to provide an integrated, safe and sustainable transport system.
- 9.10. The submitted Planning Statement sets out a Concept Masterplan Programme which would potentially allow for the longer-term release of the East Garage site, subject to a programme of Council-led land assembly and redevelopment. It is acknowledged that the proposed development within this application does not achieve the longer-term aspirations for the regeneration of the Hove Station area. However, SPD18 notes that this site can be redeveloped in the short-term to provide upgraded facilities as it is not as critical as the eastern depot in unlocking regeneration of the wider area. The SPD states:
"...in order to accommodate the shorter-term operational needs of the bus company, it is probable that it will take some time to secure the necessary land deals that will provide for the bus company's longer term needs and release the eastern depot site.
- 9.11. Therefore, it is considered that the proposed development would not compromise the longer-term Masterplan objectives for the site, and would be in broad conformity with the strategy and project timeline set out in the SPD18.

Proposed Employment:

- 9.12. Policy DA6 of City Plan Part One seeks coordinated employment focussed mixed-use regeneration of under-used land and buildings that offers flexible employment space and high-quality design. It also encourages more efficient use of under-used sites whilst retaining/replacing employment floorspace.
- 9.13. Although there would be a net decrease in employment floorspace from the existing 4,110sqm to 2,660sqm, the site would be redeveloped to provide a

better, more modern facility which would increase the efficiency of the bus company operation. It would maintain on-site employment, increase office floorspace (from 1,014sqm to 2,026sqm), and would potentially support off-site employment (bus drivers) and future employment on the site and surrounding sites.

- 9.14. The Council City Regeneration Team support the application, noting that it would maximise the use of the wider site and would create a fit-for-purpose work environment for current and future employees.
- 9.15. There will be a requirement to submit employment and training strategies in respect of both the demolition and construction phases of the development. The Employment and Training Strategies set out how the developer will provide employment and training opportunities for local residents, with the developer committing to using an agreed minimum percentage of 20% local employment. Employment and Training Strategies will be secured through a s106 legal agreement.
- 9.16. Therefore, the proposal is considered to support the objectives for sustainable economic development set out in Policy CP2 as well as according with the employment priorities in Policy DA6.

Design and Appearance:

- 9.17. The National Planning Policy Framework attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan which seeks to raise the standard of architecture and design in the city.
- 9.18. The Council's Design objectives are covered in the City Plan and expect development to raise the standard of architecture and design in the city and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods. Development should achieve excellence in sustainable building design and construction. It should conserve or enhance the city's heritage assets and their settings. Development should protect or enhance strategic views into, out of and within the city. The design of the external spaces should be an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm.
- 9.19. Saved Policy QD15; City Plan Part One Policies CP12, CP14, and CP16 and emerging City Plan Part Two Policy DM18 and DM22 seek to deliver quality developments, raise the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain where landscape is an integral part of the design.
- 9.20. CPP1 Policy DA6 requires development to take into account impacts on townscape and strategic views, as well as ensuring improvements to the public realm and townscape, particularly in the Conway Street area. SPD17: Urban Design Framework, Section 1.2, encourages development to *"Build on a sound understanding of neighbourhood characteristics"*. Section 7.1: Vision & Site

Strategy, asks applicants to submit a clear vision statement, contextual analysis, constraints and opportunities diagrams, and a diagrammatic site strategy to inform design development.

- 9.21. The proposals would result in the demolition of the existing buildings, and the erection of a new four storey building with a frontage onto Conway Street. The building would be of contemporary appearance. The rest of the site would provide open parking with perimeter fencing and landscaping around the boundary of the rest of the site. The applicant has set out in the submission that the Hove Station Area Masterplan SPD, as well as the policies outlined above, have informed the design strategy of the proposal.
- 9.22. The application represents the first stage in the process of unlocking the wider potential of the site and facilitating future ambitions. It is considered that the principle of retaining and consolidating the operational bus depot facilities on the site, including open bus parking in the short/mid-term, is in accordance with the design guidance established within the Hove Station Area Masterplan SPD. However, it is also considered that a temporary planning permission for a ten-year period is appropriate to ensure that after that time, the site forms part of the redevelopment of the wider area.

Impact on Heritage Assets:

- 9.23. Policy DM29 (which now carries significant weight) of City Plan Part 2 Proposed Submission states that development within the setting of a heritage asset will be permitted where its impact would not harm the contribution that setting makes to the asset's significance, by virtue of the development's siting, footprint, density, scale, massing, design, materials, landscaping or use. Saved Policy HE10 states that whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these buildings should be of a high standard compatible with the character of the building.
- 9.24. To the west of the site is the locally listed heritage asset of 101 Conway Street, built as part of the Brighton and Hove Laundry Company in 1886. It is of two storeys with attic, incorporating densely packed field flint elevations with stone dressings. The Heritage Team have noted the end of terrace dwelling as a particularly unusual late Victorian building, demonstrating well-executed use of local materials, with stone for the dressings that is unusual in this area, and contributes greatly to the street scene. The Heritage Team states that the proposed development would have little impact on the setting of this building, as the proposed four storey building would be of sufficient distance away, and the proposed materials would respect the historic locality in this regard.
- 9.25. Immediately adjacent to the site to the north is the locally listed heritage asset the Fonthill Road railway Bridge. The railway line was completed in May 1840, and therefore the bridge likely dates to this time. It is built in buff brick, with a low, segmental-arched opening and projecting piers to either side. The Heritage Team have highlighted the bridge as a good example of a regional approach to railway bridge design, incorporating local materials, and contributing greatly to the street scene. This is especially the case with the view from Goldstone Street

looking north, where the bridge is framed by the similar two storey red-brown brick bus depot buildings either side.

- 9.26. Paragraph 197 of the NPPF states that *"in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.
- 9.27. The Heritage Team raise concern regarding the replacement of the building with fencing, by way of unbalancing the visual coherence of the flanked approach, and therefore harming the setting of the locally listed Railway Bridge. It is acknowledged that the proposals would result in some harm to the heritage asset by way of a change in the character of the site. However, it is considered that in this instance, the public benefits of the development would outweigh these concerns. The proposed site layout indicates a buffer zone area that would enable a frontage building in this location once the site is further development in line with the long-term regeneration plan for the site and the wider Hove Station Masterplan site. Furthermore, a condition would restrict the use of the open bus parking area use for a temporary period of 10 years.
- 9.28. On balance, it is considered that the proposed development would not result in significant harm to neighbouring heritage assets in accordance with Policy DM29 of City Plan Part 2 Proposed Submission, and Saved Policy HE10 of the Brighton and Hove Local Plan.

Form/Scale/Massing:

- 9.29. The submitted Design & Access Statement sets out aspects of the proposed development design. The addendum to this document submitted during the course of the application includes photographic survey analysis of the existing buildings in the surrounding area. This concludes that there is little architectural merit in the vicinity that would inform design proposals. The proposed new building would have a modern contemporary design.
- 9.30. The proposed four storey scale of the building is considered to be appropriate and in line with height ranges in the locality, including the adjacent terraced housing on Conway Street. The proposed flat roof does not directly relate to this terraced housing, however it does respond to the prevailing character of other buildings nearby, and the flat roof would provide biodiversity/sustainability opportunities.

Appearance, Detailing and Materials:

- 9.31. Urban Design Framework Section 1.3 (Composition of Street Scene) identifies a number of design priorities including "Reference existing building lines, height, rhythm and proportions of frontages, windows and doors". Section 3.5 (Materials and Maintenance) seeks that development should "Select materials, detailing and finishes that reference the local context to help create a sense of place".
- 9.32. During the course of the application, amendments were made to the internal layout of the building to facilitate alterations to the main entrance on the southern

elevation in order to generate more active frontage facing the street. This was a welcomed improvement to the scheme.

- 9.33. The proposed cladding system is considered appropriate in principle, and the Urban Design Officer has highlighted the successful large areas of glazing on the south elevation, which would expose the activity within the offices. The ground floor would have a greater height than the upper levels and a contrasting brick finish which is also considered acceptable. Further details of material types, compositions and colour, as well as opportunities for green/planted walls, would be secured by condition.
- 9.34. There may be some visual impact caused by the open bus parking when viewed from upper storeys of future surrounding development (including the committed residential development at 1-3 Ellen St currently under construction). The Planning Statement argues that providing a forecourt roof would serve no reasonable purpose and would not allow for a maximised parking layout, but also states that once residential development overlooking the forecourt is completed, a roof will be erected to shield views if required. Furthermore, the current proposed plans accommodate a 9x18m structural grid 'Buffer Zone' against the east site boundary to accommodate ground level frontage as part of future comprehensive development of the site.
- 9.35. The future ambition to "roof or develop over the parking area" is welcomed, however is not proposed in this application. The proposed planted fencing is not an active frontage and is considered sufficient as a temporary measure only. As referred above, a condition would restrict the use of the open bus parking area use for a temporary period of 10 years. The lack of an 'active frontage' is considered acceptable for a temporary period.

Landscaping/Biodiversity:

- 9.36. The proposed development would incorporate greened fencing which would integrate it into the surrounding public realm at least at ground floor/pavement level. These elements would support the Policy DA6 priorities for the Hove Station area, including improvements to the public realm and green infrastructure. To ensure an inviting requirement, details of external lighting design to be incorporated into the proposed boundary treatment are required by condition.
- 9.37. The site is constrained in space for public realm improvements, and in order to improve the proposals, the applicant has amended the planted perimeter by incorporating a 500mm wide planting strip in the ground for the full length of frontage. Full details of the landscaping scheme are required by condition.
- 9.38. The site offers opportunities for enhancement to provide biodiversity net gain. Green fencing is proposed along the southern boundary. The Urban Design officer has highlighted that the ambition for urban greening and biodiversity gains is commendable.
- 9.39. The submitted 'Preliminary Roost Assessment for Bats' report recommends installation of green roofs to be considered during the final design stages for the

new buildings. However, this does not appear to be formalised with the proposed plans. The proposed roof plan does show the location for solar panels, and so green roofs could in this instance also benefit the increase in the efficiency of PV panels, as well as reducing run-off and to reduce the urban heat island effect.

- 9.40. The submission recommends the provision of bird boxes for house sparrows. Given the nature and location of the proposed development, it would also be recommended that swift boxes are provided. The County Ecologist has no objection to the proposals and recommends a condition for an Ecological Design Strategy to ensure a net gain for biodiversity, incorporating the above specifications.
- 9.41. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Impact on Amenity:

- 9.42. The potential amenity impacts from the operation of the proposed redeveloped bus depot have been assessed, including in terms of noise/disturbance, giving consideration to saved Policies QD27 and SU10, and emerging CPP2 Policies DM20 and DM40 (both of which now carry more weight than the Local Plan policies).
- 9.43. The nearest residential properties are the terraced housing to the west on Conway Street, separated from the site with Jewson's builder's merchant's yard in between. Planning permission has been granted at nearby 1-3 Ellen Street to the south-east of the site for residential development which is currently under construction. There are also sites to the south along Conway Street that have been identified for future mixed-used development.
- 9.44. As per the existing use, the proposed redevelopment of the site would generate a certain amount of noise from the usual comings and goings of buses. The proposed commercial use has the potential to cause disturbance through employee movement, deliveries and services, and plant and machinery (as per the existing premises). There may also be some additional noise from vehicular movements within the proposed open bus parking. The emergence and continued replacement of the bus fleet with electric and hybrid buses with low level sounds is noted. No refuelling to be undertaken on site as this is undertaken at the East Garage. It is therefore not considered that the scheme would result in a significant increase in noise over the existing use. Nevertheless, a Noise Management Plan for the activities on site will be secured by condition to protect the amenities of neighbours. Furthermore, a condition would restrict the use of the open bus parking area use for a temporary period of 10 years. This would enable further consideration of the impact of noise and disturbance on future neighbouring residential development.

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- 9.45. Given the nature of the adjoining sites and the distance from residential properties, the proposed height, bulk, and massing of the development is unlikely to cause any significant impact on residential amenity in terms of overshadowing, loss of light, heightened overlooking, or loss of privacy. The proposed use of external lighting is not expected to cause significant harm, and details of levels of illuminance, hours of use and siting will be required by condition. The noise from the proposed new plant and machinery will be restricted by condition.
- 9.46. Subject to the application of appropriate conditions, overall, it is considered that the proposed development would not cause significant harm to neighbouring amenity, in line with Local Plan Policies SU10 and QD27 and emerging City Plan Part 2 Policies DM20 and DM40 (which can be given significant weight).

Sustainable Transport:

- 9.47. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 c) of the Brighton and Hove City Plan Part One is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle 75 Access and Parking) and TR18 (Parking for people with a mobility related disability).
- 9.48. Policy DA6 priorities include the aspirations to enhance the sustainable transport interchange at Hove Station by improving the walking and cycling network in the wider area and improving permeability within the area.
- 9.49. A Transport Assessment (TA) has been submitted in support of this application. The Local Highway Authority initially raised concerns relating to a lack of information regarding delivery and service arrangements, trip generation relating to staff numbers, and cycle parking. The applicant has positively responded to the highway issues raised.
- 9.50. The principle of improving bus depot facilities would strengthen sustainable transport systems. Overall, subject to appropriate conditions and s106 requirements, the scheme is considered acceptable in transport terms. The details transport considerations are set out below.

Access:

- 9.51. There are currently three existing access points on Conway Street, with only and be extended. The changes to the highway would be secured via a s278 agreement. Pedestrian access would remain via Conway Street as existing. For employees, public transport is accessible via nearby bus stops on Ellen Street and Goldstone Villas, and members of staff benefit from free bus pass, discounted rail tickets, and staff bus. Bin collection is on-street via Conway Street as existing.

- 9.52. Details of delivery and servicing were requested during the application. The office use is to be serviced as existing, from Conway Street. The proposed workshop areas would be serviced from within the site, and the submitted swept path drawings in the Transport Assessment show the vehicles can enter and egress the site in a forward motion. The number of vehicle trips associated for delivery and servicing arrangements are expected to be the same as existing, and are therefore considered acceptable. However, the access arrangements would be altered so it is considered appropriate to require the submission and approval of a Delivery and Service Management Plan by condition.

Cycle Parking:

- 9.53. The site is well located for staff to cycle to and from. The applicant proposes an area for cycle parking by the retained Conway Street entrance to the site. Initially, 30 cycle spaces were proposed, and the proposed plan has been revised to expand the cycle parking area. The cycle parking would consist of Sheffield stands and two-tier stands to minimise the loss of space for bus parking. The Highway Authority agree for the exact provision of cycle parking to be confirmed with full details provided by condition. The proposed plans now also show provision of unisex toilets and showers.

Vehicle Parking:

- 9.54. 'Saved' Policies TR4, TR7 and TR18 and CPP1 Policy CP9 (as well as City Plan Part 2 policies DM33, DM34 and DM36, which hold significant weight) seek to ensure that developments provide sufficient on-site parking. There are, however, situations where requirements for on-site provision of parking, for example, can be reduced, particularly if the site is in a sustainable location and within walking distance of public transport.
- 9.55. Three disabled spaces are proposed close to the office entrance, and would be secured by condition. The site is in an accessible location and there are existing on-street that would limit overspill parking opportunity.
- 9.56. The proposals would provide 59 parking bays for buses (49 in the hardstanding area, 6 on the circulation route, and 4 within the workshop), which would be an additional 6 bus spaces from existing.
- 9.57. Details of the 6 active provision electric car charging bays (and 6 with passive provision) are indicated on the site layout plan and would be secured by condition.

Trip Generation:

- 9.58. The proposal would result in an additional 1586m² of office space and an additional 26 bus spaces on site. The applicant has confirmed that there would not be an increase in staff numbers, and the same number of buses (61) would continue to operate in and out of the site. The scheme is not therefore expected to result in an increase in trip generation or impact on highway capacity. Further, the continued provision of bus services would contribute towards more sustainable transport across the city.

- 9.59. A framework Travel Plan has been submitted. A full Travel Plan would be secured by s106 to establish objectives, targets, actions and measures/incentives to reduce single occupancy trips to and from the site by motor vehicles and reduce trips by delivery and servicing vehicles. A DEMP/CEMP would be secured by condition to confirm where staff and buses would be located whilst development is under construction.

Sustainability:

- 9.60. City Plan Policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. SPD17 Urban Design Framework Section 3.1 (Resource Performance and Use) outlines a number of design principles to achieve the requirements of Policy CP8.
- 9.61. The application supporting documents set out the proposed sustainability and energy strategy for the proposed development. The design of the proposed building has considered insulation, glazing and reduced air permeability. The materials would include those from locally sourced suppliers, and windows frames would have high recycled content. Air conditioning units in the offices would provide heating and cooling, and heaters and hot air curtains for the workshop. The building incorporates a solar PV array on its roof. The proposed Green Wall would consist of mesh fencing along Conway St boundary wall with hardy green planting such as ivy and pyracanthus growing up it. Overall, the Suitability Officer has highlighted good energy efficiency and biodiversity proposals, subject to further information on some matters. The application addresses building fabric, heating and ventilation, energy supply including onsite renewables, and water efficiency. It is considered that the proposal would contribute towards wider carbon reduction targets across the city.
- 9.62. The development will target BREEAM 'Excellent' rating. A condition is proposed to secure this, as well as further details of external lighting, carbon emissions, PV panels, green wall management plan, and connection to a future district heating system.

Other Considerations:

Air Quality:

- 9.63. Policy SU9 of the Local Plan relates to pollution and nuisance control. The site is not within an Air Quality Management Area (AQMA). Any extra vehicle movements resulting from the development would not be significant and would be unlikely to create a significant impact on air quality in the vicinity. The applicant has submitted information on the low-emissions bus fleet, including a high number of ultra-low emission "Euro 6" buses. Policy DM40 acknowledges the introduction of lower-emission buses within the city. Overall, it is considered that no significant adverse air quality impact would occur as a result of the proposed development.

Flood Risk:

- 9.64. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Policies SU3, SU5 and SU11 in the Local Plan relate to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings.
- 9.65. The site is within Flood Zone 1 which has the lowest risk fluvial risk of flooding. The application includes the submission of a Flood Risk Assessment and Sustainable Urban Drainage report. The report sets out that the site is at low risk from surface water flooding and concludes that the proposed development is appropriate for the flood risk.
- 9.66. The Council Flood Risk Team have recommended further details to be submitted by condition.

Ecology:

- 9.67. Policy CP10 of Brighton & Hove City Council's City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development.
- 9.68. The proposed development site is not designated for its nature conservation. The site currently comprises buildings and hardstanding within an urban environment, and is of limited biodiversity interest. The County Ecologist advises ecological harm and impact upon protected species is unlikely on the existing site. If protected species are encountered during development, there are separate protections under the Wildlife and Countryside Act 1981.
- 9.69. The biodiversity considerations are set out above. In line with recommendations from the County Ecologist, it is recommended that Ecological Design Strategy be secured by planning condition.

Land Contamination:

- 9.70. The site was previously occupied by part of a residential terrace and has since remained mostly unbuilt for the use of parking vehicles. The Council Environmental Health Team have stated that records indicate that the land is relatively low risk with regards to any potential contamination from historic use. As a precautionary measure a Land Discovery Strategy would be required by condition.

Waste Management:

- 9.71. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and

excavation. A Site Waste Management Plan (SWMP) is required by condition to demonstrate compliance with Policy WMP3d.

- 9.72. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined on the plans, and full details are required by condition.

Conclusion

- 9.73. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.74. The site is located within a sustainable location, close to Hove Station. The proposed development would support objectives for sustainable economic development and is compatible with employment priorities for the Hove Station area. Redeveloping the site would enable the City's bus company to modernise and increase efficiency, which would support the council's aims to provide an integrated, safe and sustainable transport system. The bus company proposals for redevelopment would support on-site employment through the servicing of buses and with provision of office floorspace, as well as supporting off-site employment such as bus drivers.
- 9.75. The proposed design of the new building would in general support priorities for the Hove Station area, including improvements to the public realm and green infrastructure. The use of open bus parking, for a temporary period, would not result in significant impact on nearby heritage assets, visual amenity, or neighbouring amenity.
- 9.76. Other factors including impacts relating to neighbour amenity impact, ecology, sustainability, landscaping, flood risk, land contamination, and air quality have been assessed and have been considered acceptable.
- 9.77. Overall, whilst the proposed scheme would not achieve the long-term ambitions of the draft Masterplan SPD18 regarding active frontage to the east site boundary, it is considered that the scheme would meet short term operational requirements which is acknowledged in SPD18, and would therefore be in broad conformity with the strategy and project timeline set. Overall, the scheme is considered acceptable and it is recommended for approval subject to the conditions and s106 requirements set out in this report.

10. EQUALITIES

- 10.1. Three disabled bays are proposed which is in accordance with SPD14 and Policy TR18.

11. CLIMATE CHANGE / BIODIVERSITY

- 11.1. The site is sustainably located, and all employees have access to free public transport. The proposal does provide an appropriate number of and location for the cycle parking spaces
- 11.2. The application states that Brighton And Hove Buses intends to replace fleet of buses with use of Hydrogen Fuel Cell Electric Buses, as part of commitment to zero carbon emissions by 2030.
- 11.3. The project will target BREEAM excellent. The submission addresses building fabric, heating and ventilation, energy supply including onsite renewables, and water efficiency The applicant's design approach is for an "all-electric" solution and as such there is no gas supply to the site.
- 11.4. An ecology assessment has been submitted in respect of the development, and details opportunity for improvements to biodiversity through the proposed planting.

12. S106 AGREEMENT

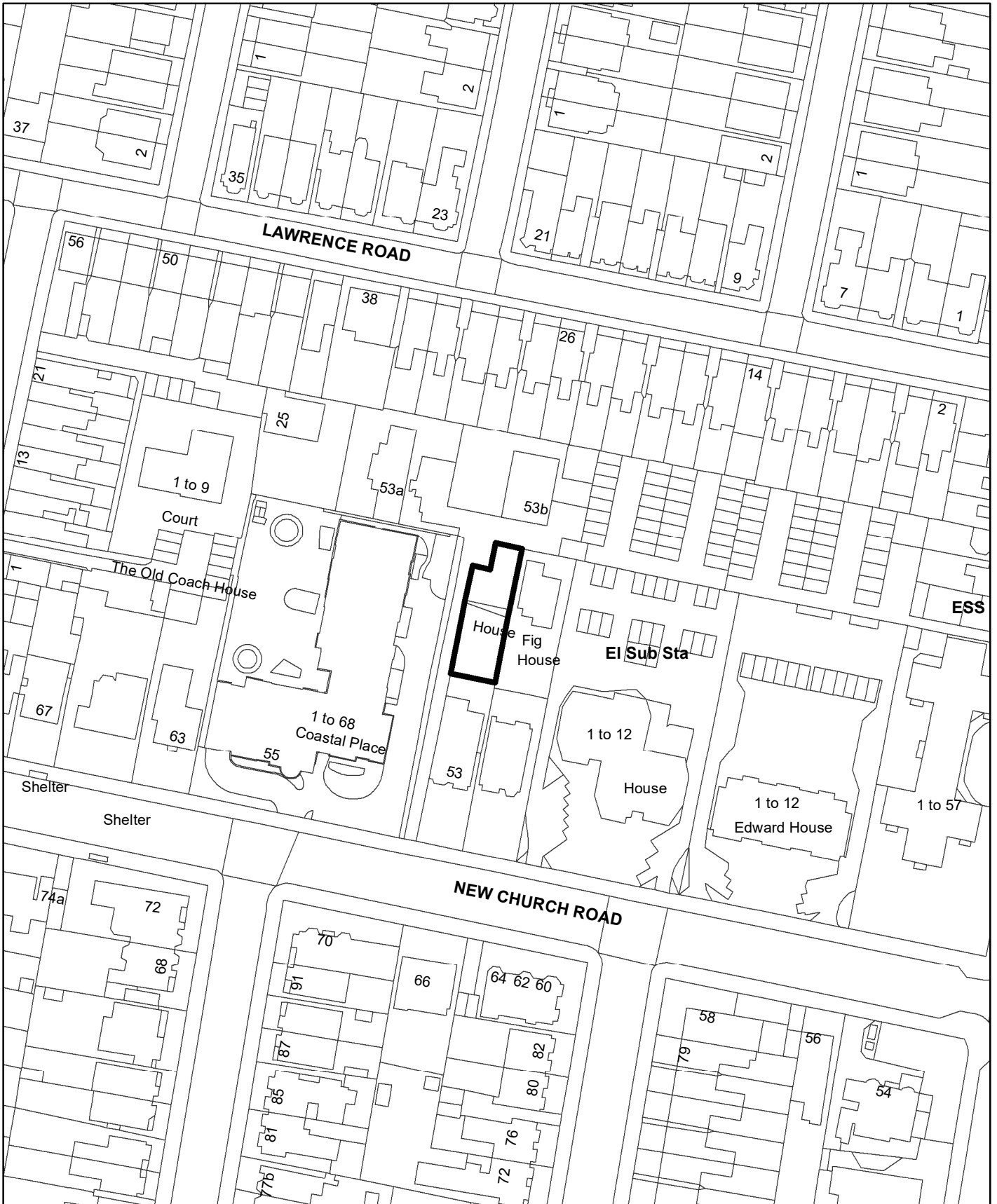
- 12.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
 1. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 2. The proposed development fails to provide required highway works on Conway Street and Fonthill Road to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

ITEM E

**1 Courtyard Lane
BH2021/03532
Full Planning**

DATE OF COMMITTEE: 9th March 2022

BH2021 03532 - 1 Courtyard Lane



N



Scale: 1:1,250

<u>No:</u>	BH2021/03532	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Courtyard Lane Hove BN3 4BP		
<u>Proposal:</u>	Partial change of use of domestic swimming pool for private swimming sessions, swimming lessons, and scuba classes. (Retrospective) (Varied hours of use)		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	01.10.2021
<u>Con Area:</u>	None	<u>Expiry Date:</u>	26.11.2021
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Whaleback Planning And Design Whaleback Planning And Design The Old Bank 257 New Church Road Hove BN3 4EE		
<u>Applicant:</u>	Philippa Stephen-Martin Care Of Whaleback Planning And Design The Old Bank 257 New Church Road Hove BN3 4EE		

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	SITE LOCATION PLAN		1 October 2021
Other	Email - Schedule of Hours		18 January 2022

2. The commercial use of the swimming pool hereby approved shall operate in strict accordance with the limitations set out below:

- Monday, Tuesday and Wednesday - between 15:30 and 18:30, maximum five 30-minute swimming lessons which comprise one teacher and either one or two students
- Thursday and Friday - between 15:30 and 18:30, maximum three private swimming sessions, each session no more than 7 adults, or maximum group size of 6 if a mixed ground of adults and children.
- Saturday - between 10:00 and 13:30, maximum six 30-minute swimming lessons which comprise one teacher and either one or two students.
- Sunday (once per month) - between 09:30 and 14:30, monthly underwater scuba class which comprise 1-2 teachers and a maximum of 9 students.

Reason: As this is fundamental to the acceptability of the proposal and in order to protect neighbouring properties from noise disturbance and to comply with Policy SS1 of the Brighton and Hove City Plan Part One and Policy DM20 of the Brighton and Hove City Plan Part Two.

3. Within three (3) months of the date of this permission, a full Management Plan for the premises shall be submitted to the Local Planning Authority for approval in writing. The Management Plan will set out how the commercial use of the swimming pool shall operate and how noise and disturbance arising from this use shall be minimised. The premises shall thereafter operate in strict accordance with the approved Management Plan.

Reason: In order to protect neighbouring properties from noise disturbance and to comply with Policy DM20 of the Brighton and Hove City Plan Part Two.

4. Within three (3) months of the date of this permission, a Travel Plan for the premises shall be submitted to the Local Planning Authority for approval in writing. 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.

5. Within three (3) months of the date of this permission, details of secure cycle parking facilities for visitors to the development hereby permitted shall be submitted to the Local Planning Authority for approval in writing. The approved facilities be retained for use at all times.

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

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. The application relates to a two-storey dwelling on the eastern side of Courtyard Lane. The garden area of the site includes a swimming pool of approximately 10m length and 5m width. The swimming pool was formerly within the plot of no. 53 New Church Road.
- 2.2. The building is not listed and is not located within a Conservation Area.

3. RELEVANT HISTORY

- 3.1. **BH2012/02617** - Extension of first floor balcony. Refused

- 3.2. **BH2006/01019** (53 New Church Road) - New dwelling house to replace existing pool house. Amendments to previously approved application BH2005/01008FP. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a partial change of use of the swimming pool for private swimming sessions, swimming sessions and scuba classes. The application is part-retrospective as non-domestic use of the swimming pool has already commenced.
- 4.2. The application has been amended since the initial submission to reduce the proposed hours of non-domestic use.

5. REPRESENTATIONS

- 5.1. The application was first publicised with an expiry date for representations of 16th November.
- 5.2. **Fifteen (15)** letters of objection were received:
- Noise disturbance from users of the pool as well as comings and goings, above that would be expected from a private family pool
 - Commercial use out of character for residential area
 - Pool has been operating without planning permission
 - The pool takes up a large portion of the rear garden space and is in close proximity to several blocks of flats
 - The applicant should closely supervise the sessions
 - Security concerns with large numbers of people moving to and from the site
 - No toilets for customers to use
 - Those in favour are not local residents
 - Loss of property value
 - Additional traffic
 - Overdevelopment
 - The site has been listed on AirBnB in the past
 - Commercial use has been ongoing for longer than stated in the application submission
- 5.3. **Sixty-four (64)** letters of support were received:
- Beneficial community asset
 - Useful for those uncomfortable in larger pools
 - Pool is safe, clean and well run
 - Scuba sessions result in little noise
 - Shortage of pools within Brighton & Hove
- 5.4. **Four (4)** letters were received making no objection.

Following negotiations to reduce the hours of proposed commercial use, the application was subsequently re-advertised, with an expiry date of 7th March. At the time of writing;

5.5. A further **twelve (12)** letters of objection have been received:

- Additional traffic
- Loss of property value
- Noise disturbance
- Inconsiderate of neighbours
- No disabled access or toilets
- Proposal not suitable for residential area
- Swimming parties late into night with loud music

5.6. A further **nine (9)** letters of support have been received:

- Useful for those uncomfortable in larger pools
- Pool is safe, clean and well run
- Noise will not be excessive

6. CONSULTATIONS

6.1. **Southern Water:**

If the pool produces filter backwash water this would need to be discharged to the public foul sewer. The rate and times of discharge of this water to the sewer and of the contents of the pool if these need to be drained to the sewer, would have to be agreed with Southern Water.

6.2. Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.

6.3. **Sports Facilities:** No comment received

6.4. **Environment Agency:** No comment received

6.5. **Environmental Health:** No comment received

6.6. **Sustainable Transport:** Verbal comments

Access to the site is down a private lane and this raises no planning concerns.

6.7. Diving training could require the transportation of relatively heavy equipment - consideration should be given to providing quiet trolleys and old blankets to muffle sound from the transportation of this equipment.

6.8. Cycle parking for visitors should be secured by condition.

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
CP9	Sustainable transport
CP17	Sports Provision

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity

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

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the impact upon neighbouring amenity and transport matters.

Principle of Development:

- 9.2. The proposal is for a partial change of use of the existing domestic swimming pool within the rear garden of the site, to allow for the introduction of an element of commercial use of the pool. This commercial use would comprise privately booked swimming sessions, swimming lessons and scuba diving instruction.
- 9.3. Use of the pool in a part-commercial capacity has been ongoing for some time. The application states that scuba lessons have been taking place on a Sunday once per month for several years, and it is understood that the pool has been offered to visiting members of the public since April 2021.
- 9.4. As originally submitted (and as it is understood to have already been occurring), the commercial use for swimming sessions, lessons and scuba instruction would have totalled 33.5 hours over six days per week (excluding Thursdays), often extending into the early evening and with up to eleven people on site at a time.
- 9.5. This was considered by Officers to be unacceptable in terms of both the duration and intensity of the proposed commercial elements, and the resulting impact on residential amenity. Accordingly, a reduced proposed schedule has been negotiated, namely:
- Monday, Tuesday and Wednesday - between 15.30 and 18.30, maximum five 30-minute swimming lessons which comprise one teacher and either one or two students;
 - Thursday and Friday - between 15.30 and 18.30, maximum three private swimming sessions, each session no more than 7 adults, or maximum group size of 6 if a mixed ground of adults and children;
 - Saturday - between 10.00 and 13.30, maximum six 30-minute swimming lessons which comprise one teacher and either one or two students; and
 - Sunday (once per month) - between 09.30 and 14.30, monthly underwater scuba class which comprise 1-2 teachers and a maximum of 9 students.
- 9.6. This equates to a total of 18.5 hours per week, plus the monthly scuba class. It should be noted that the lessons and sessions total only 16.5 hours, with the remaining 2 hours to allow for the cleaning of the pool between each class.
- 9.7. No objection is raised in principle to the introduction of an element of non-domestic use of the swimming pool, which would not in principle contravene adopted planning policies, and would go some way towards furthering the aims of policy CP17 of the City Plan Part One (to increase participation in sports and physical activity) by extending the swimming facilities open to members of the public that are available in the city.

- 9.8. Notwithstanding this, an assessment of the impact upon neighbouring amenity and sustainable transport matters will also be necessary, as below.

Impact on Amenity:

- 9.9. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.10. The site is located within a predominantly residential area, surrounded on all sides by residential uses. The existing outdoor swimming pool is established on site, having been in situ for a number of decades. Outdoor swimming pools, by their nature, result in some level of noise and disturbance for neighbours. This is the case even for outdoor pools solely in domestic use, with splashing and raised voices to be expected.
- 9.11. This being the case, it is considered that the proposed schedule of commercial use, as amended and subject to the recommended conditions, would not result in an unacceptable harmful impact upon neighbouring amenity compared to the existing solely domestic use of the pool.
- 9.12. The proposed amended schedule limits commercial activity on site to the late afternoon on weekdays and late morning on Saturdays, plus the monthly scuba class on a Sunday morning. Swimming classes on Monday/Tuesday/Wednesday/Saturday would be limited to maximum of 3 persons using the pool at once, with the private sessions on Thursday and Friday limited to 7 persons.
- 9.13. A draft Management Plan has also been provided, detailing measures such as active site supervision and adherence to ground rules such as no running/diving. A condition is recommended to secure the submission to and approval by the LPA of a full Management Plan, which would also address the movement of heavier equipment for the monthly scuba classes. It is considered that this would help ensure the impact on neighbouring residents is minimised.
- 9.14. It is considered that the proposed classes are unlikely to result in a significant increase in noise disturbance or general activity on site, due to the limited number of attendees (up to 2 pupils with 1 teacher) and the timing of the classes during the late afternoon. The private sessions on Thursday and Friday have the potential for a greater impact due to the greater number of allowed attendees (up to 7) and the differing nature of a private swimming session as opposed to an instructed class, however it is considered that this harm would not be so significant as to warrant refusal, in view of the limited time window for these sessions and the supervisory measures that can be secured by condition as part of the Management Plan.
- 9.15. It is considered that the monthly scuba class is unlikely to result in a significant impact in terms of noise or disturbance, due to the nature of scuba activities and

the infrequent occurrence of this session. The handling of heavier/noisier equipment will need to be addressed within the full Management Plan.

- 9.16. In terms of comings and goings it is recognised that, as the sole access to the swimming pool runs past 53 New Church Road and Coastal Place and is shared by 53A & 53B New Church Road, there is the potential for disturbance to be generated in this regard. It is expected that the full Management Plan will address this aspect of the proposals, as will a Travel Plan as set out below.

Sustainable Transport:

- 9.17. The site is accessed from New Church Road via Courtyard Lane, which is a private road.
- 9.18. No on-site car parking is therefore available for visitors to the pool and no objection is raised to this. The site is located close to local bus stops allowing for sustainable modes of transport.
- 9.19. The site is accessible by cycle, however no dedicated cycle parking is proposed. The applicant has stated that it is possible for visitors to leave their cycles within the garden area in a relatively secure environment. It is however considered that covered, secure cycle parking should nevertheless be provided on site and this can be secured by condition.
- 9.20. The proposal has the potential to significantly alter the number and nature of trips to and from the site, and it is therefore considered appropriate to secure a Travel Plan by condition to encourage sustainable transport to and from the site and manage use of the private lane.

Other Considerations:

- 9.21. Representations from members of the public have raised concerns regarding potential non-compliance with the proposed hours of use and supervisory measures from the Management Plan, as well as disturbance arising from late night parties on the site.
- 9.22. Non-compliance with planning conditions would be a matter for the Planning Enforcement team. There is an open Planning Enforcement investigation into the site (which has brought about this application) and were the measures to be secured (such as the hours of use, number of attendees, site supervision) not to be complied with then enforcement action could be taken as appropriate.
- 9.23. This permission for partial commercial use of the pool would be limited to the hours and intensity described. Commercial activity outside of these limits would be unauthorised. This permission would also not prejudice other powers available to the Council to address noise disturbance, such as under relevant Environmental Health legislation.

Conclusion:

- 9.24. No objection is raised in principle to the introduction of an element of commercial use to the swimming pool on site. Whilst some impact would likely result for neighbours, it is considered that the reductions made to the proposed hours and

intensity of the commercial use, in tandem with the supervisory measures that can be secured via a Management Plan, have enabled this to be mitigated to an acceptable level. Sustainable transport matters can be addressed via a Travel Plan.

10. EQUALITIES

None identified

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The proposal would make for continued use of an existing site and pool which has been in place for some decades. Sustainable modes of transport can be encouraged via a Travel Plan.

ITEM F

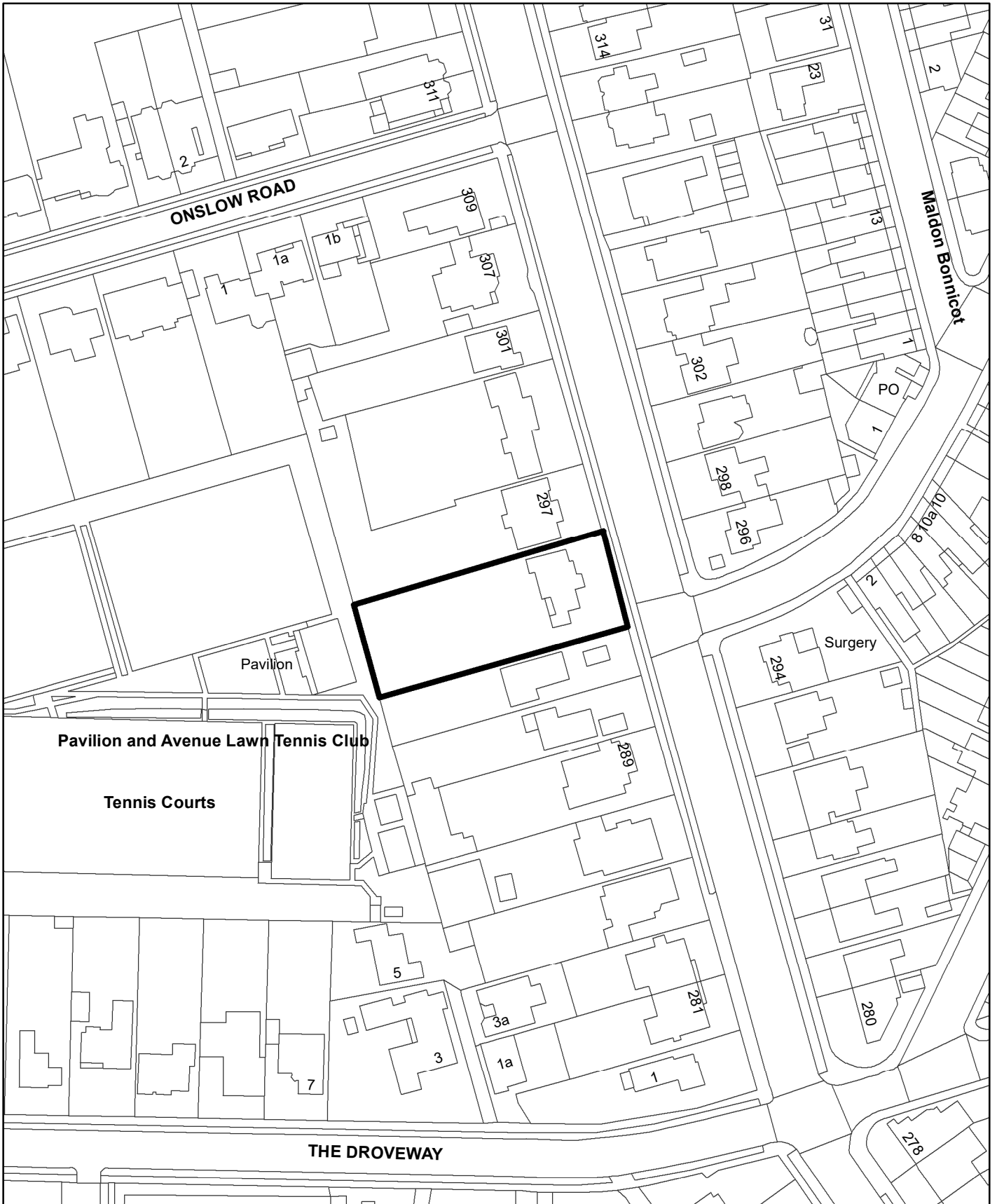
295 Dyke Road

BH2021/04003

Outline Application Some Matter Reserved

DATE OF COMMITTEE: 9th March 2022

BH2021 04003 - 295 Dyke Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/04003	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Outline Application Some Matters Reserved		
<u>Address:</u>	295 Dyke Road Hove BN3 6PD		
<u>Proposal:</u>	Outline Application with some matters reserved for the erection of 1no. single dwelling on land to the rear of existing dwelling, including enlargement of existing vehicular crossover and creation of access driveway to southern boundary.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	11.11.2021
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	06.01.2022
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	
<u>Agent:</u>	MortonScarr Architects 47 Middle Street Brighton BN1 1AL		
<u>Applicant:</u>	Mr Godarz Nekoei 295 Dyke Road Hove BN3 6PD		

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	2110(10)000	B	11 November 2021
Proposed Drawing	2110(11)000	D	11 November 2021

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 3 below, whichever is the later.

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

- 3.
- a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years of the date of this permission:
- (i) layout;
 - (ii) scale;
 - (iii) appearance;
 - (iv) landscaping (including trees)
- b) The reserved matters shall be carried out as approved.

- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
5. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One, and DM43 of the Brighton & Hove City Plan Part Two.
6. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings), and it 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 policies HO13 of the Brighton & Hove Local Plan, and DM1 of the Brighton & Hove City Plan Part Two.
7. 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.
8. 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.
9. 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 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.

10. The dwellinghouse hereby approved shall not be occupied until it has achieved:
- a) an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).
 - b) a water efficiency standard of a minimum 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 energy and water to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

11. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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; CP9 of the Brighton & Hove City Plan Part One; and DM33 of the Brighton & Hove City Plan Part Two.

12. The development hereby permitted shall not be occupied until the extended crossover and access has been constructed. The crossover and access shall thereafter be maintained for the use of the development.

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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the reserved matters part (iv) should contain the following information:
 - a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used.
 - b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other

protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. This schedule should include one or more disease-resistance elm trees as requested by the Arboriculture Officer.

- c) details of all boundary treatments to include type, position, design, dimensions and materials.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
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. 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.
6. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
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 by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
9. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (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 approve vertical hanging racks as they are difficult for many people to use and therefore not considered

to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider 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.

10. 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.

2. SITE LOCATION

- 2.1. The application relates to a property containing a two-storey detached dwellinghouse, located on the western side of Dyke Road. The site has a relatively long back garden containing a swimming pool and paved area, enclosed by trees/foliage and fences. The site is not in a conservation area, or otherwise subject to any designations.
- 2.2. It had previously been home to a mature elm tree in the southeast corner of the site, adjacent to the public footway, but this has been removed after reportedly contracting Dutch Elm Disease.

3. RELEVANT HISTORY

- 3.1. **BH2018/00341** Outline application with some matters reserved for the erection of 1no single dwelling (C3). Approved

4. RELEVANT HISTORY AT OTHER SITES

- 4.1. **BH2014/02755 - Land rear of no.285 Dyke Road** Erection of three bedroom detached bungalow with access from The Droveaway. Refused - Appeal Allowed

5. APPLICATION DESCRIPTION

- 5.1. Outline permission is sought for the subdivision of the plot in order to facilitate the erection of a dwellinghouse to the rear of the property.
- 5.2. The application seeks approved in principle for the provision of an additional dwelling on the plot along with access arrangements. All other matters, which include appearance, landscaping layout and scale, are reserved for further approval.

6. REPRESENTATIONS

- 6.1. Ten representations have been received, from a total of nine persons, objecting to the proposal on the following grounds:
 - Damage to trees and other vegetation in neighbouring gardens
 - Harm to the character of the local area as a result of the subdivision of the land
 - Detrimental impact on property value
 - The proposed development could set a harmful precedent
 - Lack of detail with regards to appearance of the proposed dwellinghouse
 - Impact on residential amenities for the following reasons:
 - Loss of privacy
 - Overbearing
 - Overshadowing
 - Noise nuisance
 - Additional vehicular traffic
 - Impact from the construction process

7. CONSULTATIONS

Arboriculture

- 7.1. No objection; it is requested that a disease-resistant Elm be planted somewhere on the site to replace the one that has been removed to continue the TPO.

Transport

- 7.2. No objection subject to the recommended conditions and informatives, regarding the extended vehicle crossover, hard surfaces, and cycle parking.

8. MATERIAL CONSIDERATIONS

- 8.1. 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.
- 8.2. 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.

8.3. 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.

9. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP19	Housing Mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
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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.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

10. CONSIDERATIONS & ASSESSMENT

10.1. The main considerations in the determination of this application relate to the principle of the development; the design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents; and on highway safety and road capacity.

10.2. The application seeks outline planning permission with all matters except access reserved. This means that details of appearance, layout, scale and landscaping have not been provided, but will be submitted as 'reserved matters', if the application is approved. The application seeks only to establish whether the principle of providing a dwelling at the rear of 295 Dyke Road, using the access shown on the plans, is acceptable.

Principle of Development

10.3. 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).

10.4. However, on 24th 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 16th 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.

10.5. 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).

10.6. 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).

- 10.7. The principle of subdivision of the site to create an additional dwelling has been agreed with the granting of outline permission BH2018/00341. Whilst objections have noted that the situation has changed so the application should be refused, it is not considered that circumstances or policy have changed in any material way that means that the principle of development can reasonably be confused. The two mature trees at the front of the site that were a constraint for development are no longer present, and the city's five year housing land supply is significantly lower than it was in October 2018, when outline permission was granted.
- 10.8. Concerns have been raised that if outline permission is granted for the proposed development that it could set a harmful precedent. Each planning application is assessed on its own merits; therefore, this concern would not justify withholding planning permission.
- 10.9. On this basis the provision of a house at the rear of 295 Dyke Road is considered acceptable in principle.

Design and Appearance

- 10.10. No detailed drawings of the proposed dwelling have been provided for consideration, although an indicative site plan and site sections have been included. The only detailed matter to be considered is the proposed access,
- 10.11. It is considered that a modestly scaled property could be accommodated within the plot. While the footprint and height shown on the indicative plans would be considered an overdevelopment of the site, it is considered that a smaller scale property, with greater distance to the side boundaries would be acceptable. The drawings are indicative, and the height, form and scale of the development would be dependent on the details considered under reserved matters so on this basis, the scheme is considered acceptable.
- 10.12. At the time of the previous application, back-land development was granted on appeal at no.285 Dyke Road (ref. BH2014/02755) and has now been constructed. Though each planning application is assessed on its own merits, weight must be given to this appeal decision and it is not considered that subdivision of one of the large residential plots of land has caused any significant harm to the character of the streetscene in the instance of the works at no.285, and nor would it be the case at the current application site. Other back-land development in the area includes nos. 1a and 1b Onslow Road, which have been built in what was previously the rear gardens of nos. 307 and 309 Dyke Road. Permission has also been granted for a new dwellinghouse in the land to the rear of no.308 Dyke Road.
- 10.13. On this basis, the principle of the development of a single dwelling on this plot is considered acceptable in terms of its design and appearance.

Impact on Amenities

- 10.14. The proposed dwelling would be situated to the rear of the existing dwelling which would still retain approximately 305m² of rear garden. The distance between the existing dwelling and that proposed would measure approximately 21m, so although there would be some mutual overlooking this is not unusual in a residential area and would not be considered to be of a degree that would warrant the refusal of the application.
- 10.15. It is considered that a modestly-scaled property could be accommodated within this plot which would not result in significant harm in terms of overshadowing, loss of outlook, increased sense of enclosure or loss of privacy. Each additional storey would intensify any impacts on the amenity of neighbouring properties. However, the impacts would be dependent on the details which would be considered in a future application for reserved details, including relating to boundary treatments and planting.
- 10.16. Whilst the proposal would result in an intensification of the use of the site, it is not considered that this would result in any significant harm in regard to noise and disturbance relationship with neighbouring properties to other dwellings within the street.
- 10.17. Concerns have also been raised that the vehicle movements associated with a new dwelling would be harmful to the amenities of local residents in terms of noise nuisance and pollution. Dyke Road is a very busy road and one of the main thoroughfares leading into and out of the city, so background noise from vehicles is a near constant. It is not considered that the vehicle movements associated with a single dwellinghouse would be so disruptive or polluting that it would justify withholding planning permission. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on Highway Capacity and Road Safety

- 10.18. It is not forecast that the proposed development would result in a significant increase in vehicle trip generation as a result of these proposals therefore any impact on highway capacity would be minimal.
- 10.19. Parking would be considered as part of the detailed layout which would be considered under reserved matters. However, the indicative site plans shows that there is potentially space for a garage and for vehicles to park and turn in front of the proposed. Two cycle parking spaces would be required for this development, and this can be secured by condition.
- 10.20. It is proposed that the northern crossover is retained for use by the existing dwelling which is considered acceptable. The existing southern crossover would be retained to provide access to a proposed driveway bordering the southern boundary of the site. A new boundary fence would be constructed between the driveway and the existing property at no.295 Dyke Road. This is considered acceptable. A planning condition will be included to require the extended southern crossover to be fully completed before the new dwelling is occupied, in the interest of highway safety.

Standard of Accommodation

- 10.21. Floor plans have not been provided, and the standard of accommodation cannot therefore be fully assessed. However, it is considered that the plot could provide a layout which would provide a satisfactory standard of accommodation subject to the layout and external private amenity area. Adequate outlook should also be achievable, although no indications of window positioning have been provided for assessment.

Other Considerations

- 10.22. Planning conditions will be included with any permission to ensure that the proposed dwellinghouse achieves sustainability targets with regards to energy and water usage.
- 10.23. The Arboriculture Officer has no concerns with any development within the rear garden subject to a good landscaping scheme. They have requested that one or more disease-resistant elm trees are planted within the site to replace those which have been lost at the front of the site, and the agent for the applicant has indicated this would likely be acceptable to the applicant. Such measures would be secured within a landscaping scheme that makes up part of the reserved matters.
- 10.24. 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.

Conclusion

- 10.25. The principle of subdividing the land and erecting a new dwellinghouse on the land is considered to be acceptable, as is the method of access to and from the site. Planning conditions will be attached with mind to the further information to be secured through the reserved matters to ensure the final proposed scheme is acceptable in terms layout, scale, appearance, and landscaping. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP1, CP8, CP9, CP10, CP11, CP12, CP13 and CP14 of the Brighton and Hove Local Plan; and TR7, TR14, SU10, QD15, QD16, QD27, HO5 and HO13 of the City Plan Part One.
- 10.26. It is also considered that the proposal would be in accordance with policies DM1, DM20, DM22, DM33, DM37 and DM43 of the Proposed Submission City Plan Part Two which is gathering weight. Policies DM1, DM22, DM33 and DM43 are considered to have significant weight at this stage and policy DM20 is considered to have more weight than the adopted Local Plan policy QD27.

11. EQUALITIES

- 11.1. The site appears to offer level access from the public highway to the front of the indicative dwelling; this is considered acceptable. Further plans, demonstrating level access to the dwelling itself shall form part of the reserved matters. The design of the new dwelling should seek to achieve the requirements of Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

12. CLIMATE CHANGE/BIODIVERSITY

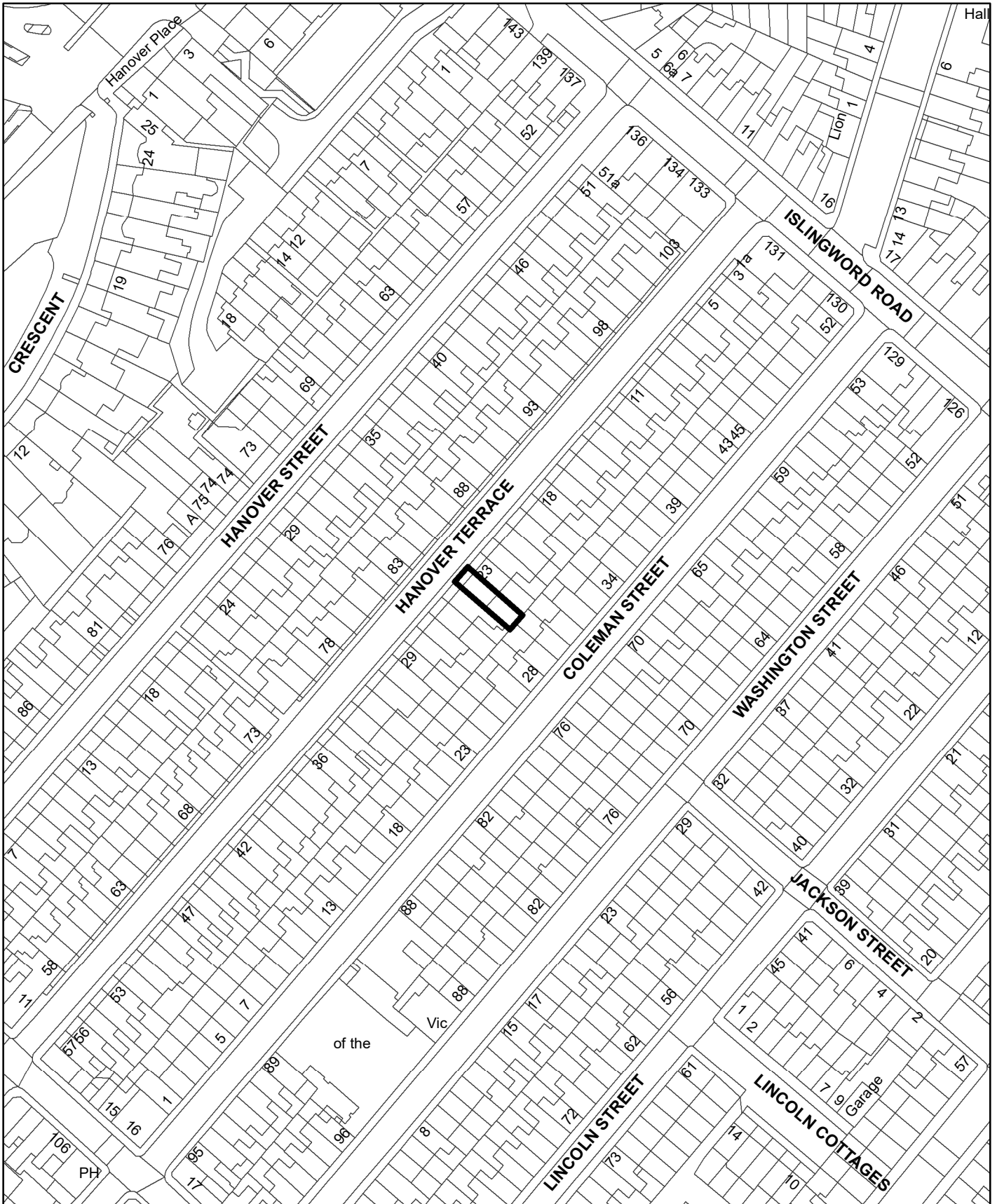
- 12.1. The proposed development would allow a more efficient use of a brownfield site, reducing the need for development elsewhere. Planning conditions will be included to ensure sustainability targets are achieved, and biodiversity measures are included within the design.

ITEM G

**22 Hanover Terrace
BH2021/04346
Householder Planning Consent**

DATE OF COMMITTEE: 9th March 2022

BH2021 04346 - 22 Hanover Terrace



N



Scale: 1:1,250

<u>No:</u>	BH2021/04346	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	22 Hanover Terrace Brighton BN2 9SN		
<u>Proposal:</u>	Erection of single storey rear extension and construction of lower ground floor.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	08.12.2021
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	02.02.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	16.03.2022
<u>Agent:</u>	Garrick Architects 36 Edburton Avenue Brighton BN1 6EJ		
<u>Applicant:</u>	Mr Shah 130 Woodland Drive Hove BN3 6DE		

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	1929-P-10		8 December 2021
Proposed Drawing	1929-P-11	Rev A	8 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. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

4. 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.

5. The layout of the revised dwelling shall be in strict accordance with the approved floor plan 1929-P-11 received on the 8th December 2021 and retained as such thereafter.

Reason: To ensure adequate natural light and outlook for future occupiers of the site in accordance with policy QD27 of the Brighton and Hove Local Plan.

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to a three storey mid-terrace building finished in crème-coloured render, located on the southeast side of Hanover Terrace. The building is in use as a small House in Multiple Occupation (HMO) for five occupants (C4 use) with a single storey addition to the rear. The building is within Valley Gardens Conservation Area but is not a listed building or subject to an Article 4 direction, apart from the city-wide restriction on conversions of dwellings (C3 use) to Houses in Multiple Occupation (C4 use) without a planning application.
- 2.2. The area is relatively uniform in appearance, with small, terraced period properties set back behind small front gardens or light wells with canted bays, a large proportion of which have semi basements/lower ground floors.

3. RELEVANT HISTORY

- 3.1. **BH2019/03120** - Creation of additional lower ground floor level to form new 1 bedroom dwelling (C3) with extension to existing HMO above. Alterations to rear garden to create lower ground floor courtyard and ground floor patio, formation of new front entrance way for new dwelling, removal of chimneys and associated works. Refused for the following three reasons and subsequently dismissed on appeal:
 1. *The proposed excavation to create an entire new floor, the lightwell and the infill extension would cumulatively be an excessive form and scale of development and the front canted bay at basement level would be an untraditional addition, causing less than substantial harm to the appearance of the conservation area, without sufficient public benefits being proposed. As such, the application is contrary to Policies CP12 and CP15 of the Brighton & Hove City Plan Part One and QD14 and HE6 of the Local Plan.*

2. *The proposed infill extension, by reason of its height and siting on the boundary, would unacceptably restrict the outlook and create a sense of enclosure / a tunnel effect for the occupiers of no. 23. As such, the application is contrary to Policy QD27 of the Brighton & Hove Local Plan.*
3. *The standard of accommodation for the proposed dwelling, by reason of insufficient Gross Internal Area, outlook, natural light and private external amenity space, would be poor, and the ground floor extension and rear lightwell would also unacceptably reduce the amount of external amenity space for the existing HMO. As such, the application is contrary to Policies CP12 of the Brighton & Hove City Plan Part One and QD27 and HO5 of the Local Plan.”*

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of single storey rear extension and construction of lower ground floor basement.

5. REPRESENTATIONS

- 5.1. **Five (5)** representations have been received from members of the public objecting to the application for the following reasons
 - Adversely affects Conservation Area
 - Overdevelopment
 - Additional Traffic
 - Noise
 - Residential Amenity
- 5.2. **Two (2)** letters of representation have also been received from **Councillor Powell** and **Councillor Hills** objecting to the proposed development for the following reasons:
 - Adversely affects Conservation Area
 - Overdevelopment
 - Additional Traffic
 - Noise
 - Residential Amenity
 - Fire safety
 - Structural integrity

A copy of their letters is attached to this report.

6. CONSULTATIONS

- 6.1. Heritage: No comment

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP12	Urban design
CP15	Heritage

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

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of Conservation Areas

9. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP12	Urban design
CP15	Heritage

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

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of Conservation Areas
CP10	Biodiversity

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

DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets

Supplementary Planning Documents:

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

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the impact on the character of the building, the wider historic terrace and Valley Gardens conservation area; and the impact on the amenity of future occupants and neighbouring residents.
- 10.2. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.3. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

Design and Appearance

- 10.4. The proposed single storey, flat-roofed rear extension would be at ground floor level, infilling the gap between the existing outrigger and the boundary wall with no. 23. It would have a width of 2.3 metres, a depth of 3.7 metres and a height of 2.7 metres. The dual-pitched roof of the existing outrigger would be removed, and an existing window replaced with double doors.
- 10.5. The rear extension form is considered acceptable in height, depth and width, infilling to the shared boundary to the south-west (23 Hanover Terrace). This part of terrace exhibits varying forms of rear extensions and outriggers, with no specific design which needs to be replicated in new extensions, particularly as it would not be visible from the street. The existing small outrigger with a dual pitched roof is of little architectural merit and the replacement with a flat roof, which also extends over the infill extension, is considered to cause little harm to the host and wider conservation in isolation.

- 10.6. The materials proposed would match the host property, with render and uPVC fenestration representative of the materials and appearance in the wider streetscene.
- 10.7. A uPVC lightwell and low level window would be inserted on the frontage to serve the new basement. Although the use of uPVC windows is generally not supported in conservation areas, particularly on principal elevations fronting highways, the existing property has already had all the windows replaced with uPVC units, and as the new window to the front elevation would be set at lower ground level and not highly visible it is considered to have a neutral effect on the host property and wider conservation area.
- 10.8. The proposed lower ground floor design is considered acceptable in appearance with a new window to the front elevation being flush with wall as was recommended by Heritage in respect of the previously refused application BH2019/03120. The new rear window would be set in the new extension and considered appropriate in design. The new front window would be set below the existing canted bay at ground floor level with a lightwell in front. As no separate access is proposed the degree of change and impact to the conservation area and host property is assessed as low. The appearance would be similar to other properties in the street which have a lower ground floor or basement.
- 10.9. The proposed works would not substantially disrupt the host property, nor appear an incongruous addition. The location at the rear of the infill extension ensures visibility in the public realm is limited. The proposed design of the lower ground floor minimises negative impacts on the host property and preserves the wider conservation area, taking cues from the existing historic terrace that ensure it appears an original element, rather than a later addition.
- 10.10. Therefore, the works are considered suitable alterations to the building that do not significantly harm its appearance or that of the wider conservation area, in accordance with policies QD14 & HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of City Plan Part One, policies DM21 and DM26 of City Plan Part Two (DM26 can be given limited weight. DM21 carries more weight than QD14, the policy which it replaces), and SPD12 guidance.

Impact on Amenity

- 10.11. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than QD27) both 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.
- 10.12. A recent site visit has been carried out by the case officer to fully assess the impact of the works.
- 10.13. It is considered that although the scheme increases the amount of fenestration, it would not result in any substantially increased overlooking or adverse harm to

the privacy of neighbouring properties. The rear facing fenestration is all located at ground floor level, limiting any adverse harm to private amenity. The new rooflights on the extension would provide only skyward views.

- 10.14. There would be no significant change in impact to the north-east (21 Hanover Terrace) as the existing outrigger sits on this boundary and the depth would not change, but the height of the roofline would be reduced. There would be an increase in the bulk and massing along the common boundary with 23 Hanover Terrace to the southwest, but the extension would not be overbearing result in significant loss of light due to its single storey height, relatively modest depth and flat roof. The window of No.23, in close proximity to the boundary, is small and relatively high in the elevation, so the effect of loss of light from the proposed extension is limited. The form of the proposed rear extension has been considered acceptable regarding impact on neighbouring properties amenity by the Appeal Inspector on the refused application BH2019/03120.
- 10.15. The new extension would lead to a reduction in the views towards the east view from No.23, but this is not a material consideration in the determination of planning applications. The outlook for No.23 is considered acceptable.
- 10.16. To ensure that the extension flat roof is not used as a terrace or outside amenity area, with the resultant harm to neighbouring amenity, a condition is proposed limiting access for maintenance and emergency only.
- 10.17. The reduction in the useable rear amenity space is considered to have a detrimental effect on the current and future occupiers, but the degree of harm is assessed as minimal, with the space lost to the side of the existing outrigger being small in scale and not of particularly high value as useable amenity space. The harm of this outdoor amenity loss is partly offset by the improvement of access and visibility to the remaining area from the new extension, better integrating the indoor and outdoor spaces, and allowing ease of transition and use.
- 10.18. The internal improvement to amenity of the existing and future occupiers from the proposed extension and lower ground floor are considered substantial, especially considering the current use as a small HMO (C4 Use Class). The revised and increased floor space allows for substantially more shared space and areas for relaxation and study.
- 10.19. The proposed single person bedroom in the lower ground floor is considered acceptable in size and layout with floor area of 11.5 square metres. The amount of light and outlook are considered acceptable with the window sitting flush to the elevation allowing more light and outlook than a canted bay, without a detrimental impact on the appearance of the conservation area.
- 10.20. The proposed works would see the use as a small HMO increase from five to six potential occupants, but no change of use is considered as the property would still fall under Use Class C4 (HMO) which allows not more than six residents living together in a house of multiple occupation. The increase in residents is not considered to give rise to any significant increase in amenity

harm to surrounding properties over the existing situation. The internal improvements in layout and utility are considered to be beneficial to the existing and future occupiers. In the event the number of occupants was to exceed six, the use would fall outside C4 (HMO) and be considered a Sui Generis use for which planning approval is needed.

- 10.21. Therefore, it is not considered that the extension and works cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2 (DM20 carries more weight than QD27, the policy which it replaces).
- 10.22. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Issues Raised in Representations:

- 10.23. Various comments have raised the potential for additional bedrooms to be created from the proposed extension which would further increase the number of occupants, as stated previously, in the event the number of occupants was to exceed six, the use would fall outside C4 (HMO) and be considered a Sui Generis use for which planning approval is needed.
- 10.24. The applicant's motivation behind the development, structural integrity and foundations, quality of building works, the construction process and duration, problems with the existing HMO and anti-social behaviour are not relevant planning considerations, and therefore have not been considered within this report.
- 10.25. Fire safety has also been raised and this is assessed as part of building regulations and falls outside the considerations of this report. It is also noted that as part of HMO registration for properties, fire certificates have to be produced, detailing satisfactory compliance of fire detection and alarm to ensure safety for occupants.

Conclusion:

- 10.26. The development is considered acceptable in terms of its impact on the host property, the wider area conservation area, and would cause no significant harm to neighbouring amenity or the existing and future occupiers. Approval is therefore recommended.

- 11. EQUALITIES**
None identified

- 12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. The works modernise and increase the flexibility of an existing property, with the new glazing increasing the opportunity for solar gain in the winter to reduce heating from non-renewable sources.

Cllr. Elaine Hills
BH2021/04346 – 22 Hanover Terrace

2nd January 2022:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adversely affects Conservation Area
- Overdevelopment

Comment: As a ward councillor as well as resident of Hanover Terrace, I wish to oppose this application; I do not see any benefit to the local community and only drawbacks.

I believe the site is being overdeveloped by the addition of a basement. Properties in the street generally have 2-3 bedrooms and adding an extra storey will mean this property will be configured to have 6, and thus the number of occupants will exceed what would be expected for a house of this size.

Residents living nearby have in the past expressed concerns about the noise levels and amount of waste generated by those living on the current site.

Increasing the number of occupants is likely to exacerbate these problems.

Approving this application would set an unwelcome precedent as other HMO owners in the area may decide to carry out similar works, if this is allowed to go ahead.

Cllr. Steph Powell
BH2021/04346 – 22 Hanover Terrace

5th January 2022:

As one of the ward councillors I wish to place on record my strong objection to the above planning application for the following reason:

- The application is for the addition of an extension and a basement. This will amount to overdevelopment of the property, which was always intended as a 2-3 bedroom property spanning 2-3 floors, in keeping with the rest of the properties on the street.
- 6 bedrooms will amount to an HMO, and possibly another student house. The area has a strong community feel, and properties are terraced, hence neighbours live very closely to one another. The addition of more occupants to this property will add to noise, additional refuse and recycling problems, and additional traffic and parking issues for both cars and bikes.
- I am concerned about fire safety for an overdeveloped terraced property housing up to 6 occupants.
- The build and alterations work will cause massive disruption and noise to neighbouring houses. There will be issues of accessing the street due to builders and their materials, vans and lorries. This is particularly concerning at a time when people are working from home.
- I am deeply concerned about the potential of structural damage to neighbouring properties as a result of this build (which I have been told, has happened previously in the street).
- This property is in a Conservation Area. Surely allowing this application to pass would be completely out-of-keeping to the other properties?

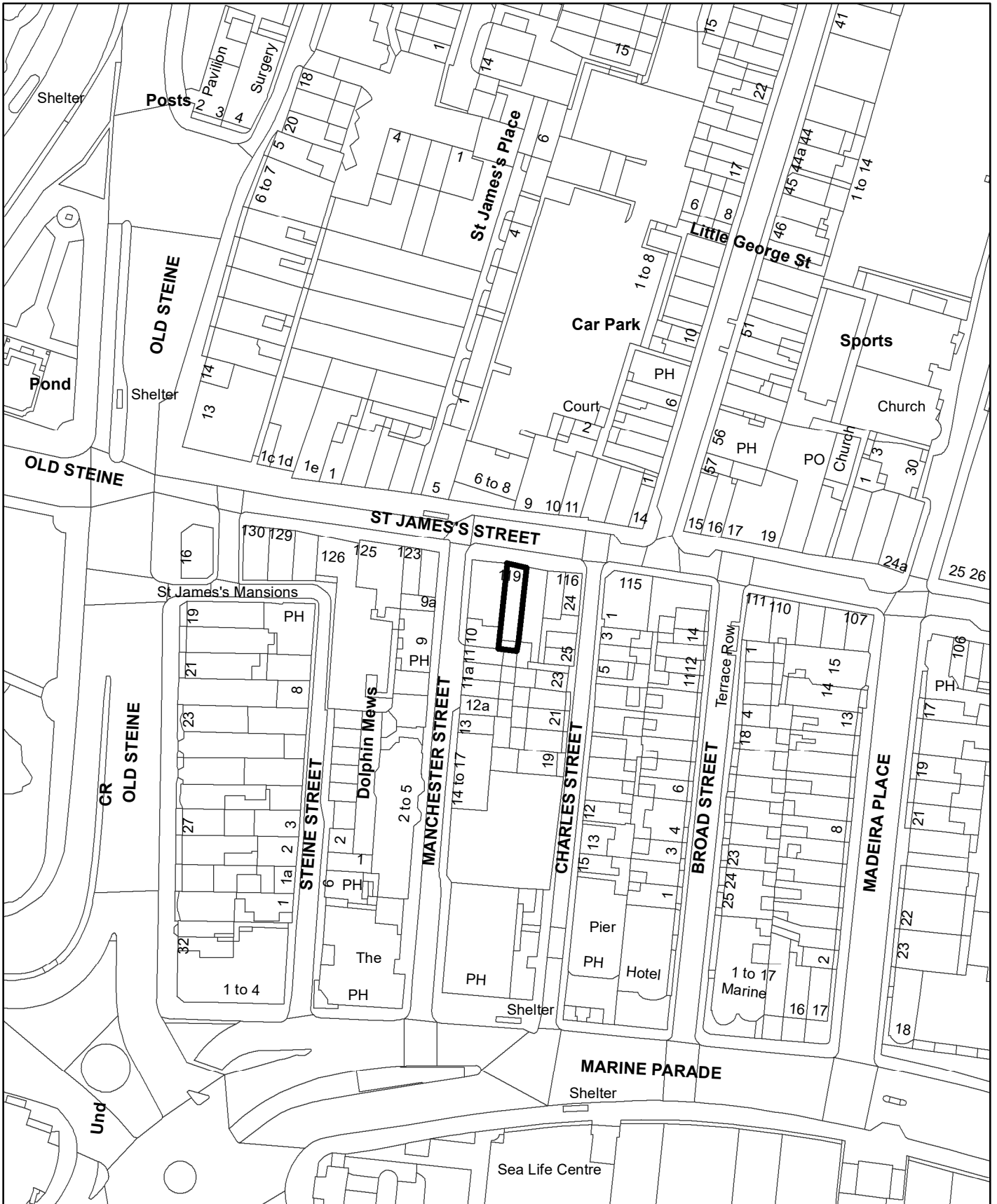
I would be grateful if you could place on record my objection. And should officers be minded to approve this application, then I ask that it be brought before Planning Committee where I can attend to voice my objection to members in person.

ITEM H

**119A St James's Street
BH2021/04399
Full Planning**

DATE OF COMMITTEE: 9th March 2022

BH2021 04399 - 119A St James's Street



N



Scale: 1:1,250

<u>No:</u>	BH2021/04399	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	119A St James's Street Brighton BN2 1TH		
<u>Proposal:</u>	Change of use from four bedroom flat (C3) to five bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	23.12.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	17.02.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	SDR Designs 14 Batemans Road Woodingdean Brighton BN2 6RD		
<u>Applicant:</u>	Mr Ahmed C/o 14 Batemans Road Woodingdean Brighton BN2 6RD		

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	1432021/.02	A	16 February 2022

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 small HMO (planning use class C4) hereby approved shall only be occupied by a maximum of four (4) persons.

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

4. The development hereby approved shall be implemented in strict accordance with the proposed layout detailed on the proposed floorplan, 1492021/.02 A, received on 216th February 2022 and shall be retained as such thereafter. The layout of the kitchen/dining and living spaces shall be retained as communal space at all times and shall not be used as bedrooms. The roof storage space

shall be retained for storage purposes only and not used as bedrooms or living areas at any time.

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

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

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

6. Prior to occupation of the property as a small HMO (planning use class C4), a cycle channel shall be installed to the rear stairs to the first floor to aid in the movement of cycles from the side access to the cycle store at first floor level.

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

Informatives:

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

2. SITE LOCATION

- 2.1. The application site is a four storey over basement terraced property, with a commercial use at ground/lower ground floor accessed from St James's Street, and residential use on the first, second and third floors, accessed from Charles Street to the rear. This application refers solely to the residential unit on the first, second and third floors known as 119A St James's Street.
- 2.2. The whole city is now covered by an Article 4 Direction to remove permitted development rights regarding the change of use from a single dwellinghouse (C3) to small HMO (C4). However as this property is within the Queen's Park ward, this area has been subject to this restriction since April 2013. The application site is not a listed building but does lie within the East Cliff conservation area.

3. RELEVANT HISTORY

- 3.1. **BH2010/02620** - Conversion of first, second and third floors and loft to form 2no bedsit/studio flat and 1no two bedroom maisonette. Installation of rooflights to front and rear, removal of external fire escape and replacement doors and windows to rear. Refused, appealed but Appeal withdrawn

4. APPLICATION DESCRIPTION

- 4.1. This application seeks planning permission for the change of use of 119A St James's Street from planning use class C3 (dwellinghouse) to a C4 use (small House in Multiple Occupation (HMO)).
- 4.2. The application has been amended since submission in response to concerns, and as a result the number of proposed bedrooms has reduced from five to four.

5. REPRESENTATIONS

- 5.1. **Seven (7) letters** have been received objecting to the proposed development for the following reasons:
- Adversely affects conservation area,
 - Additional traffic,
 - Noise and disturbance,
 - Impact on residential amenity,
 - Overdevelopment,
 - HMO use has been ongoing without a licence or planning permission,
 - Property access is via an alleyway between other residential properties and causes disturbance to residents already,
 - Property has previously been overcrowded.
 - Next door is also applying for a HMO use,
 - Address is already managed poorly,
 - Charles Street already has an excessive number of party houses a further HMO would increase noise further,
 - Adverse effect on listed building,
 - Detrimental effect on property value,
 - Increase in anti-social behaviour around the property,
 - Balcony overlooked by surrounding properties,
 - Landlord should not be allowed to run a HMO,
 - Amended plans would not be implemented by landlord - lounge would be a bedroom.
 - Right of way between 23 & 25 Charles Street does not allow for access for HMO use.

6. CONSULTATIONS

- 6.1. **Housing Strategy:** No comment received
- 6.2. **Private Sector Housing:** No comments to make

- 6.3. **Sustainable Transport - Verbal Comment:** No objection
 The change of use unlikely to significantly increase trips to/from the site or increase on-street parking demand in the vicinity. The proposed cycle parking is at first floor level, while it is appreciated that some has been provided the first floor location is less than ideal. If the cycle parking could be provided at ground level this would be preferred. If not, then cycle channels on the stairs would aid the movement of cycles up and down the stairs. For a development of this size it is expected that a minimum of 3 cycle parking spaces are provided. Cycle parking details should be secured by condition if the application is approved.

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
CP1	Housing Delivery
CP9	Sustainable transport
CP15	Heritage
CP21	Student housing and Housing in Multiple Occupation

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

TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
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 Quality, Choice and Mix
DM7	Houses of Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD12	Design guidance for extensions and alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed change of use, the standard of accommodation provided for future occupiers, the impact of the development on neighbouring amenity and transport matters.

Principle of Proposed Change of Use:

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

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

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

- 9.2. A mapping exercise has been undertaken (February 2022) which indicates that there are 100 properties within a 50m radius of the application property, 4 of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 4%.
- 9.3. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a four-bedroom HMO (C4 use) would not conflict with the aims of policy CP21.

Standard of Accommodation:

- 9.4. 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. Additionally, the proposals are considered against DM7 which sets the standard for HMOs (including what is expected of communal areas), this emerging policy can also be given significant weight.
- 9.5. The proposed HMO accommodation would comprise a living room (8.4sqm) and bedroom (Bedroom 4 - 20.8sqm) at first floor, with a kitchen and dining room (17.4 sqm) and bedroom (Bedroom 3 - 13.8sqm) at second floor, and the remaining two bedrooms at third floor level (Bedroom 1 excluding ensuite 18sqm, and Bedroom 2 - 14.3sqm). All of the bedrooms would be large and would comfortably accommodate standard bedroom furniture (bed, desk, chair and storage furniture) while maintaining a good amount of circulation space for an adult to move around easily.
- 9.6. The kitchen and dining space would allow for sufficient space for occupants to cook and dine together.
- 9.7. As submitted the proposal sought planning permission for a five bedroom layout over the first, second and third floors. However, concerns were raised over the standard of communal living accommodation and the lack of dedicated living space for future occupiers. In response to this, the fifth bedroom was deleted to create additional living space which would be provided at first floor level. A condition would be added, securing this being used as communal space rather than a bedroom.
- 9.8. The proposed HMO would be well served in terms of bathroom facilities with bedroom 1 having an ensuite shower room with WC and the first and second floor both having separate WCs and the main bathroom for the property on the second floor with a bath basin and WC.
- 9.9. The above assessment has been made on the property as a four-bedroom, four-person HMO. While it is noted that numerically, in terms of the floor area, the communal spaces could allow for a higher occupancy and all of the bedrooms could allow for double occupancy. However, the shapes of the communal spaces and the indicative layout demonstrates that a higher level of occupation would result in a cramped living experience for more than four occupiers as it is likely there is not sufficient circulating space within the communal layout shown for a higher level of occupation.
- 9.10. To ensure that the property is not overcrowded in the future conditions are recommended to secure a maximum occupation of four persons and four bedrooms with communal areas safeguarded and the roof storage rooms for storage only.
- 9.11. The property does not have any dedicated outdoor private amenity space. While this is beneficial to all homes, given the location of the property within the

densely populated area of Kemp Town where properties have little, if any outside space, it is not considered that lack of outside space would be harmful to the future occupiers of the HMO. In reaching this assessment it is noted that the residential unit as existing has no outside space and that the property is close to Brighton beach and Valley Gardens which are the nearest green and open spaces.

- 9.12. Overall, it is considered that the conversion of the property to a small HMO would provide a suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with to policy QD27 of the Brighton and Hove Local Plan and emerging polices DM1 and DM7 of the City Plan Part Two which can be afforded 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 acknowledged that public comments on this application refer to a previous use of the property as an unauthorised HMO with antisocial behaviour that impacted on neighbour amenity and caused disturbance. While this is noted, the use as small HMO is similar to a family dwelling especially if a C3 dwelling is occupied by a large family. Furthermore, the previous issues can be described as "functions of the way particular residents behave rather than being inherently dependant on the status of the property as a dwellinghouse or HMO", as noted by an Inspector in a previous appeal decision (APP/Q1445/W/20/3254632 relating to application BH2019/01490 at 64 Islingword Road). Therefore, it would be unreasonable to refuse this development on the assumption that future residents would behave in a problematic manner.
- 9.15. Furthermore, it is noted that a HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.16. Accordingly, the proposed use of the property as a small HMO for four persons is not detrimental to neighbouring amenity or the amenity of the area and in an area with a low concentration of HMOs. Therefore, the proposal is considered in accordance with polices CP21 of the City plan part One, QD27 of the Local plan and emerging polices DM7 and DM20 of the City Plan Part Two.

Sustainable Transport:

- 9.17. The existing dwelling is in a central and sustainable location with access to local buses at Old Steine and many daily amenities within easy reach of the site. The site is also within walking distance of Brighton Station. It is not considered that

the change from a four-bedroom maisonette to a HMO use would adversely affect the local highway network in terms of the number of trips generated.

- 9.18. It is acknowledged that the property does not provide any off-street car parking and that this is unchanged from the existing residential arrangement. There may be a resulting uplift in parking demand from the change in occupation type of this residential address, but this is not expected to be significant, particularly as St James's Street is subject to parking and loading restrictions, and neighbouring streets are within a Controlled Parking Zone. Any future occupiers would therefore need a resident's parking permit to enable on-street car parking, with the number of permits issued being within the Council's control.
- 9.19. The plans indicate a proposed 'secure cycle store' at first floor level. The first floor location of the cycle store is less than ideal, with access being up a metal staircase and through a narrow alleyway from the street. However, there are no other options for this site and the alternative would be no cycle parking. The transport team have requested further details of the cycle store by condition; therefore a cycle parking condition is recommended. In addition, following the comments of the transport team, it is recommended that a cycle channel be installed on the staircase to aid in the movement of cycles from the street to the cycle store.
- 9.20. Accordingly, the development, subject to the recommended conditions, is considered acceptable in relation to transport matters.

Conclusion:

- 9.21. This is a site where there are not more than 10% of residential properties within a 50m radius in HMO use, thereby complying with policy CP21 which supports mixed communities. The proposed standard of accommodation for four occupiers is considered acceptable, and the likely impact on neighbouring amenity would not be sufficiently harmful to warrant refusal. No significant transport concerns have been identified.
- 9.22. Accordingly, the application is recommended for approval, subject to conditions restricting any of the communal area being lost to bedrooms; the overall number of occupiers to four; and requiring the implementation of the cycle parking and cycle channels.

10. EQUALITIES
None identified

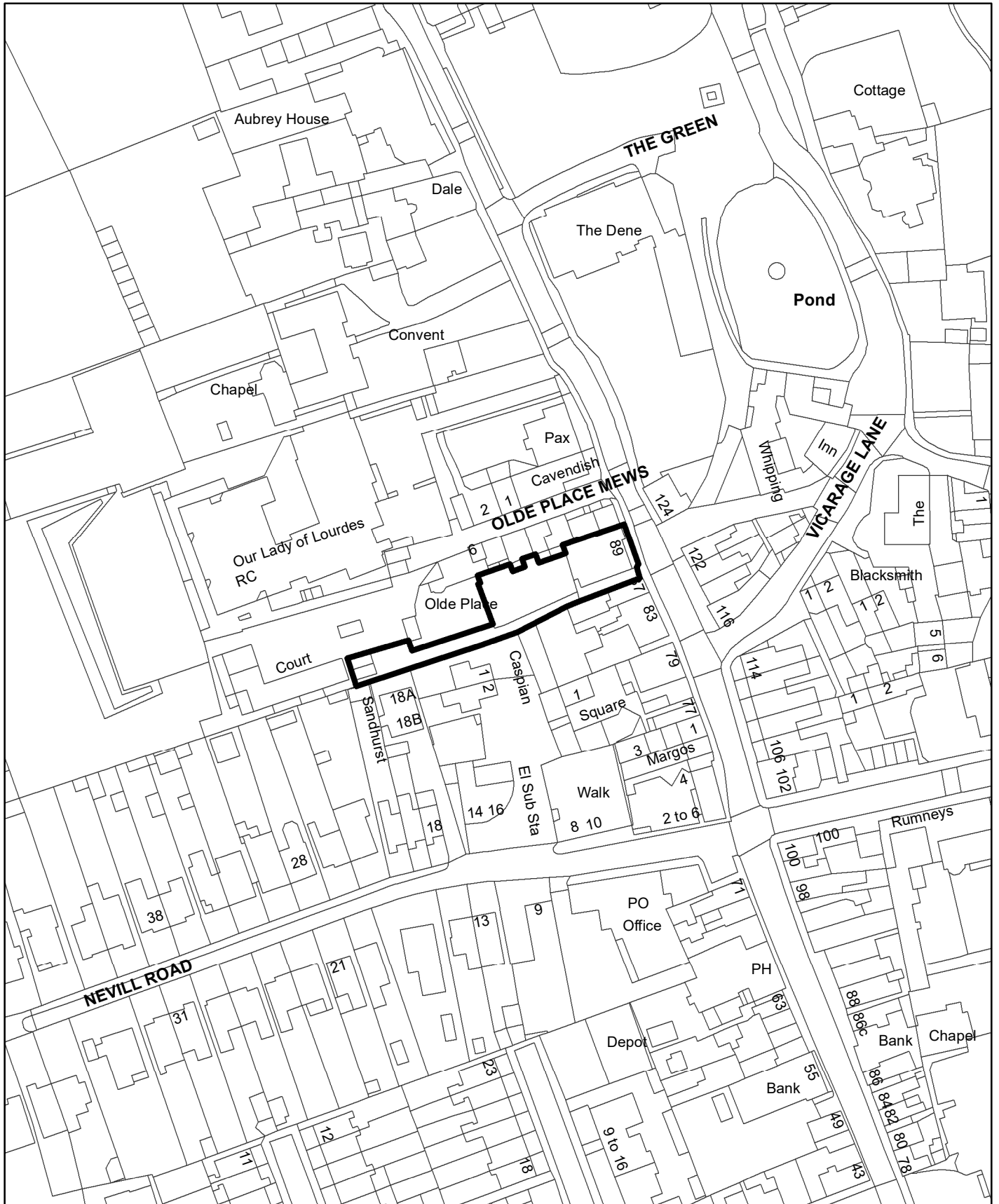
- 11. CLIMATE CHANGE & BIODIVERSITY:**
- HMO property in a sustainable location close to amenities and public transport.
 - The development would also provide cycle parking.

ITEM I

**The Rottingdean Lounge And Bar
89 High Street
BH2021/04244
Full Planning**

DATE OF COMMITTEE: 9th March 2022

BH2021 04244 - The Rottingdean Lounge And Bar, 89 High Street



N



Scale: 1:1,250

<u>No:</u>	BH2021/04244	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Rottingdean Lounge And Bar 89 High Street Rottingdean Brighton BN2 7HE		
<u>Proposal:</u>	Installation of raised decking to rear (Retrospective).		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	20.12.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	14.02.2022
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	18.02.2022
Building Grade II			
Agent:			
<u>Applicant:</u>	Mr Phillip Sherrington	89 High Street	Rottingdean Brighton BN2 7HE

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
Existing Drawing	DD101A		4 February 2022
Location Plan			20 December 2021

2. Within three (3) months of date of this decision, the existing louvered timber fencing to the decking shall be removed, the area made good, and levels of soil raised where identified on the approved plan DD101A received on 4th February 2022. The decking and boundary treatment shall be provided in accordance with the approved plan and shall thereafter be 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 policy HE1 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and policies DM27 and DM29 of the emerging Brighton and Hove City Plan Part Two.

Informatives:

3. 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. The application relates to a two storey terraced building located on the western side Rottingdean High Street. The building is grade II listed and within the Rottingdean Conservation Area and Article 4 direction. The current use is as a public house with beer garden to rear.

2.2. The site lies within an Archaeological Notification Area.

Statement of Significance

2.3. The Rottingdean Lounge and Bar (formerly The Rottingdean Club) is a grade II listed building and dates from the 18th century or earlier. It was built as single house but became part of the Olde Place Hotel, which included adjoining properties, in the early 20th century and then later a private members club. It is flint with dressings of red brick, roof of clay tiles; two storeys with dormer in the attic. To the front is a flat-arched entrance under a 20th century verandah between single storey bays. To the rear is a single storey flat-roofed extension leading to a large garden. The garden land was originally part of a larger separate plot of land, on which Olde Place Cottage and Olde Place Court were developed in the 20th century. The garden forms a positive element of the setting of the listed building and contributes to the semi-rural spaciousness and grain of the conservation area.

2.4. Rottingdean comprises a substantial downland village, with the medieval village core at its heart and some later 20th century development on its fringe. Although situated by the sea, the village's development was based primarily on agriculture. This site lies within the High Street character area, where the street morphology, plot size and a number of surviving buildings indicate the medieval antecedents of the village. Most existing buildings date to the 18th, 19th and 20th centuries. They display a range of designs and architectural styles but are unified through the use of predominantly vernacular and traditional materials such as flint, brick and render. The majority of buildings are of two storeys, with pitched roofs - either set parallel or with a gable end to the road.

3. RELEVANT HISTORY

3.1. BH2021/04479 - Installation of raised decking to rear (Retrospective). Pending - listed building consent application for the same works.

4. APPLICATION DESCRIPTION

4.1. Planning permission is sought for the installation of raised decking to the rear garden. The application is part retrospective as the works, other than the proposed removal of the timber fencing had been completed by 8 March 2020.

5. REPRESENTATIONS

- 5.1. **Six (6)** representations have been received from members of the public objecting to the application for the following reasons
- Adversely affects Conservation Area
 - Overdevelopment
 - Additional Traffic
 - Noise
 - Residential Amenity
 - Adverse effect on listed building
 - Poor design
 - Too close to boundary
 - Detrimental effect on property value
- 5.2. **Two (2)** representations have been received from members of the public supporting the application for the following reasons
- Good design
 - In keeping with the listed building and conservation area

6. CONSULTATIONS

- 6.1. **Heritage:** No objection Final comment revised plans - 08/02/2022
Subject to a condition for removal of existing louvred fencing surrounding the decking. Post and rope retention to edges of decking is acceptable.
- 6.2. **Heritage:** Objection Initial comment - 13/01/2022
"Extensive fencing would in effect create haphazardly-shaped solid enclosures within the garden which do not relate to its simple historic character, and would clutter this open space and be visually intrusive. This would harm the setting of the listed building and would harm the character of the conservation area."
- 6.3. **Rottingdean Parish Council:** No objection Revised comment- 17/01/2022
Repeat earlier comment and elaborate on some consultation matters raised by the agent.
- 6.4. **Rottingdean Parish Council** No objection Initial comment - 04/01/2022
"We are of the opinion that this retrospective proposal will not have a direct impact on the Grade 2 listed building since the raised areas are not attached to and are located well away from the building. We consider that the proposed raised areas will not affect the structure, setting, character and appearance of the listed building and importantly means that greater use can be made of the garden as an outside dining area."
- 6.5. Additionally although the garden is directly adjacent to neighbouring properties which overlook the garden, we are of the opinion that given the height of the raised areas that they will not unduly impact on these properties."

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP12	Urban design
CP15	Heritage

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

QD14	Extensions and alterations
QD27	Protection of Amenity
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of Conservation Areas
HE12	Scheduled ancient monuments and other important archaeological sites

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

DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

Supplementary Planning Guidance:

Rottingdean Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact on the character and appearance of the listed building and area, particularly the heritage assets of the conservation area, and the impact on residential amenity of neighbouring occupants.
- 9.2. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, 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.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. Amended plans have been submitted during the course of the application to meet concerns raised by the LPA in respect of the fenced areas of the decking.

Impact of Design and Appearance on Listed Building and Conservation Area

- 9.5. The rear garden area of the property was altered in 2020 with a new pathway and finish, including the provision of raised decking areas which require express planning permission and listed building consent. Prior to this, the rear garden was mainly laid to lawn with a smaller raised area to the rear which was at most 0.4m above ground level.
- 9.6. The decking structures are located to the rear (west) and side (south) of the garden. It is irregular in shape, with a rear area to a maximum height of 0.5m above ground level, a width of 11.5m, and a depth of 5m, accessed from the garden via two steps. The side decking is lower and has a maximum height of 19cm above ground level, with a maximum depth of 6.5metres and a maximum width of 4metres, again of irregular shape. The decking is constructed of timber

and has post and rope railings to the elevations that face into the garden and also surrounding the lower side decking.

- 9.7. The rear decking currently has louvered wooden fencing surrounding the elevations that face away from the garden and in proximity to the existing boundaries. The purpose of this fencing is to prevent falls into the gap between the raised decking and surrounding shrubbery/walls.
 - 9.8. The materials used are considered acceptable and the timber will likely weather over time to become darker in appearance. The size and height of the decking is assessed as appropriate in the context of the large rear amenity area, with suitable setting back from permanent boundary structures and not appearing fixed to any buildings or supporting structures.
 - 9.9. The principle of the decking in this location and the impact within the listed building curtilage has been thoroughly considered and Heritage Officers have been consulted. Heritage Officers consider that the raised decking itself does not have a significant impact on the historic and open nature of the garden. However, the provision of louvered wooden fencing is seen as creating enclosures that do not reflect the open nature of the pre-existing and historic garden.
 - 9.10. The agent has submitted amended plans which show removal of the fencing to the raised decking, with alteration of the ground levels to infill the gaps and ensure that public safety is not compromised through risk of falling. Heritage Officers have confirmed that this is an acceptable solution and removes those harmful elements of the decking. The removal of the fencing and infill of the gaps would be secured by condition to ensure compliance.
 - 9.11. The decking as amended on the supplied plans would not substantially disrupt the listed building, nor appear an incongruous addition. It is suited to the use of the garden in support of the Rottingdean Lounge and Bar. The location at the rear ensures visibility in the public realm is limited. The setting back from the majority of boundaries and historic structures ensures the impacts of the decking are mitigated.
 - 9.12. Therefore, the works are considered to be a suitable addition to the building that does not significantly harm its appearance or that of the wider conservation area, and are therefore in accordance with policy QD14, HE1, HE3 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of City Plan Part One, policies DM21, DM26, DM27 and DM29 of City Plan Part Two (DM26, DM27 and DM29 can be given significant weight. DM21 carries more weight than QD14, the policy which it replaces), and SPD12 guidance.
- Impact on Residential Amenity
- 9.13. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than QD27) both 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. A recent site visit has been carried out by the case officer to fully assess the impact of the works.
- 9.15. The site is located within a densely populated part of Rottingdean with many residential properties in close proximity, some of which abut the rear garden. Therefore the pre existing and current situation means a relatively high degree of mutual overlooking and disturbance exists between the respective residential properties and the Rottingdean Lounge And Bar. This proximity exacerbates the amenity impacts of the differing uses.
- 9.16. It is considered that although the decking has changed the appearance of the garden and provided more elevated areas than previously in situ, the degree of harm to neighbouring properties over the pre existing situation is limited with the setting back from the boundaries and remaining degree of foliage to the boundaries. It is noted that objections mention the noise and disturbance from the use of garden area for dining, drinking and music, however this use existed prior to the installation of the current decking. To refuse the application purely on that basis would be unreasonable, and in any event would not cease the use of the garden for these activities
- 9.17. A condition would be attached to remove the existing wooden fencing to the decking and infill the gaps between decking and boundaries with soil and planting to ensure that no amenity harm is caused by potential fall risk.
- 9.18. Therefore, it is not considered that the decking causes any significant increase in harm to amenity, and is therefore in accordance with Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2 (DM20 carries more weight than QD27, the policy which it replaces).

Archaeology:

- 9.19. The site sits within an area of Archaeological Interest. The works have very limited below ground impact and therefore it is unlikely to have had any adverse effects on archaeological deposits.

Conclusion:

- 9.20. The development is considered acceptable in terms of its impact on the listed property, the wider area conservation area, and would cause no significant harm to neighbouring amenity in excess of the pre-existing situation. Approval is therefore recommended.

- 10. EQUALITIES**
None identified

- 11. CLIMATE CHANGE/BIODIVERSITY**

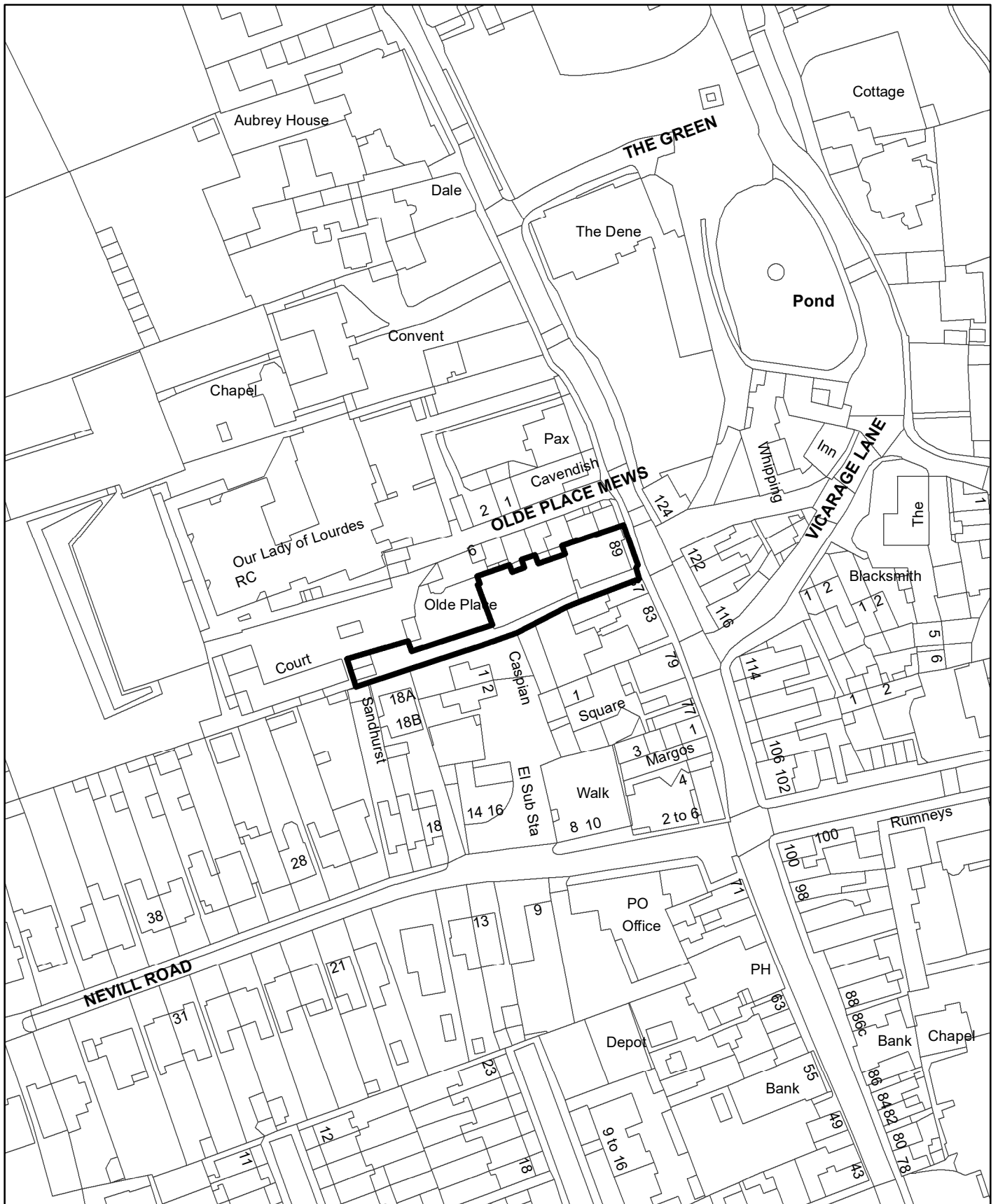
- 11.1. The works are considered to have a neutral effect, as although made from sustainable materials, lawn and foliage has been removed.

ITEM J

**The Rottingdean Lounge And Bar
89 High Street
BH2021/04479
Listed Building Consent**

DATE OF COMMITTEE: 9th March 2022

BH2021 04479 - The Rottingdean Lounge And Bar, 89 High Street



N



Scale: 1:1,250

<u>No:</u>	BH2021/04479	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	The Rottingdean Lounge And Bar 89 High Street Rottingdean Brighton BN2 7HE		
<u>Proposal:</u>	Installation of raised decking to rear (Retrospective).		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	20.12.2021
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	14.02.2022
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
Building Grade II			
<u>Agent:</u>	Mr Adrian Gammon 10 Rectory Gardens Worthing BN14 7TE		
<u>Applicant:</u>	Mr Phil Sherrington 89 High Street Rottingdean Brighton BN2 7HE		

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** listed building consent 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
Existing Drawing	DD101A		4 February 2022
Location Plan			20 December 2021

2. Within three (3) months of the date of this decision, the existing louvered timber fencing to the decking shall be removed, the area made good, and levels of soil raised where identified on the approved plan DD101A received the 4th February 2022. The decking and boundary treatment shall be provided in accordance with the approved plan and shall thereafter be 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 policies HE3, HE6 and QD27 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26, DM27 and DM29 of the emerging Brighton and Hove City Plan Part Two.

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. The application relates to a two storey terraced building located on the western side Rottingdean High Street. The building is grade II listed and within the Rottingdean Conservation Area. The current use is as a public house with beer garden to rear.

Statement of Significance

- 2.2. The Rottingdean Lounge and Bar (formerly The Rottingdean Club) is a grade II listed building and dates from the 18th century or earlier. It was built as single house but became part of the Olde Place Hotel, which included adjoining properties, in the early 20th century and then later a private members club. It is flint with dressings of red brick, roof of clay tiles; two storeys with dormer in the attic. To the front is a flat-arched entrance under a 20th century verandah between single storey bays. To the rear is a single storey flat-roofed extension leading to a large garden. The garden land was originally part of a larger separate plot of land, on which Olde Place Cottage and Olde Place Court were developed in the 20th century. The garden forms a positive element of the setting of the listed building and contributes to the semi-rural spaciousness and grain of the conservation area.
- 2.3. Rottingdean comprises a substantial downland village, with the medieval village core at its heart and some later 20th century development on its fringe. Although situated by the sea, the village's development was based primarily on agriculture. This site lies within the High Street character area, where the street morphology, plot size and a number of surviving buildings indicate the medieval antecedents of the village. Most existing buildings date to the 18th, 19th and 20th centuries. They display a range of designs and architectural styles but are unified through the use of predominantly vernacular and traditional materials such as flint, brick and render. The majority of buildings are of two storeys, with pitched roofs - either set parallel or with a gable end to the road.

3. RELEVANT HISTORY

- 3.1. BH2021/04244 - Installation of raised decking to rear (Retrospective). Pending - Full planning application for the same works.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the Installation of raised decking to the rear garden. The application is retrospective as the works had already been completed on the 08/03/2020.

5. REPRESENTATIONS

- 5.1. **Two (2)** representations have been received from members of the public objecting to the application for the following reasons
- Adversely affects Conservation Area
 - Additional Traffic
 - Noise
 - Too close to boundary
 - Detrimental effect on property value

6. CONSULTATIONS

- 6.1. **Heritage: No objection** Final comment revised plans - 08/02/2022
Subject to a condition for removal of existing louvred fencing surrounding the decking. Post and rope retention to edges of decking is acceptable.
- 6.2. **Heritage: Objection** Initial comment - 13/01/2022
"Extensive fencing would in effect create haphazardly-shaped solid enclosures within the garden which do not relate to its simple historic character, and would clutter this open space and be visually intrusive. This would harm the setting of the listed building and would harm the character of the conservation area."
- 6.3. **Rottingdean Parish Council: No objection** Revised comment- 17/01/2022
Repeat earlier comment and elaborate on some consultation matters raised by the agent.
- 6.4. **Rottingdean Parish Council No objection** Initial comment - 04/01/2022
"We are of the opinion that this retrospective proposal will not have a direct impact on the Grade 2 listed building since the raised areas are not attached to and are located well away from the building. We consider that the proposed raised areas will not affect the structure, setting, character and appearance of the listed building and importantly means that greater use can be made of the garden as an outside dining area. Additionally although the garden is directly adjacent to neighbouring properties which overlook the garden, we are of the opinion that given the height of the raised areas that they will not unduly impact on these properties."

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

HE1 Listed buildings
HE3 Development affecting the setting of a listed building
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. 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.

DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets

Supplementary Planning Documents:

SPD09 Architectural Features

Supplementary Planning Guidance:

Rottingdean Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

9.1. The sole consideration in the determination of this application relate to the impact of the development on the character of the Grade II Listed Building. The retrospective nature of the application is not a relevant consideration in determining this application.

9.2. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it

possesses. Moreover, when considering whether to grant listed building consent 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.

- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.4. Amended plans have been submitted during the course of the application to meet concerns raised by the LPA in respect of the fenced areas of the decking.
- 9.5. The rear garden area of the property was altered in 2020 with a new pathway and finish, including the provision of raised decking areas which require express planning permission and listed building consent. Prior to this, the rear garden was mainly laid to lawn with a smaller raised area to the rear which was at most 0.4m above ground level.
- 9.6. The decking structures are located to the rear (west) and side (south) of the garden. It is irregular in shape, with a rear area to a maximum height of 0.5m above ground level, a width of 11.5m, and a depth of 5m, accessed from the garden via two steps. The side decking is lower and has a maximum height of 19cm above ground level, with a maximum depth of 6.5metres and a maximum width of 4metres, again of irregular shape. The decking is constructed of timber and has post and rope railings to the elevations that face into the garden and also surrounding the lower side decking.
- 9.7. The rear decking currently has louvered wooden fencing surrounding the elevations that face away from the garden and in proximity to the existing boundaries. The purpose of this fencing is to prevent falls into the gap between the raised decking and surrounding shrubbery/walls.

Impact on the Listed Building

- 9.8. The materials used are considered acceptable and the timber will likely weather over time to become darker in appearance. The size and height of the decking is assessed as appropriate in the context of the large rear amenity area, with suitable setting back from permanent boundary structures and not appearing fixed to any buildings or supporting structures.
- 9.9. The principle of the decking in this location and the impact within the listed building curtilage has been thoroughly considered and Heritage Officers have been consulted. Heritage Officers consider that the raised decking itself does not have a significant impact on the historic and open nature of the garden. However, the provision of louvered wooden fencing is seen as creating enclosures that do not reflect the open nature of the pre-existing and historic garden.
- 9.10. The agent has submitted amended plans which show removal of the fencing to the raised decking, with alteration of the ground levels to infill the gaps and

ensure that public safety is not compromised through risk of falling. Heritage Officers have confirmed that this is an acceptable solution and removes those harmful elements of the decking. The removal of the fencing and infill of the gaps would be secured by condition to ensure compliance.

9.11. The decking as amended on the supplied plans would not substantially disrupt the listed building, nor appear an incongruous addition. It is suited to the use of the garden in support of the Rottingdean Lounge and Bar. The location at the rear ensures visibility in the public realm is limited. The setting back from the majority of boundaries and location to the rear ensures the impacts of the decking on heritage assets are mitigated.

9.12. Therefore, the works as amended, are not considered to harm the historic character or appearance of the Grade II listed building, and are therefore in accordance with policy HE1 and HE3 of the Brighton & Hove Local Plan, CP15 of City Plan Part One, and policies DM27 and DM29 of City Plan Part Two (DM27 and DM29 can be given significant weight), and SPD9 guidance.

Conclusion:

9.13. The development is considered acceptable as the works are not considered to harm the historic character or appearance of the Grade II listed building. Approval is therefore recommended.

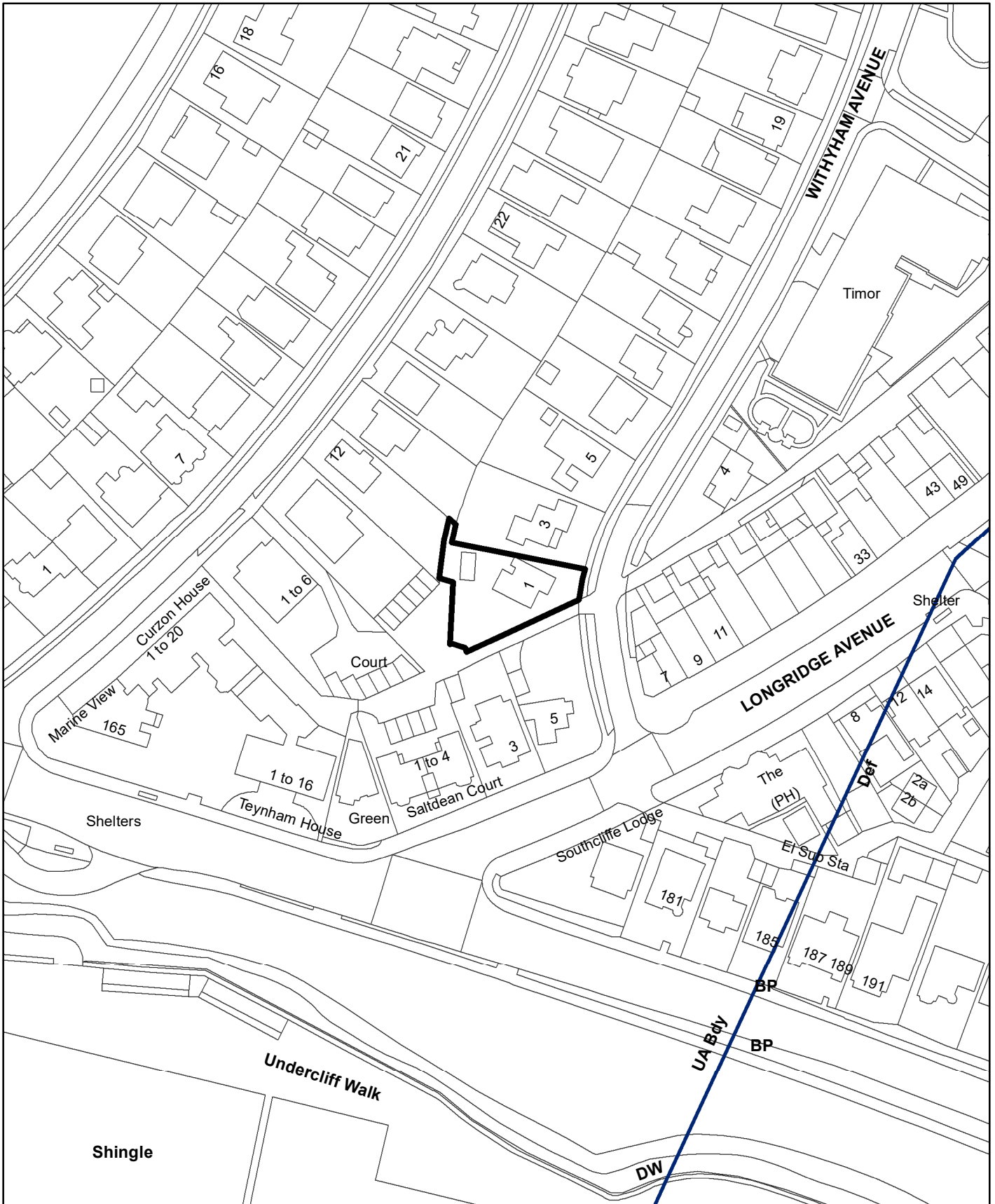
10. EQUALITIES
None identified

ITEM K

**1 Withyham Avenue
BH2021/01394
Full Planning**

DATE OF COMMITTEE: 9th March 2022

BH2021 01394 - 1 Withyham Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2021/01394	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Withyham Avenue Saltdean Brighton BN2 8LF		
<u>Proposal:</u>	Demolition of existing detached dwellinghouse and erection of part one, part two and part four-storey building comprising seven flats (C3) and undercroft parking area.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	23.04.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	18.06.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	11.12.2022
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	John McDonnell C/o Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 1st of June 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of this report:

S106 Heads of Terms

- Affordable housing – The S106 legal agreement will include a Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to a policy compliant level of affordable housing via an off-site financial contribution.

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	2020/0210	D	1 June 2021
Location and block plan	2020/0100	E	26 May 2021
Proposed Drawing	2020/0101	E	12 August 2021
Proposed Drawing	2020/0102	E	12 August 2021
Proposed Drawing	2020/0103	D	26 May 2021
Proposed Drawing	2020/0104	C	26 May 2021
Proposed Drawing	2020/0200	F	12 August 2021
Proposed Drawing	2020/0201	D	12 August 2021
Proposed Drawing	2020/0300	C	26 May 2021

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. 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. 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 CP9 of the City Plan Part One.
5. The bathroom and stairwell windows in the northern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies DM20 of the City Plan Part Two and QD14 and QD27 of the Brighton & Hove Local Plan.
6. 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
7. No development above ground floor slab level of any part of 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 (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.

8. No development above slab floor level shall take place until a scheme setting out highway works to implement the amended vehicle entrance on Withyam Avenue has been submitted to and approved in writing by the local planning authority. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

Reason: To ensure safe pedestrian, cyclist and vehicular access into, out of and passed the site and road safety for all road users and to comply with policies TR7, TR11, TR12, TR15, SU3 and SU5 of the Brighton & Hove Local Plan and CP7, CP9, CP11 and CP18 of the City Plan Part One.

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

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed green roofs/ 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.

10. The development hereby permitted shall not be occupied until details of privacy screens to the north western terraces on the first, second and third floors has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and screens provided in full in accordance with the approved details prior to first occupation of the development and the privacy screens shall thereafter be retained at all times.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies policies DM20 of the City Plan Part Two, and QD14 and QD27 of the Brighton & Hove Local Plan.

11. 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.
12. 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.
13. 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.
14. Prior to first occupation of the development hereby permitted 14 (fourteen) 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. Prior to first occupation of the development hereby permitted a bee brick shall be incorporated within the external wall 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.
16. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
17. The development hereby permitted shall not be occupied until details of the refuse and recycling collection for the site, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme 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: 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.

18. The development hereby permitted shall not be occupied until the lighting and warning signage to be introduced along the side access road, as shown on the approved plans, has been fully implemented and are operational. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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.

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 they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway email: S278@brighton-hove.gov.uk
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard 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. 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.

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

2. SITE LOCATION

- 2.1. The application relates to a triangular plot located on the western side of Withyham Avenue in Saltdean which currently contains a post-war detached dwellinghouse and garden. The property is finished in white-painted render with a multi-form pitched roof. To the south is separate vehicular access from Withyham Avenue to a group of garages to the rear of the site.
- 2.2. Withyham Avenue is made up of a range of traditional dwellinghouses of one- and two-storeys on the western side. The eastern side of the street comprises a large two- to five-storey flatted development. To the south west of the site, beyond the garages, are Duncan Court and Rowanden Court, two and three storey blocks of flats respectively.

3. RELEVANT HISTORY

- 3.1. **PRE2020/00113** Demolition of house and erection of 8 flats plus associated parking, related to PRE2019/00232 - Changes from earlier proposal focused on revisions to design, housing mix, parking provision, landscaping and impact on neighbours.
- 3.2. **PRE2019/00232** Demolition of house and erection of 8 flats plus associated parking.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the demolition of the existing detached dwellinghouse and the erection of a part one-, part two-, and part four-storey building comprising seven flats (use class C3), and undercroft parking area.
- 4.2. The application was originally considered by Planning Committee on the 1st September 2021, determining they were minded to grant permission subject to a S106 agreement being signed to secure an affordable housing contribution. The S106 has not been signed since the September Planning Committee and the applicant now seeks planning permission for the development without any affordable housing commuted sum payment.
- 4.3. To justify the loss of the affordable housing commuted sum, the applicant has submitted a Financial Viability Assessment (FVA) which has been assessed by the District Valuation Service (DVS) and confirmed to be sound.

5. REPRESENTATIONS

Original consultation

- 5.1. **Twelve (12)** letters were received objecting to the proposed development during the original consultation period. The main grounds for objection are as follows:
- Overdevelopment
 - Poor Design
 - Height
 - Density
 - Too close to boundary
 - Overshadowing/ loss of light
 - Overlooking/ loss of privacy
 - Noise
 - Parking issues
 - Increased traffic / highway safety
 - Private / unadopted road
 - Loss of garden and impact on biodiversity
 - Trees felled
 - Impact on property values
 - Loss of view
- 5.2. **Two (2)** letters have been received commenting on the proposed development as follows:
- Restricted parking or one-way system should be introduced
 - Provision of swift boxes
- 5.3. Further consultation was undertaken to 7 January 2022 regarding the proposed removal of the affordable housing contribution from the scheme, resulting in the following comments:
- 5.4. **Four (4)** additional letters have been received - further grounds for objection not already set out above are as follows:
- Light pollution from traffic signs
 - Inappropriate plants proposed
- 5.5. Objections relating to loss of view and impact on property values are noted, however these objections not material planning considerations.

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection. subject to condition relating to retention of car parking, cycle parking Implementation and S278 highways works.
- 6.2. **Urban Designer:** No objection. Proposals are very well received, presenting efficient and contextually appropriate site layout, diverse planting, sensitive general scale and massing, high quality accommodation and high-quality appearance, positively addressing CPP1 Policy CP12: Urban Design.

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
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP18	Healthy City
CP19	Housing mix
CP20	Affordable housing

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

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
DM33 Safe, Sustainable and Active Travel
DM40 Protection of the Environment and Health - Pollution and Nuisance
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. 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, the standard of accommodation proposed and highways implications.
- 9.2. The merits of the scheme as a whole have been considered previously by the Local Planning Authority at the 1st September 2021 Planning Committee and the principle of the proposed development was found to be justified. The design, siting, scale and all other elements of the proposed development are unaltered, other than the proposed affordable housing contribution. As initially submitted the full 20% offsite contribution (£159,000) was proposed. Following submission of a FVA by the applicant and assessment by the DVS, a NIL affordable housing contribution is now proposed (see section below for more detail).
- 9.3. It is important to note that since the September 2021 Planning Committee there has been a change of weighting given to some policies as the City Plan Part Two (CPP2) has now proceeded to post hearing stage.
- 9.4. Where relevant, the weight given to some of the CPP2 policies is set out below.

Principle of Development:

- 9.5. 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).
- 9.6. 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.
- 9.7. 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).
- 9.8. 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).
- 9.9. The provision of seven (net six) residential units would constitute a windfall development and would make a small but positive contribution to the city's identified housing need.
- 9.10. Policy CP19 of the City Plan Part 1 requires that proposals also have regard to housing mix considerations which have been informed by local assessments of housing demand and need. The mix of 3x one-bed flats, 2x two bed flats, and 2x three-bed flats would achieve a good mix of unit sizes which reflects the housing needs of the city.
- 9.11. As such the principle of the development is considered acceptable because it would deliver additional housing of a type which is in demand. However other issues, as set out below, also need to be considered.

Affordable Housing:

- 9.12. City Plan Policy CP20 sets out an affordable housing target of 20% equivalent financial contribution for developments of between 5 and 9 (net) new dwellings. The applicant has submitted a Financial Viability Assessment (FVA) which concludes that it is not viable to meet the requirement for a 20% offsite contribution (£159,000). Therefore, the amended application proposes no affordable housing.
- 9.13. The applicant's FVA has been independently assessed by the District Valuation Service (DVS). The DVS is in agreement with the overall conclusion of the FVA,

and considers that no commuted sum payment towards affordable housing can be viably provided.

- 9.14. It should be noted that in reaching this conclusion, the DVS assessment has taken into account the estimated CIL liability payment of £90,104.
- 9.15. Having taken full account of the FVA submitted, and the detailed scrutiny of this information by independent assessors, it is accepted that the scheme cannot viably meet the Council's affordable housing policy requirements.
- 9.16. However, the DVS recommends a late-stage review mechanism (re-appraisal of the scheme's viability) to ensure that that the actual achieved sales values and construction costs can be reviewed and any uplift in development value is shared with the Council in the form of an affordable housing contribution. This is recommended as a Heads of Term and can be secured by S106 Legal Agreement.

Design and Appearance:

Built Form, Scale and Massing

- 9.17. Following amendments to the scheme, as set out above, the proposed scale and massing is considered to be acceptable. The height of the proposed development would be mitigated by the site topography so that the view from Withyham Avenue would present a three-storey building which would reflect the scale of the apartment block opposite, and would not be significantly taller than the existing building on site. In addition, the proposed flat roof form is reflected heavily in the prevailing context; thus, is considered to be acceptable. The building would be stepped back into the site so that the Withyham Avenue frontage would be in keeping with the rhythm of the streetscene.
- 9.18. The applicant has addressed previous concerns regarding the scale / massing against Withyham Avenue by reconfiguring the stair core at third floor level, enabling the lower parapet height to extend around the north-eastern corner of the proposed block, more sensitively addressing the scale of the adjacent dwelling. As such, proposed built form, scale and massing are considered to be high quality.

Appearance and Materiality

- 9.19. The general appearance and materiality of the proposal is supported, having responded positively to the prevailing identity and architectural character of the area. The elevations would be layered, textured and contemporarily detailed to add interest and reduce the appearance of bulk. The proposed light brick with speckles of black, plus matching mortar, is designed to fit in with the Art Deco style of the Saltdean area, albeit in a contemporary fashion.
- 9.20. The projecting canopy at top floor level facing Withyham Avenue would generate a semi-inset character to the proposed balconies which is considered to add interesting features to the streetscene, while the proposed planted roofs would soften and enliven the appearance.

Site Layout and Landscape

- 9.21. The amended proposed site layout is considered to be positive in terms of its impact on the wider area. The building line fronting Withyham Avenue would align well with the adjacent property to the north, generating a cohesive street frontage. The inclusion of a parking undercroft would reduce the visual impact of parked vehicles and generate opportunities for planted roof space to counter the necessary loss of planted areas at ground level.
- 9.22. The scheme includes small areas of diverse ground level planting. The Council's Arboriculture Officer has advised that no arboriculture comment is necessary in this instance. However, it is recommended that full and finalised details regarding landscaping and green roofs can be secured by condition

Standard of Accommodation:

- 9.23. Policies DM20 and QD27 seek to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF.
- 9.24. Although not yet adopted, the Proposed Submission City Plan Part 2 policies indicates direction of travel and some policies have gained weight since consultation. CPP2 Policy DM1: Housing Quality, Choice & Mix sets out Nationally Described Space Standards (NDSS) for dwellings and this CPP2 policy now carries significant weight as a material planning consideration.
- 9.25. The Gross Internal Area (GIA) of the proposed units would be as follows:

Ground Floor

One-bed flat: 51m² - 1x double bed (NDSS 50m²)

First Floor

Two-bed flat (south): 61m² - 1x double bed, 1x single bed (NDSS 61m²)

Two-bed flat (north): 64m² - 1x double bed, 1x single bed (NDSS 61m²)

One-bed flat: 58m² - 1x double bed (NDSS 50m²)

Second Floor

Three-bed flat: 86m² - 2x double bed, 1x single bed (NDSS 86m²)

One-bed flat: 58m² - 1x double bed (NDSS 50m²)

Third Floor

Three-bed flat: 86m² - 2x double bed, 1x single bed (NDSS 86m²)

- 9.26. The proposals present a high quality of accommodation. All proposed dwelling units would meet or exceed NDSS, and all proposed units would have private external amenity space in the form of balconies or terraces, complying with policy HO5 and emerging policy DM1 of City Plan Part 2. Internal layouts appear efficient, providing sufficient circulation space once typically furnished, and all dwelling units would achieve at least dual aspect (of some form) providing sufficient levels of outlook, sunlight and daylight to the proposed accommodation, positively addressing CPP1 Policy CP8 with regard to passive design for reduced energy reliance and improved wellbeing.

- 9.27. There would be dedicated space for refuse and recycling at ground floor level which is considered appropriate.
- 9.28. The scheme is therefore considered acceptable in terms of the standard of living accommodation to be provided.

Impact on Amenity:

- 9.29. Policies DM20 of the City Plan Part Two (which now carried more weight than policy QD27) 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.

Sunlight/ Daylight

- 9.30. A daylight/ sunlight assessment report has been submitted with the application. The results demonstrate that there would be no noticeable impact on the daylight received by the windows of Rowanden Court and Duncan Court, the two blocks of flats to the rear.
- 9.31. The side windows of 3 Withyham Avenue, directly to the north, would be noticeably impacted upon, however these are all secondary windows to the spaces they serve, with the main windows on front and rear elevations. Therefore, the impact of the reduced daylight to the windows would be less significant as the spaces receive daylight from other, unobstructed windows.
- 9.32. The sunlight assessment has shown there would be no noticeable reduction in the amount of sunlight to any of the windows assessed. The overshadowing study to the adjacent gardens has shown that whilst there would be an increase in overshadowing, the gardens would still receive high levels of direct sunlight with the proposed development, meeting BRE impact guidance.

Overlooking and loss of privacy

- 9.33. It is noted that there is an existing raised terrace to the rear of the site property, on the southern side, which give views towards neighbouring gardens. Various balconies / terraces are proposed to the development and it is acknowledged that this may lead to some increased overlooking towards adjacent properties. However, given the distances to the nearest properties to the rear in Chichester Drive East (35 - 50 metres) and to the south (25 metres), it is not considered that this would be harmful enough to warrant refusal of the application.
- 9.34. The views from the front roof terrace towards no. 3 Withyham Avenue to the north would be oblique and would not lead to loss of privacy to habitable rooms. However, it is recommended that the rear roof terrace and balconies have appropriate screening to the north western corner to prevent harmful overlooking of the rear windows and garden of no. 3, secured by condition. To the east in Withyham Avenue is the rear of no. 7 Longridge Avenue; this was considered as a commercial unit and therefore not as sensitive in terms of overlooking issues. An objector to the application has referred to flats at this property. According to Council records, no. 7 Longridge Avenue has been in non-

residential (shop and office) use since at least 2001. Nonetheless it is considered that the given the distances involved across the street, there would not be unacceptable loss of privacy to this property.

- 9.35. There would be seven windows facing directly north toward no. 3 Withyham Avenue. Three of these would serve landings and three would serve bathrooms. As such, these side facing windows would be obscure-glazed to avoid any overlooking, which would be secured by condition. There is an oriel window proposed to a bedroom at first floor level. However, given the distance to the neighbouring property, that the southern side windows to no. 3 are all secondary, and the fact that the single first floor side window is small and appears to serve a bathroom, the proposed oriel window is not considered to be significantly harmful to this property.

Sustainable Transport:

Trip Generation

- 9.36. It is considered that the increase in trips associated with an additional six dwellings would not amount to a severe impact on the capacity of the surrounding highway network, or a detrimental impact on road safety.

Parking

- 9.37. The applicant is proposing 20 cycle parking spaces (10 Sheffield stands) in a communal area within the basement level. The proposed design, layout and amount are acceptable for this size and type of development. The proposed storage area would have level access from the side road and an additional access point from a pathway alongside the northern elevation to the development.
- 9.38. Six vehicle parking bays are proposed for the proposed seven dwellings, less than one car parking space per dwelling in this outer area location. However, when considering the likely car parking associated with this development, the applicant has demonstrated that available census data suggests that average car ownership in this area is just above one per dwelling. The site is located in a non-restricted area of the city so additional parking needs would be met by existing on-street parking. This proposed provision may be slightly below the amount needed; however the Highways Officer agrees that this is unlikely to result in a severe impact on the highway, if overspill parking in the street does occur. The overall layout of the parking bays is therefore acceptable.

Site Access

- 9.39. The proposed pedestrian entrance on Withyham Avenue has multiple steps and therefore would not be accessible for all. Given this, it is likely that the proposed vehicle access via the existing side road may be used by pedestrians who cannot manage the steps. Additionally, as set out above, there appear to be two routes to the cycle store within the basement: one a level entrance via the side access road, along with a proposed track on the front stepped entrance. The applicant has agreed measures that include a scheme of lighting and warning signs to be introduced along the side access road, which is narrow and dark at present, to mitigate and reduce the risk of collision between pedestrian, cyclists and motorists. There is deemed acceptable by the Council's Highways Officer.

- 9.40. It is proposed that there would be a widened entrance point to the existing side access road to allow vehicles easier access. This is welcomed in relation to the increase in dwelling density. However, the Highways Officer has recommended that, in addition to the amendments proposed, a table be introduced at the bell mouth to reduce speeds of motorists and to ensure a continuous and level footway is retained. For these amendments on the adopted public highway the applicant must gain permission and enter into a S78 agreement with the Highway Authority.
- 9.41. It is noted that there are further amendments to the access road proposed; this road is not adopted public highway and the applicant would need permission for these works from the landowner.
- 9.42. It is acknowledged that there is some concern with regard to driver visibility of cars emerging from the adjacent garages when residents are leaving the proposed car park entrance. As mentioned above, the applicant is proposing a scheme of signage and lighting to be introduced along the access path which would reduce the risk to an acceptable level.

Servicing / Refuse and Recycling

- 9.43. The applicant is proposing private refuse and recycling collection for the site, with vehicles of an appropriate size to be used. This is to alleviate concern that the narrow side access road may not be able to accommodate large servicing vehicles /refuse trucks. It is agreed that refuse and recycling shall not take place on the highway. This is considered acceptable.
- 9.44. The Council's Highways Officer has been consulted on the application and overall has no objections to the scheme.

Sustainability:

- 9.45. Policy CP8 sets out residential energy and water efficiency standards required by new development; to achieve 19% above Part L Building Regulations requirements 2013 for energy efficiency, and to meet the optional standard for water consumption of 110 litres/ person/day. These measures can be secured by condition.

Other Considerations:

- 9.46. Conditions to secure appropriate provision of bee and swift boxes are recommended, to improve ecology outcomes on the site in accordance with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

££90,104. 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.

Developer Contributions

Affordable housing Review Mechanism of viability

- 10.2. **In the event that the draft S106 agreement has not been signed by all parties within 12 weeks of the date of the permission**, the Head of Planning is authorised to refuse the application for the following reasons:
1. The proposed development fails provide a Review Mechanism to assess the provision of affordable housing contribution with regard to the requirements of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.

11. EQUALITIES

- 11.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings appears to be achievable. A lift is proposed to the upper floors.
- 11.2. The vehicle side access road is likely to be used by residents and visitors who may not be able to manage the alternative stepped access on site, located on Withyham Avenue. Shared use of the vehicle access by residents and other users is likely to increase the risk of collision. Appropriate measures are being proposed to reduce the risk to collision of those who prefer or need to access the site on the step-free side access road.

12. CLIMATE CHANGE AND BIODIVERSITY

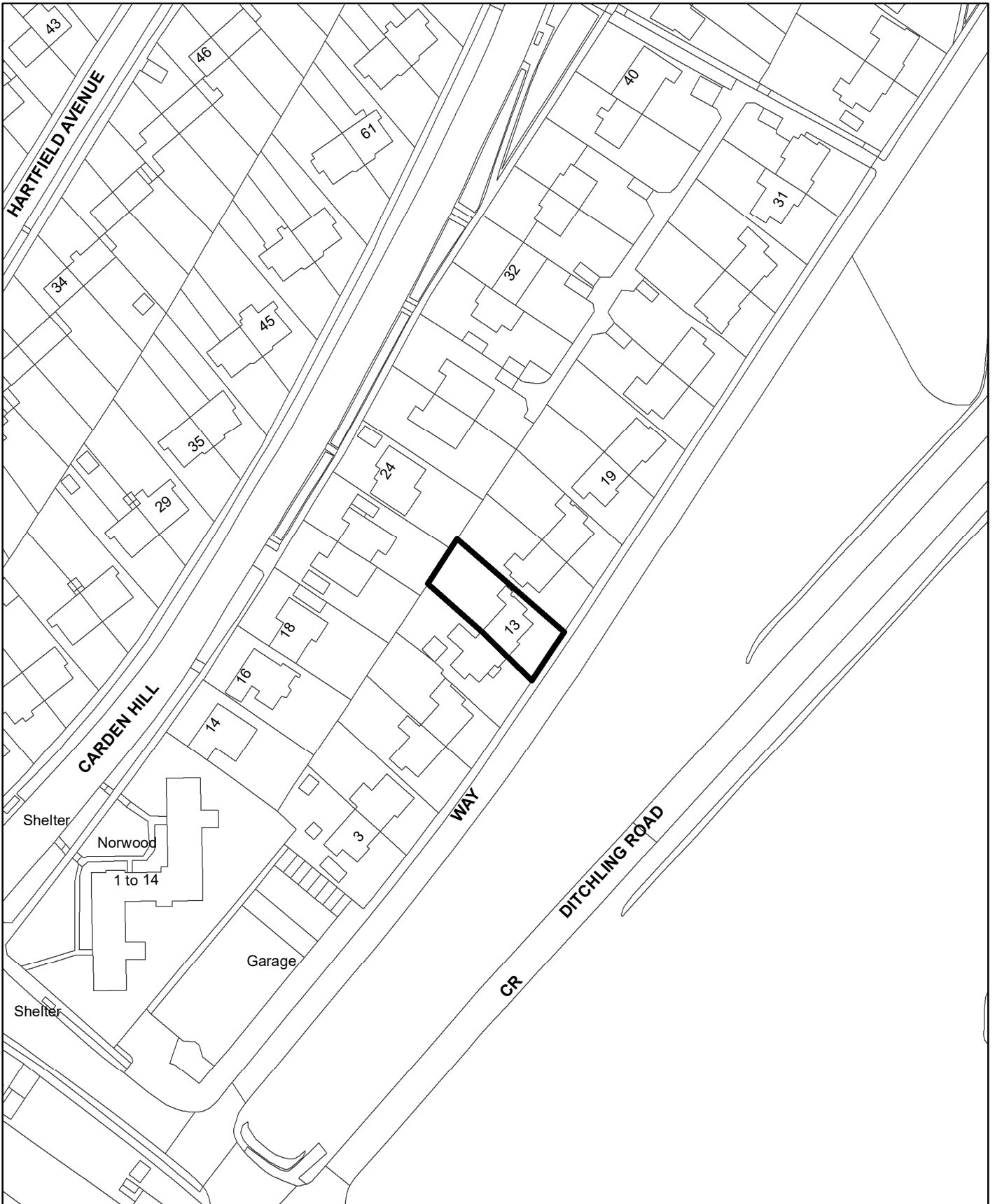
- 12.1. The application site is previously developed (brownfield) land, within a sustainable location with good links to facilities including shops, is well served by public transport, and cycle parking is proposed, reducing reliance on cars. Green roofs are proposed, and a bee brick and swift bricks should be secured by condition.

ITEM L

**13 Cuckmere Way
BH2021/04303
Householder Planning Consent**

DATE OF COMMITTEE: 9th March 2022

BH2021 04303 - 13 Cuckmere Way



N



Scale: 1:1,250

<u>No:</u>	BH2021/04303	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	13 Cuckmere Way Brighton BN1 8GA		
<u>Proposal:</u>	Hip to gable roof alterations incorporating rear dormer, 4no rooflights to front slope, erection of front porch with associated alterations.		
<u>Officer:</u>	Charlie Partridge, 292193	tel: <u>Valid Date:</u>	07.12.2021
<u>Con Area:</u>	None.	<u>Expiry Date:</u>	01.02.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Brendan Haworth BN11 BN11 2SU	4 Devonport Place Devonport Place	Selden
<u>Applicant:</u>	Ruth Fretwell 13 Cuckmere Way Brighton BN1 8GA		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:
1. The proposed rear dormer and hip to gable extension would present as an unsympathetic, oversized and dominant addition to the property that would have a harmful impact upon the appearance of the dwellinghouse, semi-detached pair and wider area, contrary to Brighton & Hove Local Plan policy QD14, Submission Brighton & Hove City Plan Part Two policy DM21 and guidance contained within SPD12.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location and block plan	100		7 December 2021
Proposed Drawing	200		7 December 2021
Proposed Drawing	201		7 December 2021

2. SITE LOCATION

- 2.1. The application site relates to a single storey semi-detached dwellinghouse on the north-west side of Cuckmere Way. Cuckmere Way comprises a number of

semi-detached bungalows with a variety of roof extensions and alterations. The bungalow has a hipped roof which is typical of the character of the adjacent properties in the streetscene. The main roof of the semi-detached pair remains unaltered. The site is not within a conservation area and there are no Article 4 Directions covering the site.

3. RELEVANT HISTORY

- 3.1. **BH2022/00004** Certificate of lawfulness for proposed loft conversion, hip to gable roof alterations incorporating rear dormer, 4no rooflights to front slope with associated alterations
- 3.2. **BH2021/01881** Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, front and side windows and rear dormer with Juliet balcony. Formation of front porch. Withdrawn 04.08.2021
- 3.3. **BH2021/01834** Certificate of Lawfulness for existing single storey rear extension. Approved 06.07.2021

4. APPLICATION DESCRIPTION

- 4.1. Householder planning consent is sought for hip to gable roof alterations incorporating a rear dormer, four front rooflights and the erection of a front porch with associated alterations. A site visit was not undertaken, but it was considered that the proposal could be assessed adequately based on site photographs provided, along with 3D satellite views.

5. REPRESENTATIONS

- 5.1. One (1) letter has been received from **Councillor Meadows** supporting the scheme. A copy of the representation from Councillor Meadows is attached.

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);
- Brighton & Hove City Plan Part Two
- 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. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP10 Biodiversity

CP12 Urban Design

Brighton & Hove Local Plan (retained policies March 2016)

QD14 Extensions and alterations

QD27 Protection of amenity

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

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20 Protection of Amenity

DM21 Extensions and alterations

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity.

Design and Appearance

9.2. The proposed roof works would include a hip to gable extension, a large rear dormer and four front rooflights.

- 9.3. The four front rooflights have been kept to a minimal scale and would not appear overly incongruous within the street scene as many of the surrounding properties currently have multiple front rooflights. This element of the scheme is therefore considered acceptable.
- 9.4. The proposal would also involve the construction of a front porch. The proposed front porch would be appropriately scaled, and the materials would match those of the main dwellinghouse. The porch would represent a modest and sympathetic addition to the host property that would not harm its appearance or that of the surrounding area so is therefore considered acceptable.
- 9.5. The proposed dormer and hip to gable roof extensions, however, are not considered acceptable in their current form. The hip to gable extension would essentially create an 'L-shaped' or wraparound rear dormer and would result in an overall development with an awkward relationship with the existing features of the front roofscape. The hip to gable extension would be set down from the ridge and set up from the eaves, resulting in a triangular section of roof that would protrude from the main roof slope to the visual detriment of the host property. While the materials would be acceptable, the scale, form and design of the hip-to-gable extension is considered detrimental to the character of the area.
- 9.6. The scale of the rear dormer is also considered inappropriate to that of the host building and surrounding area. The dormer would be far wider than a standard-sized window and despite being slightly set down from the ridge and slightly set back from the eaves, would occupy almost the entirety of the roof area. It would result in an oversized and bulky addition that would dominate the rear roofscape of the property.
- 9.7. The dormer would therefore be contrary to guidance contained within SPD12 which states that: *"they should clearly be a subordinate addition to the roof set appropriately in the roof space to avoid looking disproportionate to the property. As a rule, rear dormers should be appropriately set in from the side, set down from the ridge and set up from the eaves so as not to appear as an additional storey or appear "top heavy". and that rear dormer windows must "be generally well -proportioned to the roof space and do not appear overly dominant."*
- 9.8. The proposed dormer would form an unduly visually dominant and incongruous addition to the building. Whilst it is acknowledged that the dormer would be to the rear and would not be highly visible from the public realm, it would be evident in views from the rear of a number of neighbouring properties and would be seen as a discordant addition, to the detriment of the visual amenity of the host property and wider area, particularly in combination with the hip-to-gable extension.
- 9.9. In addition, the principle of installing a rear dormer of this scale and design on this property is considered to be unacceptable within the wider context of the site. Although there is evidence of a limited number of full-sized 'box' dormers along Cuckmere Way, it is prudent to assess the proposal on its own merits and

the presence of other development in the area does not mitigate the harm. These existing dormers are in the harmful minority and are not considered to set a precedent. They clearly demonstrate the harm an inappropriate addition can have on a property and the wider area. The majority of the properties along Cuckmere Way do not feature rear dormers and the proposed 'wraparound' rear dormer would therefore appear incongruous within the surrounding context of the site, to the further detriment of the visual amenity of the area. There are also no recent examples of the Local Planning Authority granting planning permission for comparable dormers in the vicinity of the site.

- 9.10. The adjoining neighbour at No.11 Cuckmere Way currently has an unaltered rear roofscape. The addition of a large dormer on this property would unbalance the existing pair of semi-detached properties and would be out of keeping with the majority of the semi-detached bungalows along the street. Development which creates differences between matching pairs is discouraged.
- 9.11. During the course of determining the application, amendments were sought from officers to the design of the proposal to reduce the scale of the proposed scheme to lessen its visual prominence and improve its relation to the host property. Despite officers seeking amendments, no design changes were proposed by the applicant and agent and as such the proposal remains unacceptable.
- 9.12. Overall, the proposed extensions to the roof are considered to be an unsympathetic and dominant addition to the host building that would be detrimental to its external appearance and that of the wider area, contrary to Brighton & Hove Local Plan policy QD14 and Brighton & Hove City Plan Part Two policy DM21, (which is considered to have more weight than the adopted Local Plan policy QD14).

Impact on Neighbours and Amenity

- 9.13. With regard to amenity, no significant adverse impacts are expected as a result of the proposed development. The dormer is not expected to result in any overlooking into neighbouring properties.

10. CLIMATE CHANGE/BIODIVERSITY

- 10.1. The proposed scheme would help to make better use of an existing residential property in a sustainable location.

11. EQUALITIES

None identified

**Cllr. Anne Meadows
BH2021/04303 – 13 Cuckmere Way**

16th December 2021:

I am writing in support of the planning application above for a number of reasons which I will outline below.

1. In B&H we have a problem with costly homes therefore moving can be a terrible financial burden on families which is why so many families are staying put, going up into their roofs to enable their family to grow rather than moving with all the attendant costs.
2. This planning application needs the window configuration at the rear of the property to ensure there is useable living space within the roof area. Where the eaves are long there is not much useable, and actual living space within the area of roof therefore it needs the dormers so that this space can be utilised into a living/bed space.
3. There is no overlooking into the other properties with this planning application as the side window does not overlook the neighbour's any more than any other window in the property. In addition, this small side window could be conditioned to obscure glazing if this is a sticking point for approval.
4. This application will not be out of place in the street scene as it sits below the roofline and will not be incongruous as many of these bungalows in Cuckmere Way have had recent conversions into their roofs.

If this planning application is not approved by planners, I would like it to go to the Planning Committee for decision where I could have the opportunity to speak to it.

PLANNING COMMITTEE

Agenda Item 88

Brighton & Hove City Council

NEW APPEALS RECEIVED 13/01/2022 - 02/02/2022

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2021/01526

44B Church Road Hove BN3 2FN

Erection of two storey rear extension to second and third floor with emergency escape ladder.

APPEAL IN PROGRESS

26/01/2022

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2021/00185

Land To The Rear Of 25 Hove Park Villas Hove BN3 6HH

Erection of detached single storey 2no. bedroom dwellinghouse (C3).

APPEAL IN PROGRESS

26/01/2022

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2021/00186

25 Hove Park Villas Hove BN3 6HH

Variation of Condition 2 of application BH2013/00255 (Demolition of existing rear conservatory and erection of part single storey, part two storey rear extension and alterations including changes to fenestration. Loft conversion with dormers to front, side and rear and rooflights to sides to create additional flat.) to allow amendments to approved drawings in respect of layout of gardens, bike storage and waste storage.

APPEAL IN PROGRESS

26/01/2022

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

GOLDSMID

BH2021/01753

Haven Lodge Eaton Villas Hove BN3 3TB

DEVELOPMENT DESCRIPTION Change of use from a single dwellinghouse (C3) to a Short Term Visitor Accommodation (sui generis). (Retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 20/01/2022
APPLICATION DECISION LEVEL Delegated

WARD **GOLDSMID**
APPEALAPPNUMBER BH2021/01953
ADDRESS 64 Goldstone Villas Hove BN3 3RS
DEVELOPMENT DESCRIPTION Erection of extension with roller shutter to existing shopfront. (Retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 02/02/2022
APPLICATION DECISION LEVEL Delegated

WARD **GOLDSMID**
APPEALAPPNUMBER BH2021/02495
ADDRESS Cambridge Works Cambridge Grove Hove BN3 3ED
DEVELOPMENT DESCRIPTION Erection of additional storeys at first and second floor level to create a 4-bedroom maisonette with side terraces, fronted by a brick facade. New front canopy to existing ground floor garage, new garage doors, paving, residential access and other associated alterations.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 27/01/2022
APPLICATION DECISION LEVEL Delegated

WARD **HANOVER AND ELM GROVE**
APPEALAPPNUMBER BH2021/02879
ADDRESS 45 Seville Street Brighton BN2 3AR
DEVELOPMENT DESCRIPTION Certificate of lawfulness for proposed erection of a rear L shaped dormer with Juliet balcony.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 31/01/2022
APPLICATION DECISION LEVEL Delegated

WARD **HANOVER AND ELM GROVE**
APPEALAPPNUMBER
ADDRESS 83 Brading Road Brighton BN2 3PE
DEVELOPMENT DESCRIPTION Appeal against EN - Without planning permission the material change of use from a dwellinghouse C3 to a 6-bedroom House in Multiple Occupation (C4).

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 27/01/2022
APPLICATION DECISION LEVEL Not Assigned

WARD **HOVE PARK**
APPEALAPPNUMBER BH2021/03657
ADDRESS 141 Woodland Avenue Hove BN3 6BJ
DEVELOPMENT DESCRIPTION Erection of two storey rear extension and single storey side extension, and erection of raised decking with privacy screen to rear.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 25/01/2022
APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**
APPEALAPPNUMBER BH2021/01014
ADDRESS 40 Heath Hill Avenue Brighton BN2 4FH
DEVELOPMENT DESCRIPTION Change of use from existing single dwelling (C3) to a 4no bedroom small house in multiple occupation (C4).

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 20/01/2022
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2021/01918
ADDRESS 10 - 12 St Georges Road Brighton BN2 1EB
DEVELOPMENT DESCRIPTION Change of use of former bank (E) and conversion of existing building to create 4no one bedroom flats, 3no two bedroom flats (C3) and ground floor retail unit (E) incorporating erection an additional storey and a two storey extension to north elevation with bin and cycle storage.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 28/01/2022
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2021/02648
ADDRESS 14 The Cliff Brighton BN2 5RE
DEVELOPMENT DESCRIPTION Erection of lower ground, ground floor, first floor and second floor extensions. Incorporates the replacement of roof with additional storey and roof terrace, and fenestration alterations.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 27/01/2022

PLANNING COMMITTEE

Agenda Item 90

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 19/01/2022 AND 22/02/2022

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00103
<u>ADDRESS</u>	58 Denmark Villas Hove BN3 3TJ
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of garage and erection of a two storey dwellinghouse with associated hard landscaping, boundary walls, steps and ramp.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/00151
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HOVE PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00105
<u>ADDRESS</u>	3 Woodland Close Hove BN3 6BP
<u>DEVELOPMENT DESCRIPTION</u>	Alterations and extensions to roof line to front of property, construction of new dormer to east elevation, insertion of rooflights, cladding of front and rear of building in timber and revised fenestration. Double hip-to-gable roof extensions on garage, new dormer to door head, insertion of rooflights and cladding of building in timber.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02802
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00096
<u>ADDRESS</u>	64 Barcombe Road Brighton BN1 9JR
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from dwellinghouse (C3) to dual use as a dwellinghouse (C3) and a five bedroom small house in multiple occupation (C4).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/01466

APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**

APPEAL APPLICATION NUMBER APL2021/00097

ADDRESS 52 Barcombe Road Brighton BN1 9JR

Page 1 of 2

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 TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2021/00769

APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **PRESTON PARK**

APPEAL APPLICATION NUMBER APL2021/00101

ADDRESS 13 Lucerne Road Brighton BN1 6GH

DEVELOPMENT DESCRIPTION Roof alterations to include front and rear rooflight and the installation of 1no rear dormer window.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2021/02429

APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**

APPEAL APPLICATION NUMBER APL2021/00107

ADDRESS 3 St James's Avenue Brighton BN2 1QD

DEVELOPMENT DESCRIPTION Raising of roof with new safety railings above.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2020/03655

APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER APL2021/00102

ADDRESS 62 Crescent Road Brighton BN2 3RP

DEVELOPMENT DESCRIPTION Replacement of single glazed wooden sash windows with UPVC double glazed sash windows (Retrospective)

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2021/02035

