

# Planning Committee

Date: **8 June 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

**Invitee:** Jim Gowans (Conservation Advisory Group) and Mr Roger Amerena (Conservation Advisory Group)

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

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

Date of Publication – Friday 27 May 2022

# AGENDA

Part One

Page No.

## 1 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.*

## 2 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 25 May 2022 to be circulated separately.

## 3 CHAIR'S COMMUNICATIONS

## 4 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on Wednesday 1 June 2022.

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

**6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

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

**MAJOR APPLICATIONS**

A BH2021/00780 - Land at Junction of Foredown Road & Fox Way, Foredown Road, Portslade - Outline Application **1 - 20**

**MINOR APPLICATIONS**

B BH2022/00670 - 9 - 12 St Catherine's Terrace, Hove BN3 2RH - Full Planning **21 - 34**

C BH2021/04390 - 28A Crescent Road, Brighton, BN2 3RP - Full Planning **35 - 52**

D BH2021/02656 - 184 Saunders Hill, Brighton BN1 9ES - Full Planning **53 - 72**

E BH2021/04096 - Land to the West of 149 Ladies Mile Road, Brighton BN1 8TB - Full Planning **73 - 94**

F BH2021/03826 - 16 Wilbury Villas, Hove, BN3 6GD - Full Planning **95 - 108**

G BH2022/00632 - 4 Prince's Street, Brighton, BN2 1RD - Full Planning **109 - 122**

H BH2022/00947 - 16 and 16A Gladstone Terrace, Brighton BN2 3LB - Full Planning **123 - 138**

I BH2022/01015 - Hove Town Hall, Ground Floor Front, Church Road, Hove, BN3 4AH - Full Planning **139 - 154**

**7 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**

**8 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 155 - 158**

(copy attached).

**9 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 159 - 160**

(copy attached).

**10 APPEAL DECISIONS 161 - 164**

(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>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **Further information**

For further details and general enquiries about this meeting contact Shaun Hughes - email [shaun.hughes@brighton-hove.gov.uk](mailto:shaun.hughes@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

### **Webcasting notice**

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

### **Access notice**

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.

Please inform staff on Reception if this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

### **Fire & emergency evacuation procedure**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so



# **ITEM A**

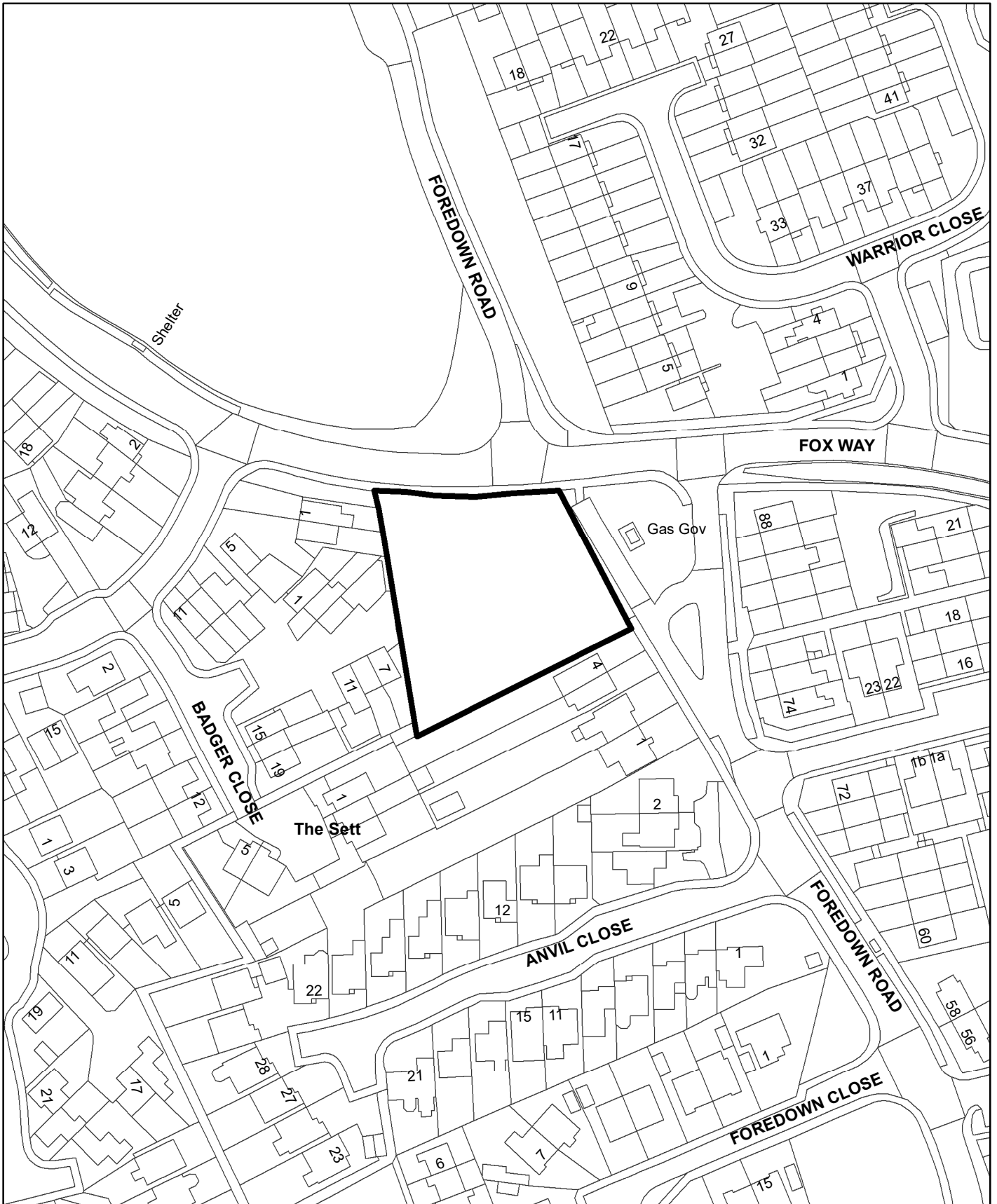
**Land at Junction Foredown Road  
& Fox Way  
BH2021/00780  
Outline Application**

**DATE OF COMMITTEE: 8<sup>th</sup> June 2022**





# BH2021 00780 - Land At Junction, Foredown Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/00780</b>	<b><u>Ward:</u></b>	<b>North Portslade</b>
<b><u>App Type:</u></b>	<b>Outline Application</b>		
<b><u>Address:</u></b>	<b>Land At Junc Foredown Road Fox Way, Foredown Road, Portslade</b>		
<b><u>Proposal:</u></b>	<b>Outline application with all matters reserved apart from access for erection of 14no. two and three bedroom houses with associated car and cycle parking, changes to vehicular and pedestrian access.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	04.03.2021
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	03.06.2021
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Paul Burgess Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Mike Stimpson Mike Stimpson Properties Ltd		

### Background:

This application was originally presented to Planning Committee on the 7<sup>th</sup> July 2021 where members were minded to grant planning permission subject to the provision of four affordable dwellings off-site. The applicant's stated intention was to provide the affordable dwellings on another site at 43 – 45 Bentham Road.

In the intervening period, however, planning permission was refused for the conversion that property to create 8no. studio flats and 1no. two-bedroom flat, with associated works (ref: BH2021/00770) at Planning Committee on the 3<sup>rd</sup> November 2021.

Following that, this application was again presented to Planning Committee on the 4<sup>th</sup> May 2022 with a proposal to provide the affordable housing through a commuted sum. Members were minded to defer the application so that consideration could be had to the Council's Housing Department purchasing the affordable housing units.

This application now seeks to provide the four affordable housing units through on-site provision.

## **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 **24<sup>th</sup> August 2022** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12.1 of this report.

## Section 106 Head of Terms:

### Affordable housing:

- On-site provision of four affordable housing units (if the Housing team or any RSL are not willing to take on the units – a commuted sum in lieu of the provision on site shall be sought)

### 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	20234/11		4 March 2021
Location Plan	20234/99		4 March 2021
Proposed Drawing	20234/21	B	18 June 2021
Proposed Drawing	FWP/SR/2001	G	18 June 2021
Report/Statement	Reptile Presence/Absence Survey Report	Issue 1.0	4 March 2021

2. The development hereby permitted must be begun not later than the expiration of two 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.

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 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.

4. The scheme for the reserved matters in respect of layout shall include an area of open space.

**Reason:** To ensure open space is provided in the scheme and to comply with Policy CP16 of Brighton & Hove City Plan Part One.

5. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date
- (ii) 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)
- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (iv) Details of hours of construction including all associated vehicular movements
- (v) Details of the construction compound
- (vi) A plan showing construction traffic routes

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

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

6. No development shall take place until a scheme setting out highway works has been submitted to and approved in writing by the Local Planning Authority. These works shall include the following:

- New or improved footways will be a minimum 2m width as advised in the Department for Transport Manual for Streets with full height kerbs including the proposed footway along the western side of the old section of Foredown Road between existing dwellings and Fox Way and the proposed footway extension across the grass between new and old sections of Foredown Drive.
- Full height kerbs will be reinstated along the eastern side of the old section of Foredown Road south of the existing community recycling centre and the area behind them will be reinstated with soil and grass.
- The applicant has proposed to create a new paved area to the east of the proposed community recycling centre and north of the existing community recycling centre and this will be kept in the design with dropped kerbs, paving and tactile paving if necessary as it is on the existing pedestrian desire line between the site and the existing Fox Way pedestrian crossing point.
- Dropped kerb crossings with paving and tactile paving will be provided either side of the new access to the site in the old section of Foredown Road.
- Dropped kerb crossings with paving and tactile paving will be provided between the end of the proposed footway extension and the appropriate footway section of the old Foredown Road.
- A footway across the existing verge and dropped kerb crossings with paving and tactile paving will be provided across the new section of Foredown Road immediately north of its junction with Flint Close to link the

south-east to the site similar to how it is proposed to link the north-east to the site with the footway extension.

- Existing vehicular accesses onto the old section of Foredown Road are to be maintained except for the existing one marked on the submitted drawings as number 1 that will have its existing vehicle crossover extended to the new section of Foredown Road.
- Revised road layout design and construction to include as a minimum, appropriate widths, radii, gradients, surface water drainage, street lighting, signage, materials and methods of construction.
- The northern end of the old section of Foredown Road and its' environs is to be paved and landscaped so it creates an attractive and appropriate connection with the existing southern Fox Way footway.
- All redundant areas of road and footway to be reused, recycled or reduced by burial or removal from site as appropriate and reinstated with kerbs, soil and grass.

No part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

**Reason:** The prior to commencement of development requirement is necessary as the works are critical to providing safe access to the site, which is necessary for the proposals to be acceptable, and to ensure that suitable footway provision is provided to and from the development and to comply with Policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and DM33 of the Proposed Submission Brighton & Hove City Plan Part Two.

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

**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the Proposed Submission Brighton and Hove City Plan Part Two.

8. 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 and DM44 of the Proposed Submission Brighton and Hove City Plan Part Two.

9. No development shall take place (including any demolition, ground works, site clearance) until a method statement for rescue and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

(a) purpose and objectives for the proposed works;

- (b) detailed design(s) and / or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- (c) extent and location of proposed works shown on appropriate scale maps and plans;
- (d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- (e) persons responsible for implementing the works;
- (f) initial aftercare and long-term maintenance (where relevant);
- (g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:** To protect species identified in the ecological surveys from adverse impacts during construction in compliance with Policies CP10 of the Brighton & Hove City Plan Part One, QD18 of the Brighton & Hove Local Plan and DM37 of the Proposed Submission Brighton and Hove City Plan Part Two, and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.

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

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

**Reason:** Reptile receptor sites should not be subject to planning or other threats in the foreseeable future and should be subject to a written, agreed and funded pre- and post-translocation management agreement. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features in compliance with CP10 of the Brighton & Hove City Plan Part One, QD18 of the Brighton & Hove Local Plan and DM37 of the Proposed Submission Brighton and Hove City Plan Part Two.

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

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

**Reason:** Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and is required to comply with Policies QD18 and QD25 of the Brighton & Hove Local Plan, CP10 of the Brighton & Hove City Plan Part One and DM37 of the Proposed Submission Brighton & Hove City Plan Part Two.

12. No development shall take place until an ecological design strategy (EDS) addressing mitigation for the loss semi-improved grassland and scrub, protection of retained habitats, and enhancement of the site for biodiversity, in line with the recommendations made in the Preliminary Ecological Appraisal (The Ecology Co-op, dated 20/11/19) 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 174 and 180 of the National Planning Policy Framework, and Policies CP10 of the Brighton & Hove City Council City Plan Part One, QD15 of the Brighton & Hove Local Plan and DM22 and DM37 of the Proposed Submission 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. The applicant is advised that they must enter into a Section 278 Agreement with the Local Highway Authority prior to any works commencing on the adopted highway.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under Condition 7 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

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

- 2.1. The application relates to an area of scrubland to the south side of Fox Way and to the west of its junction with the southern part of Foredown Road in Portslade. Badger Close, including 1-9 The Sett, is to the west, as is a pedestrian footpath, which is blocked off at the south western corner of the site. Immediately to the east is a service road for the 'gas governor Portakabin', telephone mast and recycling bins as well as grass mounds. The site is not within a conservation area, is not a listed building or within the vicinity of one and is not within a Controlled Parking Zone (CPZ).

- 2.2. It is worth noting that the site is allocated for residential development (ten new houses) in City Plan Part Two Policy H1 (Housing Sites & Mixed-Use Sites) which can be given significant weight, and in the 2019 update to the Strategic Housing Land Availability Assessment.
- 2.3. Outline planning permission with all matters reserved, apart from access, is sought for the erection of 14no. two- and three-bedroom houses (Use Class C3). The proposal also includes associated car and cycle parking as well as changes to vehicular and pedestrian access.
- 2.4. Whilst it is noted that the application is for outline permission with all but access reserved, a sufficiently detailed Feasibility Site Layout plan has been submitted. However, it has been agreed with the applicant that the drawing is “*for illustrative purposes only*” and it is therefore not formally part of the application.

### 3. RELEVANT HISTORY

- 3.1. **BH2019/03603:** Outline application with some matters reserved for erection of 7no two bedroom houses and 2no three bedroom houses with associated car and cycle parking, changes to vehicular and pedestrian access and approval of reserved matters for access and layout. Refused 06.03.2020 for the following reasons:
  1. The proposal is an underdevelopment of the site, thereby failing to maximise its use for residential, it does not provide an affordable housing contribution and it does not provide a compliant unit mix. The proposal also fails to maintain some open space on the site. As such, it is contrary to Policies CP1, CP14, CP16, CP19 and CP20 of the Brighton & Hove City Plan Part One.
  2. The proposal results in unsafe and inadequate access in and out of the site that fails to be accessible by all, introducing highways safety concerns. As such, it is contrary to Policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

### 4. REPRESENTATIONS

- 4.1. **Thirty nine (39) objections**, eight (8) from properties directly affected, were received raising the following concerns:
  - The surrounding area is already overdeveloped.
  - Access to the A27 is already very congested and a huge accident risk.
  - It is inappropriate development due to the additional pressure on local infrastructure, shops, schools, doctors and road network.
  - Additional traffic on an already dangerous junction and limited access to the site.
  - Loss of green space, which is full of wildlife, including protected species
  - The wildlife report only considered the edges of the site close to human contact rather than further into the site.

- Health and safety issues from vehicles potentially crashing into the gas chambers opposite.
- Air and noise pollution, plus dust from the construction works
- Insufficient parking spaces on site generating overspill parking and potentially causing problems for emergency vehicle access.
- Brownfield sites should be developed in preference to wrecking established greenfield sites.
- This area is also very important archaeologically.
- The size of the proposed houses is really small.
- The transport report produced for this application is not fit for purpose and was undertaken in July 2020 at the height of a pandemic. The traffic survey statistics are therefore not representative of 'normal life'.
- Incorrect supporting detail
- The general strain on land resources like drainage from the proposal.
- It's not viable.
- A public bridle way would be infringed upon by the proposed development
- Loss of privacy / overlooking
- Overshadowing from the proposed properties
- 14 new properties is entirely inappropriate.
- The proposed access to and from this site appears to remain the same as the 2019 application.
- Chaos and disruption would be caused to the bus route and rubbish / recycling collection.
- There are already 125 homes being built in Mile Oak to create more homes in the community.
- The development would block out natural light, obscure views, create social friction and could devalue properties.
- The service road is not designed for through-traffic as it is only meant to serve the existing dwellings, the recycling point and pedestrians.
- The development would not result in a single benefit in the area.
- The existing fly tipping problem at the recycling point would be worsened by further residents.
- Only 10% of parking spaces with an electric charging point is surprising.

## 5. CONSULTATIONS

5.1. **Air Quality:** No objections

5.2. **City Regeneration / Economic Development:** No adverse comments, subject to a sum of £5,600 to support the Council's Local Employment Scheme and an Employment & Training Strategy.

5.3. **County Archaeology:** Recommend for refusal due to insufficient information

5.4. **Designing Out Crime Officer:** No detailed comment

5.5. **Ecology:** Recommended for approval in principle subject to conditions

- 5.6. **Housing:** Supports the provision of four affordable homes on site
- 5.7. **Planning Policy:** Approve with conditions
- 5.8. **Southern Water:** Require the applicant to make a formal application for a connection to the foul sewer; request engagement regarding the design for disposal of surface water; seek details of the proposed means of foul sewerage and surface water disposal should be submitted to and approved in writing by the LPA in consultation with Southern Water, which should be added as an informative to any permission. Possibility that a public sewer could cross the development site. If one is found during construction works, an investigation into its ownership will be required before any further works commence on site.
- 5.9. **Sustainable Drainage:** No objection, subject to a condition securing a Surface Water Drainage Strategy and associated management and maintenance plan.
- 5.10. **Transport:** Seek amendments
- The outline application could be accepted subject to the proposed raised pedestrian crossing table being replaced by dropped kerbs and tactile paving and the recommended condition and informative.

## 6. MATERIAL CONSIDERATIONS

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

## 7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP7	Infrastructure and developer contributions
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development

QD27 Protection of amenity

Brighton & Hove City Plan Part 2:

Policies in this Plan 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. Some policies have gained further weight *following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17<sup>th</sup> (BHCC44 Schedule of Main Modifications).*

DM19	Maximising Development Potential
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
H1	Housing Sites and Mixed Use Sites

Other Documents

Open Space Study Update 2011

Urban Characterisation Study 2009

Developer Contributions Technical Guidance - June 2016

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development on the site and the site access.

**Principle of development:**

- 8.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

- 8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 8.4. As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.5. As previously noted, the site is a Residential Site Allocation within Table 5 of City Plan Part Two Policy H1. The indicative number of residential units is 10. The proposed development would result in the gain of 14 units and would therefore make an important contribution towards the Council's housing target, given the importance of maximising the use of sites, which must be given significant weight.
- 8.6. Another matter regarding the principle of development is the loss of open space, which this site is considered to be. City Plan Part One Policy CP16 outlines that proposals that result in the loss of open space will only be granted where various criteria apply. In this case, criterion (a) applies, accepting the loss of open space where it would result from a development allocation though regard must be had to 'maintaining some open space (physically or visually)'. This could be through outdoor play opportunities and community gardens that help to provide access to nature, local food growing and wellbeing benefits as well as social cohesion.
- 8.7. No such facilities are proposed in this scheme other than private gardens. However, since the layout plan is indicative only and layout and landscaping will be addressed through a reserved matters application, the lack of open space at this stage cannot form a reason for refusal. It is noted that the proximity of the South Downs National Park and children's play facilities will not be considered to be adequate justification for not maintaining some open space on site at the reserved matters stage. If open space is not provided on site then appropriate alternative provision or a financial contribution towards off-site provision will be required via a legal agreement.
- 8.8. As such, the principle of development is considered acceptable. The acceptability or otherwise of the scheme is subject to affordable housing, the unit mix, density and a satisfactory access. This is discussed below.
- Affordable housing:**
- 8.9. City Plan Part One Policy CP20 states the following:  
*"The Council will require the provision of affordable housing on all sites of 5 or more dwellings (net) and will negotiate to achieve the following affordable housing targets:*
- a) 40% on-site affordable housing provision on sites of 15 or more (net) dwellings;*
  - b) 30% on-site affordable housing provision on sites of between 10 and 14 (net) dwellings or as an equivalent financial contribution;*

c) *20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 (net) dwellings.”*

- 8.10. This application was previously heard at Planning Committee, with approval agreed in principle, subject to securing the s106 legal agreement to provide four dwellings of affordable housing off-site at 43-45 Bentham Road. However, the Bentham Road application (BH2021/00770) was refused, also at Planning Committee so the affordable housing could not be provided at that site.
- 8.11. In accordance with Policy CP20, the applicant proposed to pay an equivalent financial contribution so that affordable housing can be provided off site through a commuted sum. At Planning Committee on the 4<sup>th</sup> May, the application was deferred to allow the Council's Housing Department time to investigate purchasing the affordable housing units.
- 8.12. Since last committee, it has been confirmed that the Council's Housing Department would, in principle, be interested in purchasing these homes, subject to cost and viability considerations. Confirmation of interest from two other providers has also been received. This is subject to further detail becoming available, given that this is an outline application. Negotiations would be based upon the size, type and build of the units.
- 8.13. It is noted that, unlike on several other sites in the city, these units would be houses as opposed to flats within a block, and therefore management of these four units by the Council or another provider would be more likely. On-site provision is the Housing Department's preferred option and therefore is considered acceptable in this case.
- 8.14. The policy position, as set out above, is clear that off-site provision by way of a commuted sum is acceptable. The applicant has agreed for the provision to be on-site. In accordance with guidance, 55% of the provision will be secured for affordable rent and 25% for First Homes.
- 8.15. Given the lack of information about the size and layout of the accommodation and the cost, it is recommended that the s106 is worded to seek provision on-site but that in the event the on-site provision is not of interest to the Council's Housing Department or other providers there would be the option for the applicant to pay a commuted sum. The s106 would be worded to ensure that the owner has used reasonable endeavours and has been unable to secure the disposal of the affordable housing units to a provider and that written evidence of those efforts are submitted.

**Unit mix:**

- 8.16. An equal mix of two- and three-bed dwellinghouses are proposed, namely seven of each. A unit mix compliant with the demographic analysis of the demand / need (for both market and affordable homes) for homes in the city undertaken by the Council would be three x 1 bed dwellings, five x 2 bed dwellings, four x 3 bed dwellings and two x 4 bed.

- 8.17. However, it is considered that the provision of one-bedroom dwellings has historically exceeded the predicted needs of the city, whereas there remains a significant shortfall in meeting the requirement for family sized dwellings. Further, with regards to market housing two- and three-bed dwellings are in most demand within the city, and this site is close to the National Park and children's play facilities, with stated aims of being a family friendly development. On this basis, the lack of one-bed dwellings is considered acceptable.
- 8.18. In terms of not providing four-bed dwellings, future occupiers would reasonably expect a substantial private garden and more than one private car parking space, neither of which could be achieved on this site without comprising other objectives. As such, the unit mix is considered acceptable and would help to meet the need in the city to provide more family-sized housing.

**Density:**

- 8.19. City Plan Part 1 Policy CP14 outlines that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood, but development will be permitted at higher densities than those typically found in the locality subject to a number of criteria detailed within the policy.
- 8.20. In this case, the gross density of the Mile Oak & Portslade Village neighbourhood, in which this site falls, is approximately 23 dwellings per hectare (dph). The proposed development would have a density of 56 dph. New residential development is expected to achieve a minimum net density of 50 dph, provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the criteria within Policy CP14 can be satisfactorily met, as discussed below.
- 8.21. Matters of design, impact on the character of the neighbourhood, type and size of dwelling and outdoor recreation space will be dealt with at reserved matters stage. However, it is evident that the site is easily accessible by sustainable transport given it is 7 minutes by bike, 12 minutes by bus and 21 minutes by foot from Portslade train station and six minutes, less than 20 minutes and 23 minutes respectively from Fishersgate train station. It is also 1-2 minute walk to the nearest bus stops served by a total of four routes. In terms of local services and community facilities, primary schools, Portslade high street, Portslade Sports Centre and Village Hall are all a short distance away.
- 8.22. As such, the proposed density is considered to be acceptable and broadly in compliance with Policy CP14, taking into account the outline nature of the application and the ability to achieve compliance at the reserved matters stage.

**Access:**

- 8.23. This site is solely proposed to be accessed via a new access Road from the service road towards the end of the northern section of Foredown Road.
- 8.24. The independent Stage 1 Road Safety Audit undertaken found no issues or problems with the proposed access. As part of this audit, vehicle swept path



analysis (shown on drawings) was carried out for a fire tender, a recycling van and a refuse vehicle entering and exiting the site. Both of these indicate that the site access is acceptable. It is also noted that this proposed access could also benefit vehicles serving the community recycling point in terms of them turning and leaving the area in a forward gear.

- 8.1. A raised pedestrian crossing table was previously proposed but would have adversely affected parking and stopping vehicles in that section of the proposed access, caused problems for emergency service vehicles and caused road safety and maintenance problems. It has therefore been removed and replaced with dropped kerbs and tactile paving. This is considered acceptable.
- 8.2. The inclusion of an additional section of footway in this application is welcomed in order to provide a connection between the existing footways in Foredown Road and Fox Way. The installation of this can be secured through a Section 278 (of the Highways Act 1980) Agreement.
- 8.3. Although outside the remit of this application, it is noted that the Local Highway Authority are satisfied with the amount of car parking spaces and the forecasted vehicle trip movements, which would not overwhelm the existing highway network.

**Other matters:**

- 8.4. Matters of health and safety, construction works, drainage capacity, public bridle ways, bus route and waste collection disruption, loss of a view, 'social friction', property values and fly tipping are not relevant planning considerations and have not been taken into account in the determination of this application. The detailed design, size of houses, window placement, electric charging point and archaeological matters will be considered at reserved matters stage.

## **9. CONCLUSIONS**

- 9.1. The proposed development would provide 14 units of residential accommodation in Portslade and would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; which are relatively significant benefits of the proposal. Following revisions made to this proposal, the LPA can support the provision of 14 dwellings in this location since they would not have an adverse impact on highways safety. The proposed development is therefore recommended for approval.
- 9.2. Further, while it is noted that Housing Officers support the provision of affordable housing on site, the provision of a commuted sum to provide affordable housing off site directly accords with policy CP21 of City Plan Part One.

## **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. The amount of CIL liability for C3 use in Charging Zone 3 is £75/sqm. The exact amount will be confirmed at reserved matters stage.

## **11. EQUALITIES**

- 11.1. The provision of dropped kerbs and tactile paving would help make site access possible for the mobility and visually impaired as well as update and improve pedestrian access.

## **12. CLIMATE CHANGE / BIODIVERSITY**

- 12.1. The site doesn't have good links to facilities other than outdoor space, but is relatively well served by bus routes and cycle parking is proposed, reducing reliance on cars. The proposal would make better use of land and includes planting, details of which would come forward at reserved matters stage.

## **13. LEGAL AGREEMENT / OBLIGATIONS**

- 13.1. In the event that the S106 agreement has not been signed by all parties by the date set out in paragraph 1.1, the application shall be refused for the following reason:

1. The proposed development fails to provide necessary affordable housing contribution and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One.

Affordable housing is required to be provided because the proposed development involve the provision of more than 5 units of residential accommodation and to comply with the requirements of City Plan Part One Policy CP20.

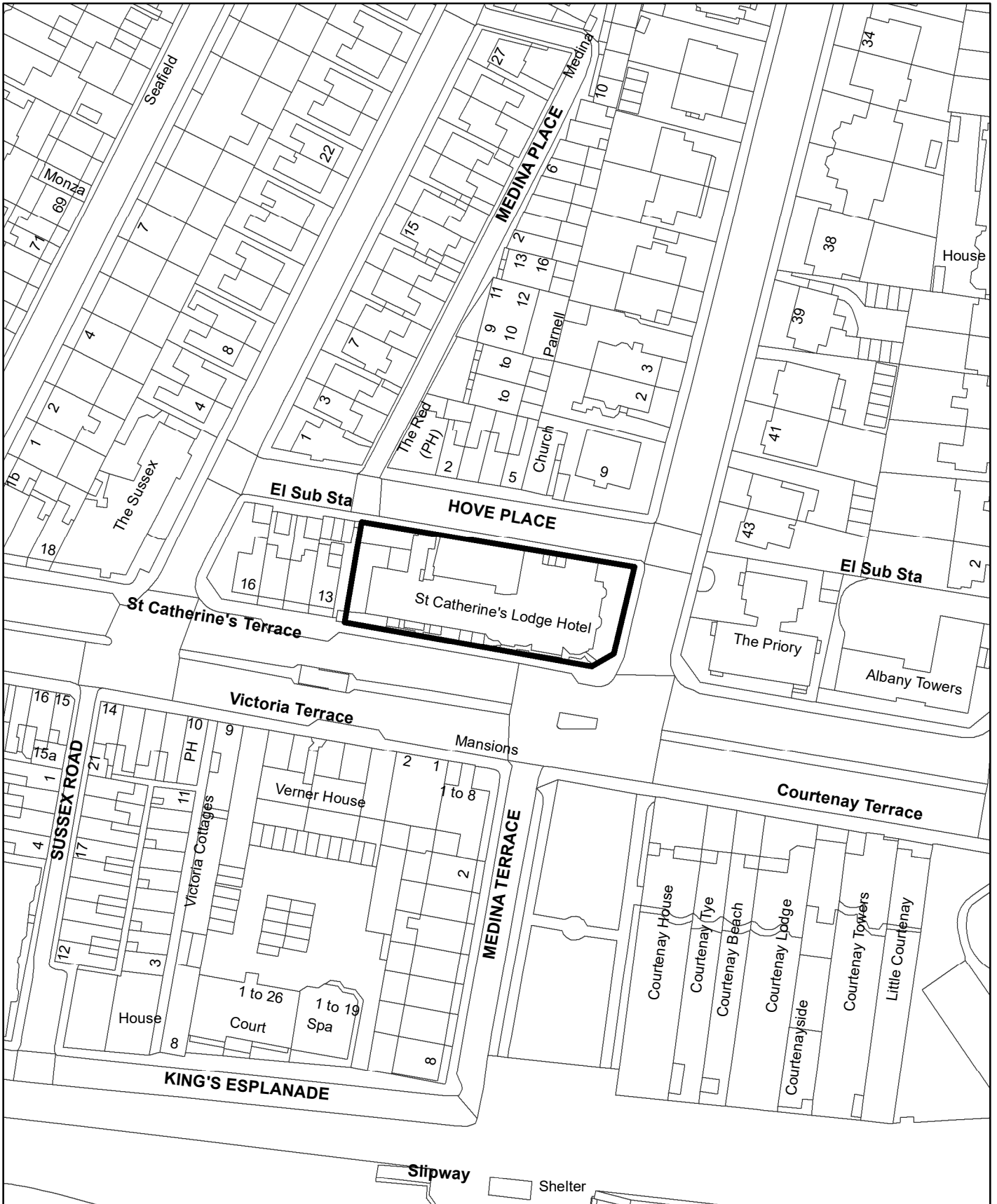
# **ITEM B**

**9-12 St Catherine's Terrace  
BH2022/00670  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> June 2022**



# BH2022 00670 - 9-12 St Catherines Terrace



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/00670</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>9 - 12 St Catherines Terrace, BN3 2RH</b>		
<b><u>Proposal:</u></b>	<b>Change of use from hotel (C1) to use as a 50no. bed hostel providing temporary accommodation to the homeless with an element of support (Sui Generis) for the period from October 1st 2021 to March 31st 2024. (Retrospective)</b>		
<b><u>Officer:</u></b>	Robin Hodgetts, 292366	tel: <b><u>Valid Date:</u></b>	24.02.2022
<b><u>Con Area:</u></b>	Cliftonville	<b><u>Expiry Date:</u></b>	21.04.2022
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Mr Will Philps, 40 Norman Road, London, SE10 9QX		
<b><u>Applicant:</u></b>	St Mungo's, 9 - 12 St Catherines Terrace, Hove, BN3 2RH		

## 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.

Site Location Plan	1588-BA-100		24.02.22
Community Responsibility Protocol			24.02.22
Management Plan		Rev C	20.05.2022

2. The unit hereby approved shall only be occupied by a maximum of fifty (50) persons (excluding staff).  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. The occupation and use of the building shall be in strict accordance with the approved Management Plan revision C submitted on the 20.05.22 and Community Engagement Protocol.  
**Reason:** To safeguard the amenities of occupiers of the adjoining properties and surrounding area and to comply with SU10 and QD27 of the Brighton and Hove Local Plan.
4. The use of the site hereby permitted as a 50no. bed hostel providing temporary accommodation to the homeless with an element of support shall cease on or before 31 March 2024, and the site shall thereafter be returned to hotel use.

**Reason:** The use hereby approved is considered acceptable on a temporary basis, to allow the impacts of it on the local area to be assessed.

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 substantial detached, red-brick, three storey hotel with a basement level located on the northern side of Kingsway (the A259) in Hove, near the seafront. The building is located within the Cliftonville Conservation Area. The appearance contrasts with the typical style of the surrounding Victorian stuccoed terraces. A parade of shops sits opposite the site, and there are two public houses nearby on Hove Place and Osborne Villas.

## 3. RELEVANT HISTORY

- 3.1. **BH2002/00024/FP** Temporary change of use from Hotel (use class C1) to Hostel (short term residential accommodation - use class sui generis) retrospectively. Approved 19.08.2002
- 3.2. **BH2004/01073/FP** Continued use of hotel as hostel for a further year. (Renewal of approval BH2002/00024/FP, expires 30 April 2004). Approved 13.08.2004
- 3.3. **BH2005/05101** Continued use of hotel as a hostel for 1 year. Approved 03.02.2006
- 3.4. **BH2007/00439** Revision of condition 1 of planning permission BH2005/05101 to allow the continued use of hotel as a hostel for five years. Approved 06.06.2007
- 3.5. **BH2008/03331** Temporary change of use to hostel for families for 2 years. Refused 29.05.2009 for two reasons, in summary that the exceptional need for this type of accommodation no longer exists so is likely to be used by families from outside the City; and a lack of evidence for the loss of the hotel/guest accommodation.

## 4. APPLICATION DESCRIPTION

- 4.1. The application seeks retrospective planning permission to continue the use of the building as a 50no. bed hostel providing temporary accommodation to the homeless, with an element of support provided on site (sui generis use) for the period from October 1st 2021 to March 31st 2024. The existing authorised use is as a hotel (C1).



- 4.2. This is in response to a contract St Mungo's (the operators of the site) have with Brighton and Hove City Council (BHCC) to operate on the premises until the end of March 2024.
- 4.3. The hostel (sui generis) provides a Rapid Assessment Service for unhoused people who have been found rough sleeping in Brighton and Hove for the first time. People are referred into the service by the council's contracted Outreach Team, who verify people sleeping rough on streets and bring them to the service. The service operates 24 hours a day, 7 days a week, 365 days a year, and provides 50 bed spaces with an average stay of 42 days. Each resident has access to bathroom facilities and two meals a day. During their stay they are provided with specialist support services that connects them with longer-term housing solutions.
- 4.4. The application does not include any external or internal physical alterations to the building, and the basement is not in use. It is retrospective, but this is not a material consideration in determining the application.

## 5. REPRESENTATIONS

- 5.1. **Forty Seven (47)** letters have been received, objecting to the proposed development for the following reasons:
- Impact on the Cliftonville conservation area
  - Impact on neighbour amenity in terms of noise/nuisance
  - Criminal Activity on site
  - Effect on property value
  - Anti-social behaviour on site and nearby
  - Cumulative effect given number of hostels already in area
  - Building in disrepair – needs renovating and is not adequate for use
  - Management Plan inadequate in terms of managing anti-social behaviour and has not been consulted on with neighbours
  - Excessive size of building/use
- 5.2. **Three (3)** letters have been received commenting on the application but neither supporting or objecting to it.
- 5.3. **Two (2)** letters have been received supporting the application, making the following points:
- Need safe space to provide support to vulnerable members of community;

## 6. CONSULTATIONS

- 6.1. **Environmental Health** – No response received
- 6.2. **Sussex Police** – Support subject to conditions

Note that 38 incidents relating to Smartview have been created since 2022, 11 of them emergency calls and 10 urgent which is high for a small location with a reduced number of residents, affecting both site and immediately outside the location, affecting the community living nearby.

6.3. From a police perspective while I am very supportive of the service being provided by St Mungo's this raises concern for me regarding the increase in the number of serious incidents and demand that would result from the change in use of the location to one which houses more individuals with complex needs.

6.4. **Planning Policy - No objection**

- As the site is not located within the Hotel Core Zone, the policy requirements of CPP1 Policy CP6 are not triggered.
- The site location is considered to be appropriate under requirements of Saved Local Plan Policy HO10 and CPP2 Policy DM5.
- The supporting Proposed Management Plan and Community Responsibility Protocol details how the proposal would not cause a material change in noise or activity levels, and are intended to create a sustainable community for both residents and neighbours.

6.5. **Public Health – No response received**

6.6. **Social Care – No objection.** Note the Management Plan appears reasonably comprehensive and robust, subject to several additions:

- If staff identify individuals as causing repeated SB in the locality of the service, they report this to Sussex Police and/ or the Community Safety Team for consideration of possible additional measures or enforcement to address this. *This would fit in the Locality Management Procedure section.*
- Staff will support enforcement action deemed necessary by Sussex Police or BHCC to address ASB in the locality through the provision of formal statements as necessary.

[Officer Note: These have been added to the latest version of the Management Plan (Rev.C).]

6.7. **B&HCC Temporary and Supported Accommodation - to be reported verbally.**

6.8. **Environmental Health: to be reported verbally.**

## 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. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings

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

TR7	Safe development
SU10	Noise nuisance
QD27	Protection of Amenity
HE6	Development within or affecting the setting of a conservation area

#### Brighton & Hove City Plan Part Two

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing, Accommodation and Community
DM20	Protection of Amenity
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel

#### Supplementary Planning Documents:

None

## 9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the principle of the use and the impact of the use on the amenity of local residents.

- 9.2. No physical changes to the building or built development are proposed as part of the application so it would have no impact on the Conservation Area.

**Principle of the Use:**

- 9.3. The application seeks to regularise the existing use of the site as temporary accommodation for up to 50 homeless people (sui generis use) to 31 March 2024.
- 9.4. As noted in the Planning History section above, the property was in use as a hostel for temporary periods from 2002 to 2007 when an application to continue the temporary hostel use was refused. Enforcement records suggest that since this time, the property was in use as a hotel (use class C1), albeit with some dormitory/hostel use.
- 9.5. From October 2021, the property began to be used to accommodate homeless people as part of the No Second Night Out (NSNO) service provided by St Mungo's for the Council during the pandemic, albeit not all of the rooms were initially available for use. This application seeks to regularise that use.
- 9.6. The proposal would result in the loss of 2,523 sqm of hotel floorspace (50 bedrooms). Policy CP6 Visitor Accommodation of City Plan Part One states that within the Hotel Core Zone, the loss of hotels/guest houses (serviced accommodation) will be considered where it can be demonstrated against the set of criteria. As the site is not located within the Hotel Core Zone, these policy requirements are not triggered. No objection is therefore raised to the loss of the existing use.
- 9.7. Saved Brighton and Hove Local Plan Policy HO10 Accommodation for homeless people, states that planning permission will be granted to meet the needs of homeless people, provided that the site is well served by local community services, public transport, walking and cycling routes.
- 9.8. The site is located opposite Victoria Terrace which provides a number of local shops and services, and there are several bus stops in close proximity, along with good walking and cycling links along the A259 Kingsway. Hove Town Centre and train station are also within close proximity to the north. The previous planning permissions also demonstrate that the site has been considered as an appropriate location in the past for this use.
- 9.9. Policy DM5 Supported Accommodation of City Plan Part 2 (which can be given significant weight) states that proposals for development aimed to meet the specific accommodation requirements of people with special needs will be permitted where it meets the following criteria:
- a) *contributes towards meeting a demonstrable need within the city and is targeted to meeting the needs of local residents;*
  - b) *is accessible, appropriately located and suitable to meet the needs of the intended occupiers;*
  - c) *complies with the standards set out in Policy DM1 Housing Quality, Choice and Mix;*
  - d) *contributes to creating a mixed, inclusive and sustainable community.*

- 9.10. A supporting cover letter from the Brighton and Hove Council Director of Housing has confirmed that the contract with St Mungo's is the most appropriate way of meeting the need in the city.
- 9.11. The location of the site is considered to be appropriate and accessible for those using it, as confirmed by the BHCC Outreach Team and St Mungo's who are working in partnership at the site.
- 9.12. All but three of the 50 bedrooms exceed the minimum Nationally Described Space Standards (referred to in Policy DM1) for a single bedroom, namely having a floor area of at least 7.5m<sup>2</sup> and a width of 2.15m. One bedroom measures 7.3m<sup>2</sup>, one 7.14m<sup>2</sup>, and one 6.85m<sup>2</sup>. While this is not ideal, this is not considered significant enough to recommend refusal of the application, particularly as the accommodation would be temporary, with an average stay estimated to be 42 days.
- 9.13. The application is supported by a Management Plan and Community Responsibility Protocol which detail the range of measures that are intended to create a sustainable community for both residents and neighbours (as set out below in relation to Impact on Amenity).
- 9.14. It is considered that the proposal meets the requirements as set out in both saved Brighton and Hove Local Plan Policy HO10 and DM5 Supported Accommodation of City Plan Part Two and as such there is no objection to the principal of the change of use.
- 9.15. With regards to the temporary nature of the use to 31 May 2024, Planning Policy Guidance: Use of Conditions notes:
- 9.16. *"Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period."*
- 9.17. It is considered the present scheme accords with this approach, allowing a 'trial run' to assess the impact of the development on the area. The need for the homeless accommodation may also change over that period, so it is considered that a temporary planning permission is, in this instance, justified.
- Impact on Amenity:**
- 9.18. Brighton and Hove Local Plan Policy QD27 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. In addition, Policy DM40 of City Plan Part Two (which can be given significant weight) states that permission will be granted for proposals that can demonstrate they will not give rise nor be subject to material nuisance.
- 9.19. It is accepted that the use that this application seeks to authorise has the potential to create an impact on neighbours in terms of noise nuisance and anti-

social behaviour. Reports have been received from both neighbours and the Police that multiple incidents have occurred at the site since the use began in late 2021.

9.20. However, the application has been accompanied by a Management Plan and Community Responsibility Protocol detailing how the site would be managed to minimise and better manage the impact neighbouring amenity. These measures include:

- Engagement with the local community
- Identifying and establishing links with Safer Neighbourhood Team and inviting them to visit the service to talk to staff and clients about understanding their roles in keeping the community safe.
- Full checks of the site to be conducted at 09.30am, 1.30pm, 4.30 pm and 7.30pm. Overnight checks will take place hourly consisting of staff patrolling the internal sites plus security undertaking external building checks Staff will be responsive to noise or alerts from neighbours regarding locality issues 24/7.
- Attendance by the St Mungo's Regional Head, South of England at engagement meetings and also other local resident's meeting with the community safety team to ensure a holistic approach is taken to resolve any historic and ongoing St Mungo's client related issues.
- Staff to respond immediately to any resident causing noise or nuisance, in person, to discuss the matter. Staff to remind residents of obligations under house rules.
- Quarterly 'Neighbour meetings' with local residents including minutes and actions within the following week. In addition the management team will be part of ongoing resident meeting groups relevant to the area.
- Provision of 24 hour contact information of site managers to neighbours and the local community.
- A commitment to ensure residents fully understand their responsibilities as a neighbour (this is included in induction information and forms part of regular conversations with residents).
- A commitment to work with residents, in partnership with other agencies to address any behaviour having a negative impact on our neighbours or on the local community, and we will work with the local community to address any behaviours having a negative impact on our residents
- A commitment to support enforcement action deemed necessary by Sussex Police or Brighton and Hove City Council to address anti-social behaviour in the locality through the provision of formal statements as necessary.

9.21. It is considered that the measures set out in the Management Plan will help to ensure that the use does not negatively affect the local community. In addition, the temporary nature of the permission will enable the impact to be assessed over the period to 31 March 2024. On this basis, the proposal is considered to be acceptable in terms of its impact on the amenity of local residents.

9.22. It should be noted that while there have been reports of residents of the property indulging in anti-social behaviour in the surrounding area this is not something

that can be controlled through the planning process, beyond the measures set out above including working with residents, but is a Police matter.

**Conclusion:**

- 9.23. The continued use of the site to provide temporary, managed accommodation to unhoused people within the city meets an identified need and is located in a suitable location for such a use, subject to appropriate management of both the service users and the site itself.
- 9.24. While it is recognised that there is a potential for nuisance caused by this use, as referenced in the representations from local residents, it is considered that these impacts can be addressed through the Management Plan and Community Responsibility Protocol, which would be secured by condition. Further, the permission would allow a temporary use, during which time the impacts of it can be monitored.
- 9.25. On balance, therefore, the impacts are not therefore considered to be sufficient to warrant refusal of the application, particularly when weighed against the evident need for the use and its benefit to the homeless people in the City.
- 9.26. Approval of the application is therefore recommended subject to the conditions detailed above.

**10. EQUALITIES**

- 10.1. The property has stepped access, which could present a barrier to access for some individuals although handrails are in place.
- 10.2. The service proposed would provide temporary accommodation for unhoused people, with an element of care, some of whom may have individual mental and/or physical health needs. This would provide an important service within the city.

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. As there are no proposed physical alterations to the building and the application relates solely to the use, it is not considered to have any impact on climate change or biodiversity.





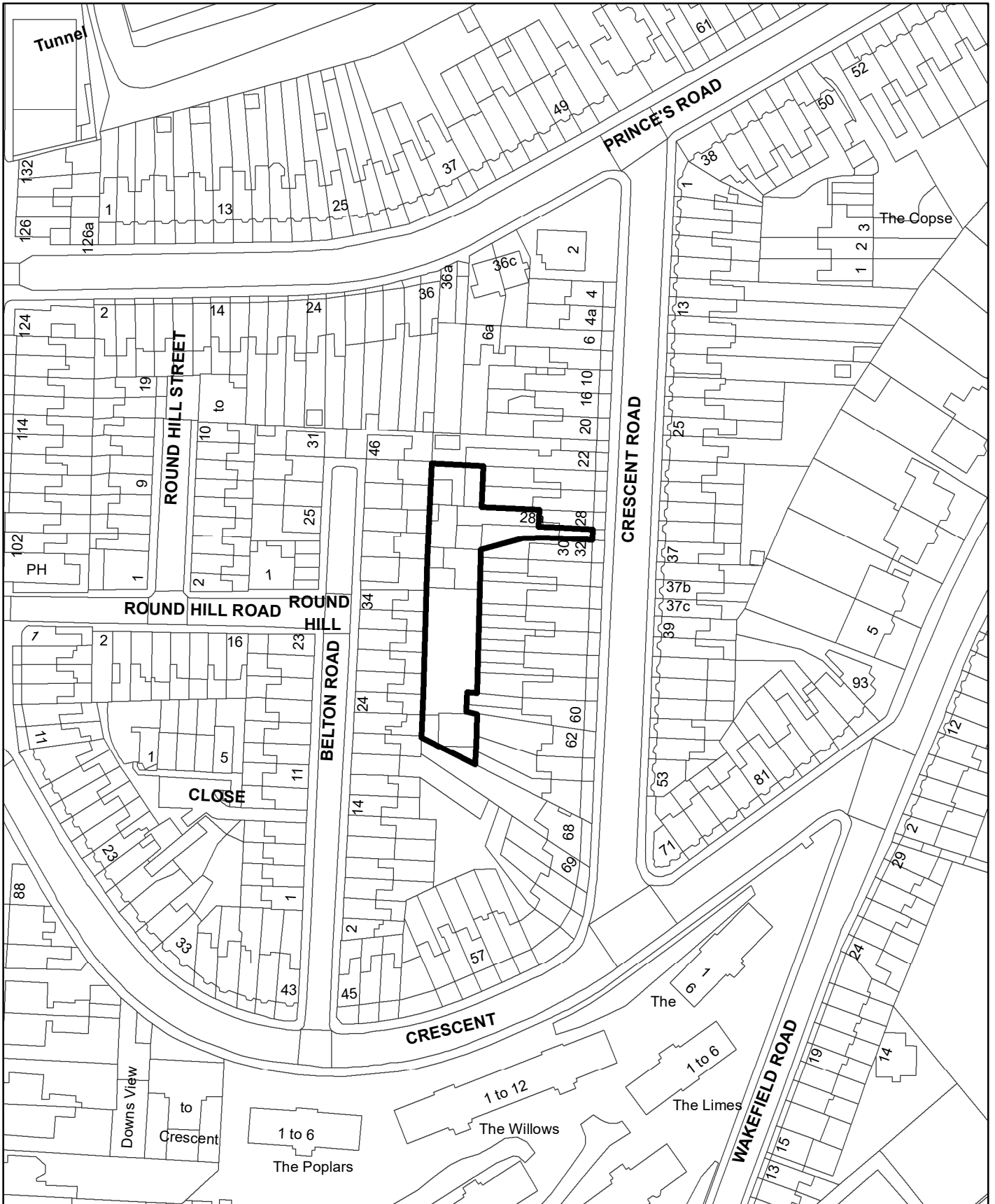
# **ITEM C**

**28A Crescent Road  
BH2021/04390  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> June 2022**



# BH2021 04390 - 28A Crescent Road



N



Scale: 1:1,250



<b><u>No.:</u></b>	<b>BH2021/04390</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>28A Crescent Road Brighton BN2 3RP</b>		
<b><u>Proposal:</u></b>	<b>Variation of condition 12 of application BH2018/00433 (variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings) to remove the restriction to Residents Parking Permits.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	21.12.2021
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	15.02.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	13.04.2022
<b><u>Agent:</u></b>	CMK Planning 11 Jew Street Brighton BN1 1UT		
<b><u>Applicant:</u></b>	J Coroneo 28 Crescent Road Brighton BN2 3RP		

## 1. RECOMMENDATION

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

**Conditions:**

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	13 December 2021
Block Plan	D.009		10 February 2022
Existing Drawing	D.001	A	10 February 2022
Existing Drawing	D.002	A	10 February 2022
Existing Drawing	D.003	A	10 February 2022
Existing Drawing	D.004	A	10 February 2022
Existing Drawing	D.008	A	10 February 2022
Existing Drawing	AL06	-	10 February 2022

2. The refuse and recycling storage facilities should be provided in accordance with application BH2016/00862.

**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 and DM20 of the Proposed Submission City Plan Part 2.

3. The cycle parking facilities shall be retained in accordance with the details approved in application BH2016/00862.  
**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.
4. The two new build residential units hereby approved shall achieve 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.
5. The two new build residential units hereby approved shall achieve a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
6. The development shall be implemented in accordance with the material samples approved by the Local Planning Authority under application BH2017/03844.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One
7. Within three months of the decision date a scheme of works to change the redundant double yellow lines on Crescent Road to CPZ bays shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that the development provides for the demand for travel it creates and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
8. The hard landscaping shall be retained in accordance with the details approved in application BH2017/03844.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to protect the amenity of occupiers of adjoining properties and comply with policies CP12 of the Brighton & Hove City Plan Part One and QD27 and QD15 of the Brighton & Hove Local Plan and DM18 and DM20 of the Proposed Submission City Plan Part 2.
9. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future

development to comply with policies QD14, HE6 and QD27 of the Brighton & Hove Local Plan and DM20 and DM26 of the Proposed Submission City Plan Part 2.

10. Access to all flat roofs over the residential development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and DM21 and DM20 of the Submission City Plan Part 2.
11. 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 & CP11 of the Brighton & Hove City Plan Part One.
12. Condition not used.
13. The Timber Access Door shall be maintained in accordance with the details approved in application BH2017/03844.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One and DM21 and DM26 of the Submission City Plan Part 2.
14. The External Lighting details should be retained in accordance with the details approved under application BH2017/03844.  
**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 and DM20 of the Submission City Plan Part 2.
15.
  - (i): The development hereby approved shall be carried out in accordance with the Contaminated Land Risk Assessment Phase 2 Environmental Site Investigation Report (Ref: PH2-2017-1133) prepared by STM Environmental Consultants Ltd dated 04th January 2018 as approved by application BH2017/03844.
  - (ii): The development hereby approved shall be carried out in accordance with the Contamination and Remediation Report details and should be retained in accordance with the details approved under application BH2020/01231.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan and DM40 of the Submission City Plan Part 2.
16. Condition not used.

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. Restriction of Parking Permits - existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.

**2. SITE LOCATION**

- 2.1. The application site relates to land located behind the Victorian properties of Nos. 24 to 66 Crescent Road and 20 to 44 Belton Road.
- 2.2. The site is accessed via a pair of entrance doors beneath 28 Crescent Road, and is bounded by the properties and rear garden spaces of Prince's Road to the north, Belton Road to the west, Crescent Road to the east and Prince's Crescent to the south.
- 2.3. The site previously contained comprised various commercial buildings, including a pair of storey buildings connected by a first-floor link, a single storey building to the north, a garage located to the west, and a workshop building to the south.
- 2.4. The site has now been redeveloped for residential use, following the grant of planning permission in 2019 and now contains two new residential buildings housing 4no. two bedroom houses and landscaped area. (ref. BH2018/00433 - see Relevant History below).
- 2.5. The site is located within the Round Hill Conservation Area.

**3. RELEVANT HISTORY**

- 3.1. BH2019/00072- Application for removal of conditions 7 and 12 of application BH2018/00433 (Variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings (part retrospective). Condition 7 stated that the development permitted shall not be occupied until details of a scheme of works to change the redundant double yellow lines on Crescent Road to CPZ bays has been submitted and approved by the Local Planning Authority. Condition 12 stated that the development shall be implemented in accordance with the scheme for the restriction of residents'



parking permits in accordance with the approved application BH2017/03844. Refused 29.03.2019. The reason for the refusal was:

*1. Conditions 7 and 12 of permission BH2016/00862 (as amended by permission BH2018/00433) were applied as they were considered necessary to ensure the acceptability of the proposed scheme. The proposed removal of condition 12 would not provide for the demand for travel it creates and would result in overspill parking. There has been no material change in circumstances since the granting of the earlier permissions. For the reason above, the application would be contrary to policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.*

- 3.2. The application was subject to an appeal to the Planning Inspectorate (APP/Q1445/W/19/3231412). The appeal was dismissed on 15.10.2019.
- 3.3. BH2018/00433- Variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings (part retrospective). Approved on 24.10.2018.
- 3.4. BH2017/03844- Application for Approval of Details Reserved by Conditions 7, 9, 13, 14, 15 and 16 (i) of BH2016/00862. Approved 24.04.2018.
- 3.5. BH2016/00862- Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping. Approved 12.10.2016.

#### **4. APPLICATION DESCRIPTION**

- 4.1. As noted above, planning permission was granted in 2016 for the redevelopment of the site (ref. BH2016/00862), subject to a number of conditions, including condition 13 requiring the submission and approval of a scheme “to provide that the residents of the development, other than those with disabilities who are Blue Badge Holders, have no entitlement to a residents’ parking permit”.
- 4.2. A scheme to discharge this condition was subsequently submitted and approved (ref. BH2017/03844).
- 4.3. In 2019, planning permission was granted for an amended scheme to redevelop the site (ref. BH2018/00433), subject to condition 12 requiring it be implemented in accordance with the approved scheme restricting parking permits for future residents.
- 4.4. The site has now been redeveloped.
- 4.5. This current application seeks a variation of condition 12 of application BH2018/00433 to remove the restriction of the issuing of Residents’ Parking Permits.

- 4.6. The application was initially to go before Planning Committee in April 2022, but was withdrawn from that Committee because it was apparent it was procedurally wrong. The application has subsequently been amended to a minor amendment application (a s73 application) rather than a full, retrospective application (a s73a), and re-consultation was undertaken on that basis.

## 5. REPRESENTATIONS

- 5.1. Twenty nine (29) letters of representations have been received objecting to the proposal for the following reasons:
- An attempt to overturn decisions already made by the Council and Planning Inspectorate
  - Increase the parking stress in the area
  - Could set a precedent for car free development
  - Contrary to policies
  - The development was approved on the basis that residents' parking permits would not be available
  - Parking would become even more difficult than it is already
  - The double yellow lines have not been removed
  - There are other car free developments near the application site
  - A study by a local resident calculates a high percentage of parking stress
  - The high local parking stress is evidenced by local parking surveys
  - Traffic and road safety issues
  - Gaining financially from the removal of the condition
  - There has been no material change in circumstances
  - At odds with the Council's aim for a car free city centre and the liveable neighbourhoods aim to reduce traffic
  - Objection to the cramming in of extra homes in the first place
  - Harm the conservation area
  - Overlooking
  - The development is not car free
  - The density of development means a restriction of permits is appropriate
  - Not for the benefit of the community
  - The appendices have not been uploaded onto the file
  - Makes a mockery of the planning application process
  - Car club membership is an option for residents
  - The planning statement has misquoted the Planning Policy Guidance Use of planning conditions
  - The offices previously on the site were not allowed parking
  - would impose massive upheaval on the planning authority, highways, and council parking team to re-evaluate every car free development
  - If removed what meaning does any restriction put on a development have
  - These prioritises the new development over existing residents
  - Highway capacity and safety impacts
  - Lack of supporting evidence
  - No on-site parking provisions
  - The condition is necessary, fair, reasonable and practical

- There is car parking available to the residents
  - The site is within a sustainable location with excellent public transport
  - Breach of planning conditions
  - Validation and incorrect information
  - The principle of the whole development must be considered again and could be subject to a Judicial Review if not adhered to
  - The new approach may allow historic consents to be revisited
- 5.2. Thirteen (13) letters of representations have been received in support of the proposal for the following reasons:
- Plenty of parking spaces within the street and CPZ
  - Unfair to allow some residents multiple permits and restrict these
  - If there are available permits they should be provided
  - A car is needed for new residents/families and within a steep area
  - The new owners should be welcomed into the community not harassed
  - New residents should be treated equally to existing residents
  - Public transport is not an option for everyone during the middle of a pandemic
  - Any approval should be based on the capacity of the expansive parking zone not the street which can create a distorted view
  - People should not be denied their human rights
  - There should be equal access to local roads
  - Safe travel
  - The congestion in this street is due to the unlawful swapping and selling of visitor permits
  - In line with the planning department's initiative to remove the car free condition
  - 4 more cars on the road would make minimal difference
- 5.3. **Ward Councillor West** has objected to the proposal and has requested that the application be heard at Planning Committee.
- 5.4. Following readvertisement of the application a further Ten (10) representations have been received objecting to the proposal for the following reasons:
- Conditions have not been discharged and planning enforcement investigation
  - Impact on the environment and in a conservation area
  - No capacity for on-street parking
  - Parking and Highways issues
  - Development was approved as car free
  - Misleading quotes by developer and supporters
  - Success will mean removal of effective local authority control
  - Residents already have permits
  - Undermine Policy
  - TRO not amended
  - Onus on applicant

## 6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No Comment Received

## 7. MATERIAL CONSIDERATIONS

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

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open space

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance

QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

### Brighton & Hove City Plan Part Two

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability

### Supplementary Planning Documents:

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

### Other Documents:

Round Hill Conservation Area Character Statement

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in relation to this application are the principle of the development, and the impact on highway capacity and road safety.

Principle of the Development

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.4. 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).
- 9.5. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.6. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.7. The principle of the provision of the part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping on the site has been established by the consent BH2016/00862 which was granted in October 2016. Subsequent planning application BH2018/00433 was then varied in November 2018 to allow amendments to the approved drawings, which included the reconfiguration of the layout of the units and minor external alterations.
- 9.8. The Local Planning Authority considered the scheme to be acceptable in all regards and secured various details and measures by planning conditions and it must be considered whether circumstances policy or practice has changed significantly since the time this decision was taken.
- 9.9. It is important to note that since approval of the earlier application there has been a change of weighting with regards to the policies applied to the determination of the application. Brighton and Hove City Plan Part Two (CPP2) has now proceeded to post hearing stage. Following submission in May 2021, the City Plan Part Two is currently under examination by a government appointed planning Inspector, Ms R Barrett, MRTPI IHBC. Public hearing sessions were held online in November 2021. Following the hearing sessions, the Inspector issued her post hearing action points in December 2021 and has asked the

council to prepare and consult on main modifications which, subject to approval at committee will start in late March.

- 9.10. In this case it is considered that the policy context has not changed substantially in regard to the principle of development, the use proposed and design and amenity issues. Overall, it is considered that there is no justifiable reason to take a decision contrary to that made previously by the Local Planning Authority and therefore no objection is raised to the principle of development.
- 9.11. This being the case, the sole consideration under this application is with regards to the 'restriction of car parking permits' and the impact on highway capacity and road safety.
- 9.12. The main considerations in the determination of this application relate to the acceptability of the removal of condition 12 of BH2018/00433.
- 9.13. Condition 12 states;  
*"The development shall be implemented in accordance with the scheme for the restriction of residents' parking permits in accordance with the approved application BH2017/03844.  
Reason: This condition is imposed to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One."*
- 9.14. As part of the original planning application for the scheme (ref. BH2016/00862) the Transport Officer recommended that a condition was attached to the permission to restrict future occupier's rights to parking permits given that the site has no proposed vehicular access and is located in a CPZ. This condition was also applied to the subsequent amendment permission (BH2018/00433).
- 9.15. A further application was submitted (BH2019/00072) for the removal of condition 12 was refused on the basis that the condition was considered necessary to ensure the acceptability of the proposed scheme. The Transport Officer in their assessment considered that the submitted Parking Survey clearly showed that parking stress in the vicinity was unacceptable and would result in overspill parking. The Local Highway Authority considered it was necessary at the time to recommend imposing such a condition to ensure that the increase in car parking within the vicinity could be managed and this was agreed by the Planning Inspector when allowing the scheme at appeal.
- 9.16. Policy DM36 of CPP2 supports and encourages car-free residential developments, subject to consideration of SPD14: Parking Standards for New Development. SPD14 describes car-free parking as "housing developments where occupants do not have access to car parking and are precluded from applying for a residents parking permit within a CPZ."
- 9.17. Planning Officers have reviewed the use of conditions to restrict the entitlement of residents to parking permits and concluded that such conditions are not necessary as they duplicate what can already be achieved through parking regulations. Removing an address's entitlement to a parking permit requires an

amendment to a Traffic Regulation Order, which cannot be achieved through the planning process. Parking Officers and/or Traffic Officers can seek such an amendment, without the need for a planning condition to trigger it, so it is considered to needlessly duplicate and complicate the process.

- 9.18. This was recognised in various recent appeal decisions which confirmed that such conditions were beyond the scope of planning as it is within the power of highways and the parking service to make developments 'car free'. Planning conditions also need to meet the six tests set out in NPPF paragraph 56, namely being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The LPA do not consider that the car-free condition meets these tests because parking in the local area and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone and the TRO regulation already controls which addresses are entitled to parking permits.
- 9.19. In conclusion, it is no longer considered appropriate to impose the car-free condition because parking in the local area, and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone and an informative has been attached accordingly. Removing the condition would not, therefore, result in any increase to parking stress or highway capacity/road safety.
- 9.20. However, an informative would be added, as above, highlighting that the details of the permission, if granted, will be passed to the parking authority so they can consider whether residents should be entitled to a parking permit.
- 9.21. Overall, it is therefore considered that condition 12 of application BH2018/00433 can be removed.

#### **Other Matters**

- 9.22. Since the original application on the site was approved details to address a number of conditions have been approved under subsequent discharge of conditions applications. Since the development has been built conditions have been updated in order to reflect the current situation.

### **10. EQUALITIES**

- 10.1. The gradient of the site is such that accessible access cannot be easily provided for throughout the development.

### **11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The site has good links to facilities including shops, is well served by public transport, and cycle parking is also provided, reducing reliance on cars.





## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Cllr. Pete West**

**BH2021/04390 - 28A Crescent Road**

#### **13<sup>th</sup> January 2022:**

As a ward member representing residents of Round Hill I wish to object to this application which seeks removal of the 'car-free' restriction placed upon the issuing of residents parking permits at this development.

Round Hill is part of parking Zone J, a heavily subscribed parking scheme, with growing pressures upon availability of convenient residents parking. These pressures formed the context of the decision to grant the planning application as car-free. Reversing that restriction will only exacerbate parking problems. This position was upheld by the dismal of the 2019 appeal by the planning inspector. Granting this application would set an unhelpful precedent undermining other existing and future car-free developments.

Residents and councillors are actively engaged in considering highway improvements to prevent rat-running and to improve the safety and attractiveness of active travel in Round Hill. Parking pressures, in the narrow and curving streets, contribute detrimentally to road safety in Round Hill. The co-chair of ETS Committee, Cllr Davis, recently suggested that making Round Hill a Low Traffic Neighbourhood was the only way ahead. Assistant Director – City Transport - is due to meet residents and ward councillors to explore options following a request from the committee.

If you are minded to grant the application, as a ward councillor may I request that the matter be put before the Planning Committee for determination.



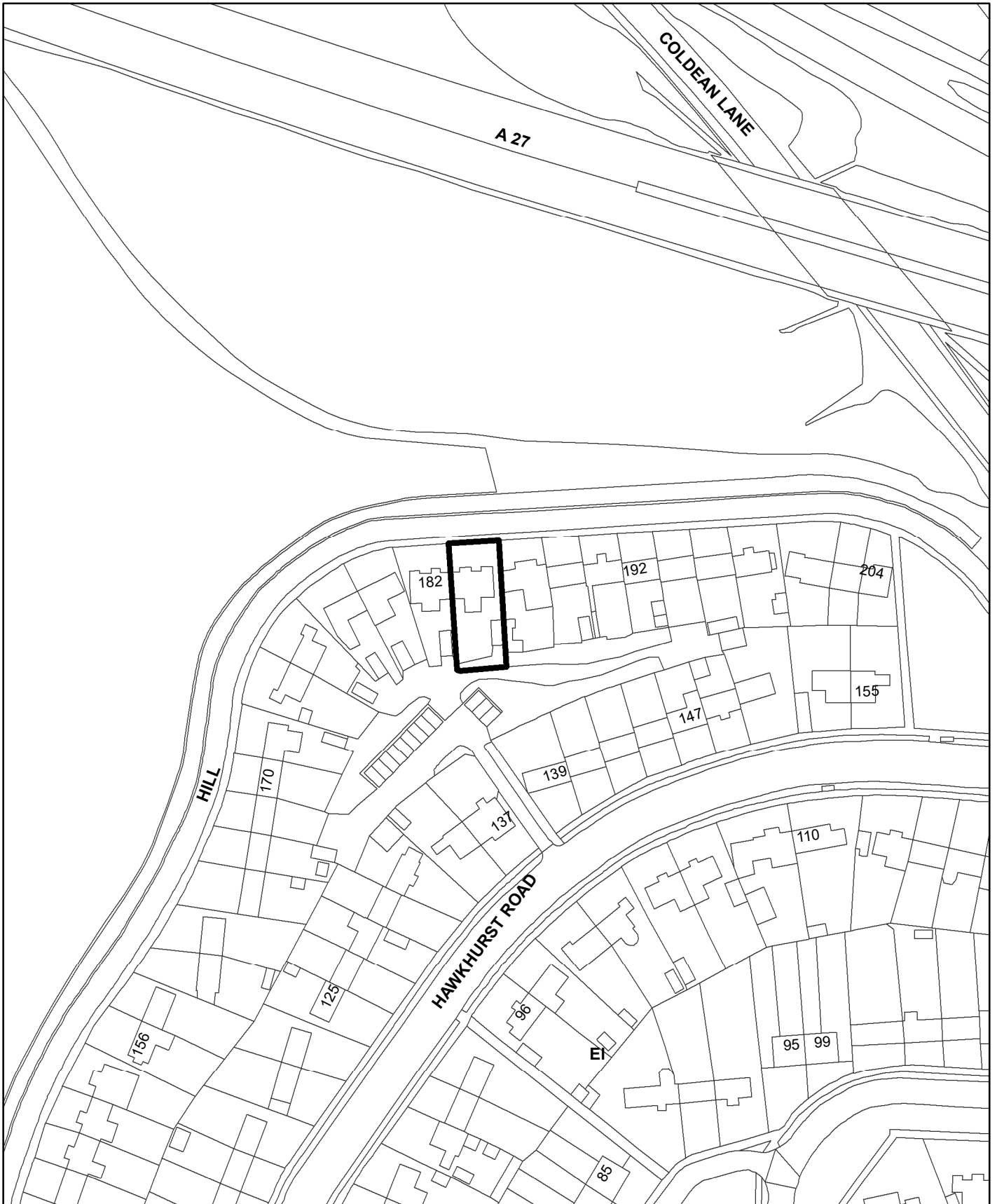
# **ITEM D**

**184 Saunders Hill  
BH2021/02656  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> June 2022**



# BH2021 02656 - 184 Saunders Hill



N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2021/02656</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>184 Saunders Hill Brighton BN1 9ES</b>		
<b><u>Proposal:</u></b>	<b>Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom, seven person house in multiple occupation (Sui Generis), incorporating erection of new single storey rear extension and roof alterations incorporating rear dormer.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	23.08.2021
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	18.10.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	18.11.2021
<b><u>Agent:</u></b>	Drysdale Architects 2 Oldbury Row Brighton BN1 7GY		
<b><u>Applicant:</u></b>	Anindita Sengupta 40 Bank Street Canary Warf London E14 5NR		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	BTN.21.119.00		19 July 2021
Block Plan	BTN.21.119.002	A	12 November 2021
Proposed Drawing	BTN.21.119.110	B	16 March 2022
Proposed Drawing	BTN.21.119.100	B	13 April 2022
Proposed Drawing	BTN.21.119.120	C	16 May 2022
Proposed Drawing	BTN.21.119.300	C	16 May 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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

4. 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, DM37 of the emerging City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.
5. The seven-bedroom large HMO (sui generis) hereby approved shall only be occupied by a maximum of seven (7) persons.  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan and DM7 and DM20 of the emerging City Plan Part Two.
6. The seven-bedroom large HMO use hereby approved shall be implemented in strict accordance with the proposed layout detailed on the proposed floor plan, received on 16th March 2022 and 13th April 2022 and shall be retained as such thereafter. The layout of the kitchen and living room shall be retained as communal space at all times and shall not be used as bedrooms. In addition, the box room shall be retained as additional communal space and not be used as a bedroom owing to the small size of the room.  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan and DM7 and DM20 of the emerging City Plan Part Two.
7. 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, CP9 of the City Plan Part One, DM33 and DM36 of the emerging City Plan Part Two and SPD14: Parking Standards.
8. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, Policy 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.

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 site is a two storey semi-detached property located on the southern side of Saunders Hill at the northern edge of Coldean, with the A27 some 85m north beyond woodland on a steep slope.
- 2.2. The house is brick built with a tiled roof and uPVC fenestration, and has a conservatory to the rear. The application site is not a listed building, nor is it sited within a conservation area.
- 2.3. The whole city is now covered by an Article 4 Direction to remove permitted development rights for the change of use from a single dwellinghouse (C3) to small HMO (C4). However, as this property is within the Hollingdean and Stanmer ward, this area has been subject to this restriction since April 2013.

## **3. RELEVANT HISTORY**

- 3.1. **BH2014/01579** - Change of use from residential dwelling (C3) to a six bedroom small house in multiple occupation (C4). Approved 17.07.2014

## **4. APPLICATION DESCRIPTION**

- 4.1. This application seeks planning permission for the change of use of 184 Saunders Hill from a small house in multiple occupation (HMO)(planning use class C4) to a large HMO with seven bedrooms (planning use sui generis), an increase of one bedroom and one occupant over the existing situation. A single storey rear extension is also sought to replace an existing conservatory, along with a rear dormer.
- 4.2. The application has been amended since submission to reduce the number of bedrooms from eleven down to seven, and to eliminate a proposed outbuilding in the garden which would have contained residential accommodation. The replacement of the rear conservatory with a larger extension is now proposed. Revisions have also been made to the proposed rear dormer.

## **5. REPRESENTATIONS**

Plans as submitted:

- 5.1. **Twenty-Five (25) letters** have been received objecting to the proposed development for the following reasons:

- Overdevelopment considering that as-built these are 2/3 bedroom houses
- Increased waste, impact on sewage systems, and vermin
- Additional traffic and parking stress
- Detrimental effect on property value
- Potential for increased comings and goings, noise and anti-social behaviour
- Outbuildings are out of character
- Unsuitable for a street of family homes
- Poor living spaces for future occupiers
- Creates untidiness
- Loss of community spirit
- Overshadowing
- Poor design
- House is poorly cared for as a small HMO
- Pond and fruit trees should not be removed
- Harm to mental health and wellbeing of local residents
- Long term this will harm demand for local services (e.g. schools, doctors)
- Too many people for one dwelling
- Impact on residential amenity
- Harm to the garden estate of Coldean
- Inappropriate height/scale
- Restriction of view
- Neighbours will be left with no sunlight
- Guests of future residents would cause further harm
- Use of rear access will create more noise
- Students should be using the new developments on Lewes Road.
- Family housing should be preserved in Coldean
- Adds to overpopulation of the area.
- Too close to boundary
- Creates cramped conditions
- Increase in surface water runoff
- Significant reduction in available amenity space.
- Damaging precedent for other HMOs to be overdeveloped.
- Does not reflect CP14 of City Plan Part One.

5.2. **Councillor Osborne** has objected to the application for the following reasons:

- Overdevelopment in terms of the increase in occupancy
- Residential amenity
- Harm to living conditions for future occupiers
- Loft and garage conversions are examples of overdevelopment
- Increased comings and goings to and from the site and within the proposed layout
- The proposals could encourage future residents to congregate at the front of the property.
- Removal of dense vegetation and trees will harm the wider area
- Application should be referred to the planning committee.

5.3. **Councillor John** has objected to the application for the following reasons:

- Overdevelopment

- Residential amenity
- Outbuilding will take up valuable outside space
- There would be a number of extra cars, noise, waste and other amenity impacts.
- The proposals could encourage future residents to congregate at the front of the property.
- Application should be referred to the planning committee.
- The residents of proposed outbuildings would still need to access the main house.

Consultation on amended proposals:

5.4. **One (1) letter** was received objecting to the proposed development for the following reasons:

- Additional traffic
- Good design
- Overdevelopment
- Residential amenity
- Traffic or highways
- Standard of accommodation is poor, and most rooms cannot fit furniture and be functional.
- Proposed kitchen space is not big enough for seven persons

5.5. **Coldean Neighbourhood Forum** have objected to the proposals for the following reasons:

- Loss of family homes to HMOs is a concern locally.
- Area is over-burdened by student accommodation
- Impact on Coldean Primary School
- Completion of purpose built student accommodation has reduced demand for HMOs.
- In Coldean existing HMOs have been vacant since September 2021.

## 6. CONSULTATIONS

6.1. **Private Sector Housing:** Comment

Should the application be approved then the applicant would need to contact the Private Sector Housing Team and make an application to vary the existing HMO licence.

6.2. **Sustainable Transport** - Verbal Comment: No objection

Cycle storage would use an existing building. The access to the cycle parking is not ideal (stepped from street and mud track to rear), however this provision is accepted as the site is constrained to provide an alternative. It is noted that the spacing of the stand is not in accordance with the Manual for Streets (should be 0.055m from wall) but given the constraints of the outbuilding this is difficult to achieve without making accessing the standards difficult. The cycle parking is therefore accepted on balance based on the specific circumstances of this site.

- 6.3. The change of use and increase in occupancy would result in a slight increase in trips and parking demand but this is not expected to be so significant as to warrant refusal on this basis. It is noted that the existing parking space to the rear is retained.

## **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
CP12	Urban Design
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

#### Brighton & Hove City Plan Part Two

Policies in this Plan 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. Some policies have gained further weight following the CPP2

examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM7	Houses in 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 design and appearance of the extension and alterations, 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:**

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:  
*"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."*
- 9.3. A mapping exercise has been undertaken (April 2022) which indicates that there are 16 properties within a 50m radius of the application property, none of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 0%. It is noted that as existing the property is a small HMO however the application site is excluded from these calculations.
- 9.4. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a seven-bedroom large HMO (sui generis) would not conflict with the aims of policy CP21.

### **Design and Appearance:**

- 9.5. As submitted, the application sought to convert the existing rear garage to a residential space and build a further outbuilding with accommodation, but both were removed from the application following concerns raised about the loss of garden and impact on visual amenity.
- 9.6. The proposed extension would be to the rear of the property so would have no impact on the streetscene, particularly as it would be single storey in height and would replace an existing conservatory. The proposed materials would match those within the existing property (white upvc and brick with a flat roof covering). The extension would have a larger footprint than the conservatory but would sit within the existing paved area adjacent to the original dwellinghouse. There would also be a new window to the east elevation serving bedroom 2. This is on the ground floor and this change would not be readily visible from the road or neighbouring properties. The window would be white upvc to match existing windows within the property.
- 9.7. In terms of the proposed dormer and roof alterations, the design initially proposed has been amended to address concerns about the size of the dormer and the extension of the existing ridge to allow the dormer. The revised smaller dormer comfortably sits within the existing roof profile and is set down from the ridge and up from the eaves. The materials for the dormer would be face and cheeks tiled to match the existing and white upvc fenestration.
- 9.8. The amended proposed extensions and alterations are considered suitable additions to the property that would not significantly harm the character and appearance of the property or the wider surrounding area. The proposal would be in accordance with emerging policy DM21 of the City Plan Part Two (which can be afforded more weight than local Plan policy QD14) and CP12 of the City Plan Part One.

**Standard of Accommodation:**

- 9.9. 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 policy DM7 which sets the standard for HMOs (including what is expected of communal areas), this emerging policy can also be given significant weight.
- 9.10. As existing the property is a small HMO with six bedrooms and occupiers, with one of the existing bedrooms being below the NDSS minimum of 7.5sqm. In terms of the existing communal space this is currently arranged as dining room, kitchen, living room and conservatory.
- 9.11. The proposed layout would utilise the additional floor area created from the rear extension and allow for a combined living/kitchen and dining space with a combined floor area of approximately 29sqm, there would also be access to the

rear garden through the communal area. This is sufficient space for occupants to cook and dine together as well as providing space for lounging.

- 9.12. In term of bedrooms, the existing bedrooms have largely been revised to accommodate the higher occupancy and layout. The bedrooms would all be single occupancy and range from 7.5sqm to 13.8sqm. Each of the rooms would allow for a comfortable layout of furniture (bed, desk, wardrobe, chair) and leave circulation space.
- 9.13. Bedrooms and communal space would have sufficient access to natural light, outlook and ventilation from existing and proposed windows. Owing to the proposed extension above, the existing window overlooking the garden from the rear bedroom would be removed, so the existing side opening to bedroom 2 would be altered and enlarged to provide sufficient outlook, ventilation and light to this bedroom.
- 9.14. As existing for the six bedroom layout, the property has two ensembles, a separate WC and a bathroom (with no WC). The proposed provision of bath/shower rooms would see an overall reduction in toilets by one, however there will be no ensembles so the shower room and bathroom proposed would be accessible by all seven future occupiers. It is considered that adequate access to toilet and washing facilities is maintained.
- 9.15. To ensure that the property is not overcrowded in the future, conditions are recommended to secure a maximum occupation of seven persons and seven bedrooms with communal areas safeguarded from future conversions to bedrooms without further approval.
- 9.16. To the rear of the property is a garden which, even allowing for the rear extension, will leave a reasonable sized garden for the proposed level of occupation, in accordance with policy HO5 and emerging policy DM1 of the City Plan Part Two.
- 9.17. 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 and HO5 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:**

- 9.18. 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) 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.
- 9.19. As noted above, the application has been amended to reduce the level of built form and also the number of proposed occupants to ensure that the proposal

would not significantly impact on neighbouring amenity in respect of noise and disturbance.

- 9.20. As a result, the revised proposals only seek an increase of one person. The additional person will lead to more comings and goings; however, a further person is unlikely to generate significant cumulative harm given the low density of HMOs in the surrounding area.
- 9.21. It is acknowledged that public comments on this application have concerns about the existing HMO and the potential for increased antisocial behaviour from the proposal. In some cases, such potential noise and disturbance 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.
- 9.22. Furthermore, it is noted that an HMO of this size would require a variation of the current licence 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 were required in the future.
- 9.23. The proposed rear extension be approximately 2.8m in height (including parapet), 3m deep and 6.7m in width. It would not sit closer to 182 Saunders Hill than the existing conservatory and it would be set in sufficiently from the boundary with 186 Saunders Hill to minimise any loss of light or outlook, particularly given that it is single storey in height.
- 9.24. There would be new windows in the south and east elevations and new doors in the western elevation of the extension. It is not considered that the new windows will lead to increased overlooking for neighbours. With the exception of the loft extension, the new windows are at ground floor and for the east elevation there is a fence protecting no. 186, and the southern windows replace a conservatory so there is no 'new' overlooking. The effect of the new loft window is not considered significantly harmful in terms of overlooking or loss of privacy.
- 9.25. Accordingly, the proposed use of the property as a large HMO for seven 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:**

- 9.26. The application site is within the Coldean neighbourhood which has bus links to the centre of Brighton and towards Hollingbury (5B and 24 routes). These bus routes would link with train stations and other bus services throughout the city.



- 9.27. The provision of cycle parking within the garage would restrict parking of some cars within the garage but there is a space adjacent to the garage that would remain. This would be accessed from Hawkhurst Road to the rear.
- 9.28. There is a potential net loss of a car parking space, but this would be in accordance with standards set out in SPD14. The transport Officer has also noted that it would be possible to park on street and that overspill parking would not be a reason to refuse the application. The site lies within one of the city's match day parking zones so while it is within a CPZ this only operates on match days and events days at the AMEX Stadium. The area is not considered to be under significant parking stress at other times.
- 9.29. The application submission includes dedicated cycle parking the garage which would provide cycle parking for up to 8 cycles through the provision of four Sheffield stands. The transport officer has raised concerns about the spacing being slightly too close to the wall of the garage, however, to move the cycle parking forward would prevent the door from being opened easily, especially with a cycle, on balance the cycle parking is supported. The transport officer has requested that the implementation of the cycle parking arrangement shown should be secured by condition.
- 9.30. The plans also include the provision of refuse and recycling storage within the property boundary, a condition will be added to secure this to prevent bins being stored on the public highway (other than on collection days) and causing an obstruction.
- 9.31. Accordingly, the development, subject to the recommended cycle parking conditions, the development is considered acceptable in relation to transport matters.

**Biodiversity:**

- 9.32. The Council has been seeking to improve ecological outcomes within the city by securing minor amendments to approved schemes to increase biodiversity contributions. Therefore, a condition is recommended to be added to require a bee brick to be incorporated into the build and improve biodiversity outcomes in line with policy CP10 Biodiversity and SPD11 Nature Conservation and Development.

**Conclusion:**

- 9.33. 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 six 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 and cycle parking is provided.
- 9.34. 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 seven, a bee brick being added to the extension and cycle parking provided prior to occupation.

**10. EQUALITIES**  
None identified

- 11. CLIMATE CHANGE & BIODIVERSITY:**
- The development would provide cycle parking.
  - A bee brick would be secured by condition.



## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Cllr. Martin Osborne**  
**BH2021/02656 – 184 Saunders Hill**

#### **14<sup>th</sup> September 2021:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Residential Amenity

Comment: Unfortunately, I can't support this application for several reasons.

Firstly, it is building on top of the grassed area at the back of the house. This is a really nice area which residents can enjoy but by building over this you will have a knock on effect on the amenity and enjoyment of residents in the house. I would imagine that should residents want to sit outside, they would transfer to other areas, perhaps the front which may be more detrimental to the wider area. Also, the plans are looking to extend to the limits of the ownership by removing the dense foliage/self-seeded invasive species area, including a few trees, at the back of the house, both detrimental to biodiversity and further building outwards.

Secondly, the layout changes on the ground floor are removing living space for the residents, with the application moving the kitchen into a new open plan living room, the dining room becoming another bedroom and table/chairs there moving into the conservatory, with a small WC/shower room added at the front. This is all to squeeze in an extra bedroom at the cost of the amenity of the tenant's living there.

Finally, the loft and garage conversions are further examples of overdevelopment. These are spaces which are currently not used for living in and although conversions can be nice places to live if done well, the proposed loft conversion wouldn't be the nicest place to sleep/work given the dimensions and the heat this room would be exposed to nearly all day. The garage conversion would provide a better standard of accommodation and more acceptable but would still need to access the main house, increasing comings and goings between the house and this outbuilding.

Overall, this application is extreme overdevelopment and I'd like to see it refused. The affect of increasing from 6 to 11 bedrooms will be detrimental for those living there and for the wider area.

Please could this application be brought to planning committee to be determined by councillors.





## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Cllr. Zoe John**

**BH2021/02656 – 184 Saunders Hill**

#### **15<sup>th</sup> November 2021:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Residential Amenity

Comment: I am not able to support this application.

This proposal would contribute to overdevelopment and significantly impact on current resident amenities.

The extra building is situated in the garden, losing valuable outside space for current residents and possibly having a knock-on effect to neighbours, by moving outside socialising to the front of the house and removing some trees that might cause noise reduction.

Current living space afforded to residents is reduced, and development into the garage may increase bedrooms, but the resident/s there would still need to access the main house.

In addition to this, there could be a number of extra cars, noise, waste and other impacts on amenities if the development were to go through.

This application should go in front of councillors so it can be further scrutinised



# **ITEM E**

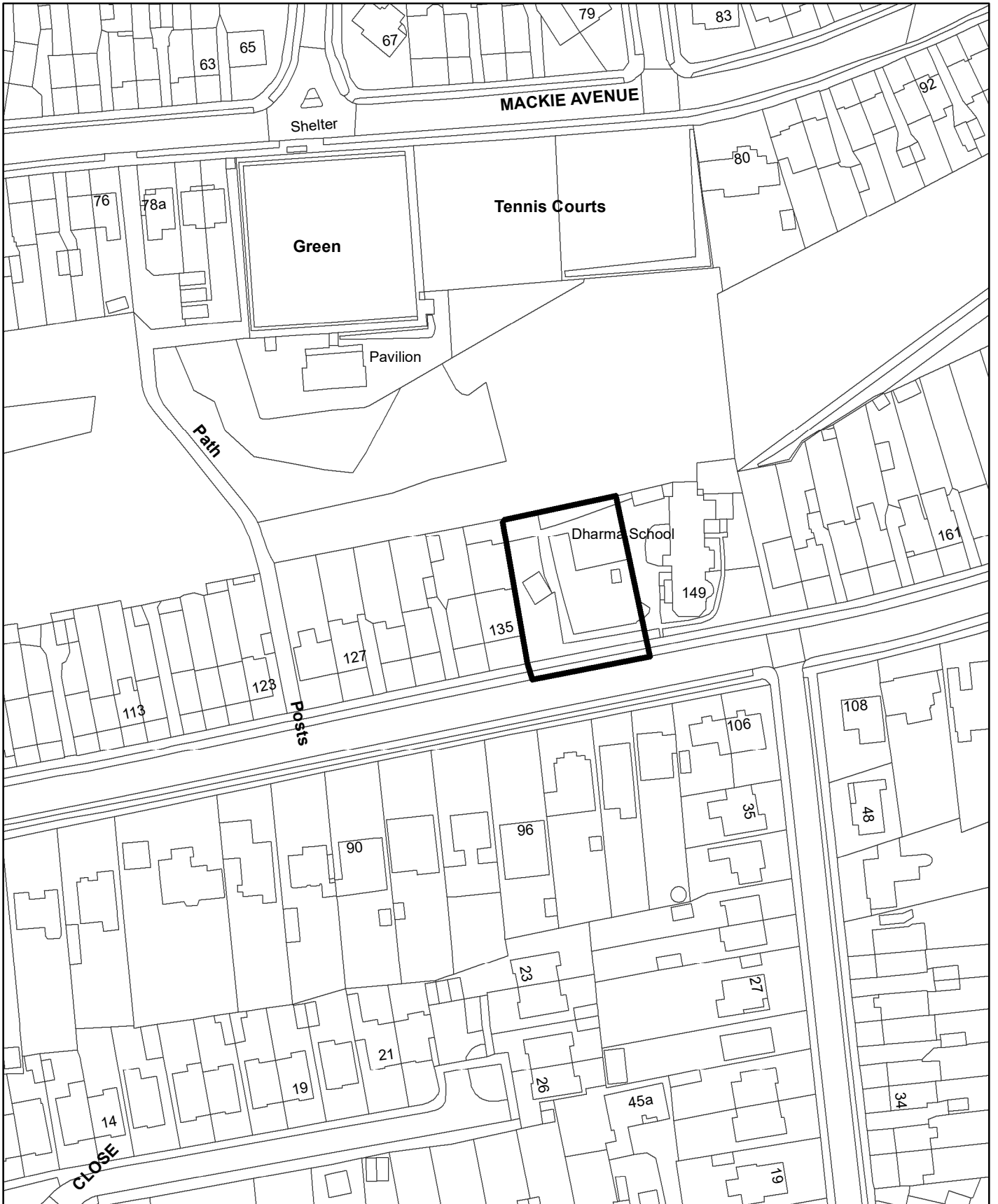
**Land to the West of 149 Ladies Mile Road  
BH2021/04096  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> June 2022**





# BH2021 04096 - Land To The West Of 149 Ladies Mile Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2021/04096</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To The West Of 149 Ladies Mile Road Brighton BN1 8TB</b>		
<b><u>Proposal:</u></b>	<b>Erection of 4no. four-bedroom, two-storey dwellinghouses (C3), with landscaping, parking, new access and vehicle crossovers. (Amended Plans)</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 293311	tel: <b><u>Valid Date:</u></b>	19.11.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	14.01.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	15.06.2022
<b><u>Agent:</u></b>	Darby Architectural Ltd 84 Westbourne Street Hove BN3 5FA		
<b><u>Applicant:</u></b>	Legal-Link Limited C/o Darby Architectural Ltd 84 Westbourne Street Hove BN3 5FA		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	P.01C		13 May 2022
Proposed Drawing	P.02C		13 May 2022
Proposed Drawing	P.03C		13 May 2022
Proposed Drawing	P.04C		13 May 2022
Proposed Drawing	P.05C		13 May 2022
Proposed Drawing	P.06C		13 May 2022
Proposed Drawing	P.07C		13 May 2022
Block Plan	P.01C		13 May 2022
Location Plan	01C		13 May 2022
Proposed Drawing	P.08 B		13 May 2022
Proposed Drawing	P.09B		13 May 2022
Proposed Drawing	P.10 B		13 May 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. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.
  
4. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One
  
5. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
  
6. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development 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 policy TR14 of the Brighton & Hove Local Plan, SPD 14 Parking Standards and CP9 of the 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 of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, cladding, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all hard surfacing materials
  - c) details of the proposed windows, doors, balconies and railings treatments
  - d) details of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.

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

8. 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.

9. The new crossovers and access points shall be constructed prior to the first occupation of the development hereby permitted.

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

10. 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.

11. 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% CO<sub>2</sub> improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

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

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

13. A bee brick shall be incorporated within the external wall of each of the dwellings hereby approved and shall be retained thereafter.

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

14. Twelve (12) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

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

15. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, including the provision of a minimum 8 trees, biodiverse green roofs, swift bricks/boxes (minimum one per residential unit) and bee bricks (one per residential unit), 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 provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council 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 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 by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team(permit.admin@brightonhove.gov.uk 01273 290729) prior to any works commencing on the public highway.

3. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for a purpose-built secure cycle stores (e.g.Tri-metal). Alternatively stores made from other materials such as wood must be covered and include a concrete base or wall with Sheffield type stands/ wall anchors to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22
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. If protected species are encountered during development, work should stop immediately and advice should be sought from a suitably qualified ecologist as to how to proceed.

## **2. SITE LOCATION**

- 2.1. This application relates to a plot of land to the west of 149 Ladies Mile Road, formerly known as the Dharma School. The site is situated on the northern side of Ladies Mile Road. The site formerly comprised outside play space relating to the former school, consisting largely of a hardstanding/playground. The school ceased operation in July 2020. The existing building at 149 Ladies Mile Road is now in use as a nursery.
- 2.2. The streetscene is residential in character with Mackie Park situated to the rear of the site. The site is not located within a Conservation Area.

## **3. RELEVANT HISTORY**

- 3.1. PRE2020/00198: Redevelopment for residential use (5no. dwellings) following demolition of existing building. Written response provided November 2020.

#### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of four dwellings, comprising two semi-detached pairs, with landscaping, vehicle crossovers and parking. The properties would be two storeys in height when viewed from the streetscene but due to the topography of the site, would also benefit from a lower ground floor ground floor, appearing as three storeys in height from the rear.

#### 5. REPRESENTATIONS

- 5.1. Nineteen (19) letters of representation have been received objecting to the proposals for the following reasons:
- Additional traffic
  - The site reduces the play are for children of the school/nursery
  - A covenant over the existing site.
  - Overdevelopment
  - Insufficient off-street parking
  - Properties would be out of keeping with neighbouring bungalows
  - Overshadowing
  - Loss of privacy
  - Lack of infrastructure
  - Trees have already been removed from the site
  - Impacts upon the adjacent nursery
  - Overbearing impact
  - The properties are of an inappropriate height
  - The site should provide a community use
- 5.2. **Councillors Alistair McNair and Councillor Anne Meadows** object to the development. Please see comments attached.

#### 6. CONSULTATIONS

- 6.1. **City Parks** No objection There is no direct impact on Mackie Park to the rear.
- 6.2. **Ecology** No objection subject to condition
- 6.3. **Natural England** No comment
- 6.4. **Planning Policy** Original comments 20.12.2021  
The proposal would result in the permanent loss of designated open space and the applicant has not sought to justify the loss. Further information should therefore be sought, including confirmation of whether any active marketing of the site has been undertaken, in order to comply with policy CP16.

Further comments following additional information 07.02.2022



- 6.5. It is considered that the loss of open space in this instance can be justified on the basis that the current use of the site is not currently publicly accessible and does not serve an open space purpose. It is also recognised that the retention of a proportion of the open space for use by the nursery opens up the open space to more use by nursery attendees thus making it more accessible.
- 6.6. **Sustainable Transport** No objection subject to conditions
- 6.7. **Southern Water** No objection subject to condition
- 6.8. **Urban Design Officer** Recommendations made to improve the design of the dwellings

## 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 2

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
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
DM44	Energy Efficiency and Renewables

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP16	Open space
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development on the character and appearance of the wider area, the standard of accommodation provided and any potential impact on the amenities of neighbouring properties, in addition to transport and sustainability issues.

### **Principle of development**

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 9.3. The proposal seeks to provide 4 dwellings on a site that was previously used as open space (school playground) by the former Dharma School which occupied the building at 149 Ladies Mile Road.
- 9.4. The application site consists of privately-owned designated open space of the school grounds and sports pitch typology. The proposal would result in the permanent loss of 957 sqm of the open space and therefore Policy CP16 applies.
- 9.5. City Plan policy CP16 states that "the council will require the retention of and seek better, more effective and appropriate use of all existing open space". Policy criteria 1a to 1d set out circumstances whereby planning permission resulting in loss of open space would be permitted including:
  - a) Loss results from a development allocation in a DPD
  - b) Site is not part of a playing field and loss is necessary to bring about enhancements to public open space offer as a whole
  - c) Development is ancillary to the use of open space
  - d) Site is:
    - o physically incapable of meeting city's wider open space needs;
    - o is not part of the beach or playing field; and
    - o in accordance with the Open Space Study Update is of poor quality without potential for improvement and there is a surplus of open space within the locality. The importance of the site to the local community must be tested through appropriate marketing.
- 9.6. In this instance criteria (a) (b) and (c) do not apply.
- 9.7. As the site is not part of the beach or playing field, the proposal must satisfy the first and third criteria of policy point (d).
- 9.8. It is acknowledged that the current use of the site means it is not currently publicly accessible and does not currently serve a physical or visual open space purpose. The current state of the site is poor, as identified following a qualitative assessment under the Open Space Update 2011. This same assessment also identified that the site is not situated in an area of deficit.
- 9.9. It is also recognised that the retention of a proportion of the open space for use by the nursery occupants is making it more accessible than is currently the case.

- 9.10. Having regard to this, it is considered unnecessary for the applicant to carry out marketing for the open space in these circumstances. It is considered that the loss of this green space can be justified in this case based on the combination of these factors.

### **Design and Appearance**

- 9.11. CPP1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction. It encourages the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 9.12. Ladies Mile Road is predominantly residential in character, however there is little cohesive architectural style within the area with properties varying in height, material and design. Properties are typically set back from the street, behind front gardens or hardstandings and with commensurate rear gardens to each dwelling. To the west of the site there are predominantly bungalows, with several featuring extensions at roof level. Further westwards along Ladies Mile Road are two-storey terraced properties. Immediately to the south and east of the site are two-storey properties, also with roof additions. Given the varying height of buildings, it is considered that the two-storey appearance of the dwellings from within the streetscene is acceptable. The dwellings are also appropriately set back from the road with off-street parking to the front, as is a feature of the area.
- 9.13. The overall plot sizes of the dwellings proposed are considered acceptable. Whilst smaller than those adjacent to the northern side of Ladies Mile Road, the plots are comparable with properties located at the north western end of Sunnydale Avenue, located within the immediate vicinity of the site.
- 9.14. Since the initial submission of this application, various amendments have been made to improve the external appearance of the buildings. The original design of the dwellings was not considered appropriate to the wider context of Ladies Mile Road, featuring a dominant front gable which is not a strong feature of the surrounding area. This has since been removed from the scheme and simpler elevations are now proposed. Amendments were also sought to provide a consistent eaves and ridge level to each pair of houses to replicate the appearance of other semi-detached properties within the road which again, is considered to improve the appearance of the scheme.
- 9.15. Owing to the topography of the site, which slopes down towards the north, the new dwellings have been able to take advantage of the change in land levels by incorporating a lower ground floor level. The result of this is that the properties will appear as three storeys at the rear. The dwellings however are stepped in mass to the rear so the properties won't present a solid design. Views of the rear elevations are also limited to the rear gardens of adjacent properties. Views from the north towards the site are obscured by existing trees along the boundary of Mackie Park and the northern boundary of the site.

9.16. It is acknowledged that some views would be had of the additional massing from the east in particular. In order to reduce this impact, the depth of the ground floor has been decreased by approximately 1.1m since the original submission. In addition, amendments have been made to the materials and fenestration on the side elevation to break up this solid elevation which is considered successful. Further, owing to the height of the boundary fencing, the lower ground floor of the development would be largely obscured from view. Material articulation is also proposed to the front elevation, with the use of timber cladding proposed at first floor level with render below. The amendments made to external appearance of the dwellings are considered to add visual interest to the buildings whilst maintaining a reference to the character and appearance of the wider area.

9.17. The scheme is therefore considered acceptable and in accordance with the policies CP1 and CP12 of the Brighton and Hove City Plan Part One and policies DM1, DM18 and DM19 of the City Plan Part 2 which carry significant weight.

Standard of accommodation

9.18. 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. City Plan Part 2 proposes to adopt these standards as part of emerging Policy DM1, which can be given significant weight, so they are pertinent to the consideration of this application. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm and a double bedroom as measuring 11.5sqm.

9.19. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.

9.20. The overall footprint of each property over three floors would provide a good standard of accommodation, exceeding the minimum space standards for a 4-bedroom, 7-person dwelling and measuring 171sqm each.

9.21. Each habitable room would benefit from adequate light, outlook and ventilation and the overall floor space within the development would allow for sufficient useable floor area with ample space for furniture items likely to be required by future occupants.

9.22. Policy HO5 of the Local Plan, and Policy DM1 of City Plan Part 2 (which can be given significant weight) both require the provision of private useable amenity space in new residential development. The proposed development would provide private external amenity space to the rear of each property by way of a rear garden and patio areas.

9.23. Overall, it is considered that the proposed dwellings would provide an acceptable standard of accommodation for future occupiers and would therefore

accord with the aims of Policy HO5 of the Local Plan, and Policy DM1 of City Plan Part 2.

**Impact on Amenity**

- 9.24. The scheme would most affect the immediate adjacent property directly to the west (135 Ladies Mile Road) and the nursery to the east (149 Ladies Mile Road).
- 9.25. To the south, the properties on the opposite side of Ladies Mile Road are set well within their sites and are a significant distance from the proposed houses. The proposed development would not therefore impact upon the amenity of the residents of these properties.
- 9.26. Owing to the rising land levels in Ladies Mile Road from west to east, the nursery school building (No.149) would be set on a higher land level than the proposed development, so the new dwellings would have ridge heights significantly lower. The proposals would retain a distance of between 7.7m and 9.3m to the rear wall of No.149, the distance increasing towards the north. It is considered that the retained separation distance coupled with the comparative heights of the development ensures that the proposals would not have significant impact on this adjacent building.
- 9.27. It is acknowledged that there may be some impact on the windows located on the rear elevation of No.149 towards the south, but given its nursery use, this is not considered significant.
- 9.28. To the west of the site is No.135, a bungalow with extensions to the rear at ground level and at roof level. The proposed dwellings have been designed so that the step in massing to the rear responds to the built form of this neighbouring occupier. The first-floor element of the scheme does not project beyond the original rear wall of this adjacent occupier and the ground floor element does not project beyond the rear extension to No.135. This ensures that the proposals do not appear as overbearing from this neighbouring occupier. Furthermore, the proposals would retain a distance of 3.6m between the side wall of the most western new build and No.135.
- 9.29. No.135 features two windows within the side elevation facing the application site. The occupier of this property has confirmed that one of the windows is a secondary window to a bedroom whilst the other is the only window to a kitchen.
- 9.30. With regards to the rear-most bedroom window within the side elevation of No.135, the impact of the development is considered acceptable given that a second rear facing window serves this room allowing for sufficient light and outlook. With regards to the kitchen window, it is acknowledged that there will be some impact to this window in terms of loss of light and outlook. However, it is considered common for ground floor windows to have views onto boundary treatments or neighbouring properties. The relationship between the proposals and No.135 would be similar to other properties within the road and what is typical for this type of environment. The window to the neighbouring kitchen is large and whilst some loss of light may occur this is not considered so significant as to warrant the refusal of this application.

- 9.31. The proposed development includes several side windows serving both bathrooms and habitable spaces. A condition is sought to ensure that these are all obscurely glazed and fixed shut. Where the windows serve habitable rooms, these are secondary windows and therefore obscure glazing is appropriate.

#### **Trees, landscaping and ecology**

- 9.32. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.33. It is noted that a number of trees/shrubs were removed from the site prior to the submission of this planning application. The application site is not located within a conservation area and the pre-existing trees were not covered by a tree preservation order. Therefore, whilst their loss is regrettable no breach of legislation has occurred. The existing trees to the north of the site on adjacent land will not be harmed as a result of the development.
- 9.34. The site is now of relatively low biodiversity value, albeit limited by its location in an urban area. An informative is attached to advise that if any protected species are encountered during development, then works should stop immediately and advice be sought from a qualified ecologist.
- 9.35. The proposals include wild-flower green roofs which is welcomed. The agent of the application has also committed to providing 8-2 new trees which is also supported. It is considered that planting within the landscape scheme should also use species known to be of value to wildlife. A condition to secure an Ecological Design Strategy is sought to set out the measures that will be implemented to enhance the site for biodiversity.
- 9.36. In addition, 12 swift boxes are recommended to be secured by condition and a further condition is proposed to ensure that bee-bricks are included within the external construction of the dwellings proposed.

#### **Sustainable Transport:**

##### Pedestrian access

- 9.37. A segregated level pedestrian access is proposed for each dwelling, and this is therefore acceptable.

##### Cycle Parking

- 9.38. The application proposes stores for cycle parking to the rear of each property. However, these are accessed via a number of steps. It is considered that the cycle stores may be more appropriately located to the front of each dwelling.

##### Vehicle access

- 9.39. The location of the proposed crossovers and hardstands appears are acceptable in principle, with each vehicle entrance considered to have satisfactory highway visibility.

##### Car Parking

- 9.40. The applicant is proposing one car parking space per dwelling. The layout and amount are deemed acceptable for this size and type of development. The parking retention condition is recommended to be attached to ensure the parking area is retained as part of any future development.

Trip generation

- 9.41. There will be an increase in person and vehicle trips to the site due to the proposed four dwellings. This increase however is not considered to be significant enough to have a severe impact on the local highway network.

**Sustainability**

- 9.42. Policy CP8 of the Brighton and Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. As such a condition is sought to secure these measures.

**Community Infrastructure Levy**

- 9.43. 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 £ 105,582.93 The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

**10. BIODIVERSITY/CLIMATE CHANGE**

- 10.1. The proposals would provide some biodiversity gains through the provision of the swift boxes and bee bricks which are to be secured by condition.

**11. EQUALITIES**

- 11.1. Each property provides level access. A condition will be sought to secure Part M4 (2) standards.





## PLANNING COMMITTEE LIST

### Brighton & Hove City Council

### COUNCILLOR REPRESENTATION

**Cllr. Alistair McNair and Cllr Anne Meadows**

#### **BH2021/04096 – Land To The West Of 149 Ladies Mile Road 21<sup>st</sup> December 2021:**

Please accept this letter as our objection to this planning application.

We have three reasons for objecting to this application: education covenant; reduction in on-road parking and limited off-road parking; style of proposed development.

##### **Education covenant**

This land used to be the playground of the Dharma School. Residents believe this land is protected by a covenant restricting the use of the land to educational purposes. We have asked the Planning Department if this is the case and are awaiting a reply. Clearly, if there is a covenant, this proposal should not be allowed to be developed. A full and transparent response is required on this issue before a decision is made.

##### **Reduction in on-road parking**

The area in red in Fig. 1 below highlights three lost on-road parking spaces should this development be approved, as this area will be in front of driveways which new residents will undoubtedly use.

Parking is already very limited in this area, and this loss will only exacerbate the problem.

##### **Limited off-road parking**

Off-road parking is planned for this development, which is good, but only space for one car per household.

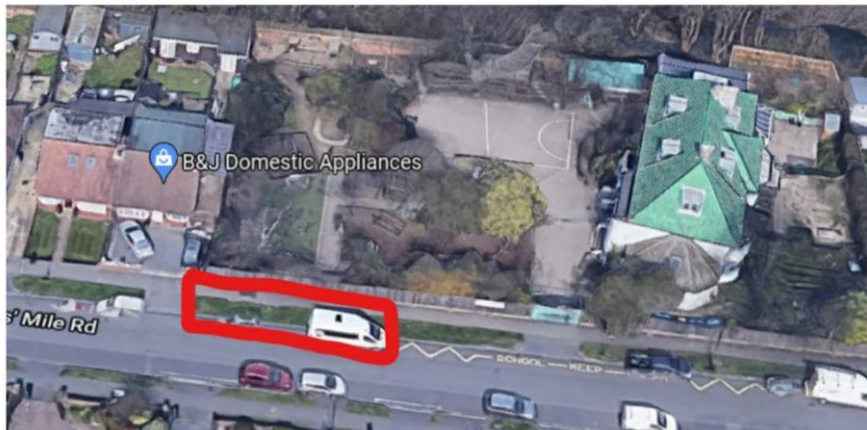


Fig. 1: reduction in off-road parking for local residents



Fig. 2: off-road parking provision

These are four-bedroom dwellings, so space for one car is clearly inadequate. It is very likely each household will have between two and four cars each, not including the increase in visitors to the area, resulting in even more limited on-road parking in an area which is not a Controlled Parking Zone. Although 8 spaces for bicycles are provided, it is very likely residents will also have cars, as most people need to drive or use public transport for work. It is also likely residents will remove the planters in front of their properties to provide space for a second vehicle increasing the sense of an urban environment in an area which is very green and suburban.

The extra volume of parked cars will also make it much harder for visitors to the nursery at 149 Ladies Mile Road to park. This part of the road is already difficult to cross because of the speed of some cars. Clearly, with a considerable increase in the number of parked cars and vehicle movement in general in the vicinity, young children crossing the road must be at greater risk.

**Style of development**

As can be seen from Fig. 3, many neighbouring dwellings in this part of Ladies Mile Road are low-rise bungalows.



Fig. 3: neighbouring bungalows in a 1950s style

The bungalows and other properties are all of a significantly different style from the proposed dwellings (see Fig. 4).



Fig. 4: front elevation of proposed dwellings

Although the lowest storey of these three-storey houses will be below ground level, these dwellings will still rise significantly above the surrounding properties, overlooking and invading the privacy of neighbouring gardens, for example 135 Ladies Mile Road.

These proposed properties are tall and narrow unlike the neighbouring bungalows which are low and wide, with large front and back gardens. This development proposes a row of identical housing in a style more frequently seen in, and more suitable for the dense centre of Brighton & Hove (see Fig. 5), and will result in significant visual dissonance.



Fig. 5: Goldstone Lane, Hove, BN3

Most housing in Ladies Mile is detached or semi-detached in unique styles with plenty of space between neighbouring properties, whereas this is a very dense proposal of four identical properties in what should be a space for two properties were it to be in keeping with the area.

Residents are also concerned that this proposal is significantly different from the style of the White House Nursery and Preschool (149 Ladies Mile Road) (see Fig. 6), which is of architectural and historical importance to the area.



Fig. 6: view of the White House Nursery and Preschool

We are of the opinion that the proposal would be contrary to Brighton and Hove City Plan Part One Policies CP12 (Urban Design) and CP14 (Housing Density), and policy QD 27 (Protection of Amenity) of Brighton and Hove Local Plan.

This proposal will not “establish a strong sense of place by respecting the diverse character and urban grain of the city’s identified neighbourhoods [or] conserve or enhance the city’s built and archaeological heritage and its settings” (CP12). Indeed, it places an alien, identikit housing project in an already very attractive and diverse area of Patcham. Nor would it “be of a high standard of design and...help to maintain or create a coherent townscape [or] would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place” (CP14).

Also, clearly residents would suffer from “overlooking, [loss of] privacy, daylight, sunlight, [and] disturbance [including] factors such as speed, volume and type of traffic, noise” (QD27).

Residents recognise the need for more housing in the area, but feel this development is too dense, too different in character, and will increase parking difficulties to an unacceptable level. Residents would prefer to see two bungalows in this space, similar to those either side of this development area, with larger gardens and greater provision for off-road parking.

Should the Local Planning Authority consider granting this application, we request that it is brought to Planning Committee for determination where we reserve our right to speak to our letter and the application.

# **ITEM F**

**16 Wilbury Villas  
BH2021/03826  
Full Planning**

**DATE OF COMMITTEE: 8th June 2022**



# BH2021 03826 - 16 Wilbury Villas



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2021/03826</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>16 Wilbury Villas Hove BN3 6GD</b>		
<b><u>Proposal:</u></b>	<b>Alterations and extensions to existing building comprising 6 flats incorporating layout changes, front and rear extensions, rear balcony and roof terraces, rear dormer and new lightwells. Alterations to fenestration. New boundary wall, metal gates, planting, bin and cycle storage. Render rear and side elevations.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	27.10.2021
<b><u>Con Area:</u></b>	N/a	<b><u>Expiry Date:</u></b>	22.12.2021
<b><u>Listed Building Grade:</u></b>	N/a	<b><u>EOT:</u></b>	09.06.2022
<b><u>Agent:</u></b>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<b><u>Applicant:</u></b>	HML Properties Ltd 85 The Drive Hove BN6 3GE		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Detail	STD-1301-HORIZON (I)006(I)	B	17 February 2022
Location and block plan	TA1372/01	-	17 February 2022
Proposed Drawing	TA1372/10	F	16 May 2022
Proposed Drawing	TA1372/11	D	10 March 2022
Proposed Drawing	TA1372/12	C	17 February 2022
Proposed Drawing	TA1372/13	E	10 March 2022
Proposed Drawing	TA1372/14	A	7 December 2021
Proposed Drawing	TA1372/15	-	27 October 2021
Proposed Drawing	TA1372/16	C	10 March 2022
Proposed Drawing	TA1372/17	E	10 March 2022
Proposed Drawing	TA1372/18	D	10 March 2022
Proposed Drawing	TA1372/19	E	10 March 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. 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.  
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.
4.
  - i) The window servicing the bathroom rear ground floor flat on the side/south elevation shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the rear bedroom, and thereafter permanently retained as such.
  - ii) The horizontal rooflights within the single-storey rear extension hereby permitted shall be obscure glazed and non-opening, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan; and DM20 of the emerging Brighton & Hove City Plan Part Two.
5. Prior to first use of the terraces at ground and first floor hereby permitted, the 1.8m high obscured glass screening shall be installed fully in accordance with the approved drawings and shall thereafter be retained at all times, being repaired and maintained at all times in the event of damage, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In order to protect adjoining properties from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, and DM20 of the emerging Brighton & Hove City Plan Part Two.
6. Access to areas of flat roof beyond the balustrading or screening hereby approved shall be for maintenance or emergency purposes only and said areas shall not be used as roof gardens, terraces, patios or similar amenity areas.  
**Reason:** In order to protect adjoining properties from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, and DM20 of the emerging 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.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. 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.
5. 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.
6. The applicant is advised to contact [permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) if they wish to suspend parking outside the application site during the delivery and construction period.

## **2. SITE LOCATION**

- 2.1. The application site is a two-storey over basement semidetached building on the west side of Wilbury Villas, that has been subdivided into six (C3) residential flats. It features a habitable roof-space and has an original two-storey rear outrigger; its appearance contributes positively to the character of the area.
- 2.2. The adjoining property, no.18, has been altered with a large roof terrace (across its own outrigger top) and rear dormer window. These are not considered to be positive alterations, either in terms of appearance or the impact they have on neighbouring residential amenities, and there is no clear evidence for these works being granted planning permission.

## **3. RELEVANT HISTORY**

- 3.1. **BH2007/02875** Conversion of basement into self-contained flat including excavation of lightwell to front of property. Approved

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for works to expand and improve the existing flats within the building. At the front of the property, the basement flat would benefit from an enlarged front lightwell/patio, and a small extension. The front boundary wall would be rebuilt to better link with the neighbouring property no.14, and cycle parking and refuse and recycling facilities would be installed within the front garden.
- 4.2. To the rear of the building, the original outrigger would be extended at full height by approximately 2.25m. A separate part one-, part two-storey extension at lower ground and ground floor level would match the depth of the extended outrigger (at lower ground floor level) with a total length of approximately 7.4m as measured from the rear wall of the main building. At ground floor level, the extension would have a length of approximately 1.3m. This extension would feature a roof terrace that would extend approximately 4.6m up the extension at ground floor level and be set off the side boundary and fitted with screening. At first floor level, a balcony would be installed with a depth of approximately 1.3; it too would be set off the shared boundary and fitted with obscure screening. At top floor level, a further terrace would be created atop the outrigger, with a depth of approximately 3.5m; this would be set back from the edges of the outrigger roof, and accessible through a small roof extension featuring a doorway.
- 4.3. Finally, the rear and side elevations of the building are to be rendered over and painted. A new window at lower ground floor level, and another at ground floor level, are to be installed within the side elevation.

#### **5. REPRESENTATIONS**

- 5.1. Seven representations have been received, objecting to the proposal on the following grounds:
- Detrimental Impact on property value
  - The proposed works are overdevelopment
  - Detrimental Impact on amenities by reason of:
    - Loss of natural light
    - Loss of privacy
    - Noise nuisance

#### **6. CONSULTATIONS**

##### **6.1. Transport**

The proposal includes an additional bedroom in the dwelling; the increase in trip generation is not considered to be significant.

- 6.2. The proposed cycle parking appears suitable only for short stays (i.e. is unsheltered) and would not be secure or suitable for residents' use. The applicant should be advised that, if the intention is to provide cycle parking for

residents' use, that police-approved metal Secure-by-design cycle stores would be considered the best solution in this instance.

## **7. MATERIAL CONSIDERATIONS**

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

## **8. RELEVANT POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design

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

TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

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

WMP3	Implementing the Waste Hierarchy
------	----------------------------------

#### Brighton & Hove City Plan Part Two

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

## **9. CONSIDERATIONS & ASSESSMENT**

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

### Design and Appearance

- 9.2. The proposed works to the front of the building are all considered to be acceptable in terms of appearance. The works to the front boundary wall are considered to be of benefit to the character of the streetscene. The expanded lightwell would be characterful of the streetscene and would be similar in appearance to that at the adjoining property.
- 9.3. To the rear of the building, concerns have been raised that the works would unbalance the host building in relation to the adjoining property no.18. This adjoining property has itself been enlarged with single-storey extensions (to the main building, and on the end of its outrigger) and at rooftop level with a bulky dormer window and roof terrace that covers the entirety of the outrigger roof.
- 9.4. The proposed works would not be highly visible from the public realm, with the exception of the works above first floor level.
- 9.5. Glimpsed views of the proposed outrigger extension and roof terrace would be visible from Wilbury Avenue to the south, but otherwise the works are not likely to be visible from the public highway; it is considered that the proposed works would not have any significant impact the visual amenities of the area. From closer views from private land, the proposed works would be visible within the context of the similar works that are present at no.18. It is considered that the works at the lower levels would not cause a harm at a level that would warrant permission being refused, particularly in the context of the less sympathetic works to the adjoining property at no.18.

- 9.6. Overall, it is considered that the works would enhance the appearance of the building and wider streetscene as viewed from Wilbury Villas. To the rear, the works would appear as a notable enlargement of the building and would somewhat unbalance it but given the fact that these works would not be highly visible from the public highway and in the context of the harmful additions that have previously been made to the wider building, it is considered that the development is acceptable in terms of its impact on the character and appearance of the area.
- 9.7. The proposed external materials for the development shall be secured by condition.

#### Impact on Amenities

- 9.8. Concerns have been raised that the proposed works to the rear will have significant harmful impacts on the amenities of local residents, particularly those occupying the flats within no.18 Wilbury Villas. This is due to a loss of light and privacy, and disturbance from noise.

#### Loss of Light

- 9.9. It is acknowledged that the proposed extension to the outrigger is likely to break the 45 degree rule (as mentioned in Supplementary Planning Document 12: Extensions and Alterations) when considering several windows on the rear elevation of no.18 Wilbury Villas. However, it is not considered that it would contribute to an unacceptable level of enclosure to these windows given that it would comprise a relatively modest extension to an existing outrigger on the other side of the building from the windows. In terms of loss of light, it is important to consider the context of the site. The presence of three- and four-storey blocks of flats to the southwest of the site means that much late afternoon/early evening sunlight would already be lost behind these buildings so it is not considered that the extension to the outrigger would lead to any significant additional loss of light in this instance.
- 9.10. It is not considered that the works at ground and first floor are likely to result in any significant loss of light given that they are sited between windows on no.18 and the existing outrigger of no.16. The glazed balustrade for the roof-top terrace is modest in scale and, being glazed, will allow light to pass through it; therefore, it should not contribute to any loss of light.

#### Loss of Privacy

- 9.11. The concerns regarding privacy stem from the creation of three external terraces at the rear of the property, one each at ground floor, first floor, and rooftop level. The initial submission has been subject to several alterations so each of these terraces would now be stepped back from the shared boundary (or edge of the outrigger in the case of the rooftop terrace), and the lower two terraces both include obscure screening along their side elevation.
- 9.12. The lower two terraces should not create any loss of privacy to rooms within no.18, given the presence of screening. The rooftop terrace is set back from the edge of the outrigger and has a limited length, which would reduce the potential loss of privacy to windows on no.18. It is not considered that screening around

this terrace would have an acceptable appearance, so this has not been requested. There would be mutual overlooking between this proposed terrace and the existing rooftop terrace at no.18; given the separation between these two terraces it is not considered that this would be significantly harmful for either party.

- 9.13. With regards to privacy within the rear gardens of both properties, both gardens already suffer from a degree of overlooking from existing windows and the two terraces that are present on no.18. It is not considered that the proposed development would create any significant actual loss of privacy in this regard.
- 9.14. A condition will be attached restricting access to areas of flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as amenity spaces, beyond the areas clearly annotated as terraces on the approved plans, could cause a harmful sense of overlooking for neighbouring residents.
- 9.15. It should be noted that it has been reported that the existing roof terrace at no.18 is not a roof terrace and is only for use as a fire escape, so does not cause any loss of privacy for residents. It may be the case that the current occupant(s) does not make use of the space for amenity purposes but there are no planning controls that manage this, and the space could be used as a roof terrace at any time; it is therefore considered reasonable to consider it as such.
- 9.16. A single new window is proposed within the south elevation; this shall be made subject of a condition requiring it to be fixed shut to an internal height of 1.7m and be fitted with obscure glazing, in order to reduce the potential for loss of privacy. It is necessary to require the roof lights within the single-storey extension obscure-glazed also, to prevent overlooking to the lower ground floor flat from occupants of the ground floor flat.

#### Noise Nuisance

- 9.17. Concerns have been raised that the new terraces will create harm due to the increased noise output from occupants. It is noted that several of the windows to the rear of no.18 are bedrooms and would be particularly sensitive to noise disturbance.
- 9.18. The proposed terrace at ground floor level would be approximately 16m<sup>2</sup> in area and could comfortably seat several persons for extended periods of time. Whilst concerns about noise nuisance are noted, it is not considered that the terrace would inherently result in noise beyond what one could reasonably expect from a residential garden, and it would not be harmful enough to warrant planning permission being withheld in this instance.
- 9.19. The proposed terrace at first floor level is approximately 4.3m<sup>2</sup> and could not comfortably seat more than two persons. It is not considered that it would be likely to result in any significant noise nuisance that would warrant planning permission being withheld in this instance.



- 9.20. The proposed rooftop terrace is approximately 9.4m<sup>2</sup>; it is in a similar location, but significantly smaller, than the rooftop terrace at no.18. It could reasonably seat up to four persons and could result in some noise output but would be unlikely to cause any significant harm in terms of noise nuisance.
- 9.21. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

#### Impact on the Public Highway

- 9.22. The proposed development includes the installation of a total of six cycle parking spaces within the front garden of the property. These would not be suitable for long-term parking as they are unsheltered but would be suitable for short-stay (visitor) parking. This would encourage trips to and from the site by sustainable means.

#### Standard of Accommodation

- 9.23. The proposed development would increase the gross internal area (GIA) of several of the flats within the building, improving the standard of accommodation they would offer. Four of the existing flats fail to meet the requirements of the 'Nationally Described Space Standards' (NDSS) in terms of GIA, and only two of the flats benefit from any outside amenity space; it is considered that when the building was first subdivided by a previous developer, it was not done in a way that prioritised the standard of accommodation that would be offered to future residents.
- 9.24. The proposed development would improve the standard of accommodation in four of the six flats. The basement flat would be enlarged by approximately 55m<sup>2</sup>; the ground floor rear flat would be enlarged by approximately 13m<sup>2</sup>, resulting in it becoming compliant with the NDSS for a one bedroom, two bed-space property; and the first floor rear flat would be enlarged by approximately 8m<sup>2</sup>.
- 9.25. The improvement to existing housing stock is considered to be of public benefit as it enhances housing choice in the area, which is particularly important at a time when the Council cannot demonstrate a five year housing land supply.

#### Other Considerations

- 9.26. 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 pairs of conditions will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.
- 9.27. The proposed development includes provision for refuse and recycling storage at the front of the site. This is welcomed, as it will help keep the facilities in an orderly state and reduce visual clutter.

#### Conclusion

- 9.28. The proposed development is considered to be acceptable in terms of appearance and would improve the standard of accommodation for four or the

six flats within the building. The works to the rear of the building are recognised as having some negative impact on the amenities of occupants within no.18 Wilbury Villas, but not to the degree that would justify withholding planning permission. On balance, the benefits of the scheme are considered to outweigh its failings; the proposal is considered to be in accordance with policies TR14, QD14, QD15, QD27 and HO5 of the Brighton and Hove Local Plan; and CP9, CP10 and CP12 of the City Plan Part One.

- 9.29. It is also considered that the proposal would be in accordance with policies DM1, DM20, DM21 and DM22 of the Proposed Submission City Plan Part Two which is gathering weight. Policies DM1 and DM22 are considered to have significant weight at this stage and policies DM20 and DM21 are considered to have more weight than the adopted Local Plan policies QD14 and QD27.

**10. EQUALITIES**

None identified

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The proposed development is part of a refurbishment of the property that will improve the fabric of the building in terms of insulation, reducing the carbon footprint of the property. Improvement of housing stock makes more efficient use of land and reduces the need for new dwellings elsewhere. Biodiversity improvements will be secured by condition.

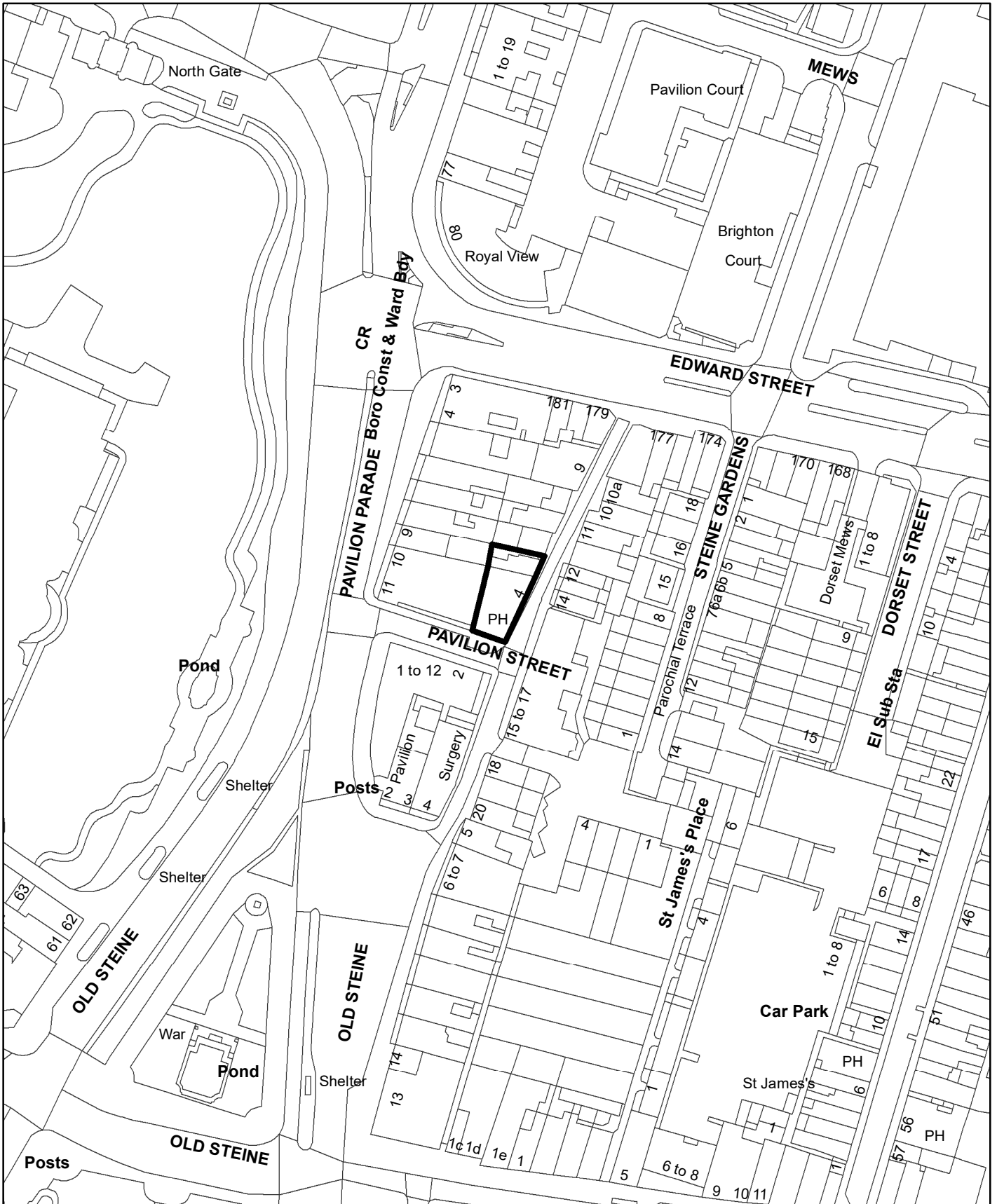
# **ITEM G**

**4 Prince's Street  
BH2022/00632  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> June 2022**



# BH2022 00632 - 4 Prince's Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/00632</b>	<b><u>Ward:</u></b>	<b>Queen's Park</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>4 Prince's Street Brighton BN2 1RD</b>		
<b><u>Proposal:</u></b>	<b>Formation of beer garden to replace existing WC block and garage, incorporating blocking up of garage entrance and associated works.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	14.03.2022
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	09.05.2022
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Paul Joyce Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Peter Bennett Laine Pub Company C/o Lewis And Co Planning SE Ltd		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan			6 April 2022
Proposed Drawing	02		6 April 2022
Proposed Drawing	326	C3	13 December 2021

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

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

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

**Reason:** To ensure a satisfactory appearance to the development, to protect heritage assets and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21 and DM26 of the Brighton & Hove Proposed Submission City Plan Part Two.

4. The beer garden hereby approved shall not be in use from 22:00 until 12:00 the following day from Monday to Sunday, including Public and Bank Holidays. The rear access doorway to the beer garden from Princes Street shall remain closed and only be opened for the purpose of removing refuse from the facilities and for emergency access.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan and DM20 and DM40 of the Brighton & Hove Proposed Submission City Plan Part Two.

5. No live or amplified music shall be played or otherwise generated in the beer garden at any time.

**Reason:** To safeguard the amenities of the locality and to comply with Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan and DM20 and DM40 of the Brighton & Hove Proposed Submission 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 four storey property located on the western side of Prince's Street, on the corner with Pavilion Street. The ground floor is currently in use as a public house known as the Actors (Sui Generis use) with a theatre (Sui Generis) above. Currently a garage, store room and toilets are located towards the northern side of the site along with a fire escape which provides access from the theatre to Prince's Street via a doorway within the existing east-facing wall. The public house is amongst a mix of leisure and entertainment premises, including theatres, restaurants, museums and public houses.
- 2.2. The site is located within the East Cliff Conservation Area and adjacent to the Valley Garden Conservation Area. The site is also located within the setting of the Grade II listed buildings at 10 - 11 Pavilion Parade and The Old Court House (15 - 17 Prince's Street). Additionally, it is within an Archaeological Notification Area, an Air Quality Management Area (AQMA) and Controlled Parking Zone (CPZ) C.

## **3. RELEVANT HISTORY**

- 3.1. **BH2013/02540:** Formation of beer garden to replace existing garage incorporating blocking up of garage entrance, relocation of toilets and associated works. Approved 17 October 2013 - decision made by Planning Committee



3.2. **BH2003/03592/CL:** Certificate of lawfulness for an existing use to continue to use the property as Public House, Theatre and Hotel. Refused 19 December 2003

3.3. **BH1999/00003/FP:** Alterations to existing external fire escape. Approved 1 March 1999

#### **4. APPLICATION DESCRIPTION**

4.1. The current application seeks the formation of a beer garden to replace an existing WC block and flat-roofed garage to the north of the main building, incorporating the blocking up of the garage entrance to the eastern boundary and the widening of a gated opening.

4.2. A change has been made during the course of the application so that the widened gate would open inwards rather than onto the highway.

#### **5. REPRESENTATIONS**

5.1. **Five (5) objections** were received during the consultation period, all from persons who are considered to be potentially directly affected by the scheme. The objections raised the following issues raising the following concerns:

- Noise and disturbance at antisocial hours from customers, and also from glass disposal and collection.
- The extra garbage and waste created could cause an eyesore and block the pavement.
- The blank wall would be out of character for a residential area.
- What is proposed has previously occurred.
- Light spill
- Invasion of privacy and loss of peaceful enjoyment.
- This application is in direct opposition to Articles 1 and 8 of the Human Rights Act 1998.
- Unsuitable for an area surrounded by residential properties.
- Inappropriate size and capacity of the beer garden.
- Easy access to the base of the fire escape in the garden could be a temptation to patrons.
- There won't be a direct view from the bar into the beer garden and so staff will not know how raucous their patrons are being, and CCTV does not provide sound.
- The existing garage provides a valuable enclosed space which helps the pub function in a neighbourly way.

5.2. One representation was received in support, noting that the recent changes to the pub have already improved the area and that this application continues to do the same.

## 6. CONSULTATIONS

- 6.1. **Brighton and Hove Archaeological Society:** Recommendation to contact the County Archaeologist for their recommendations
- 6.2. **Designing Out Crime Officer (Sussex Police):** No objection, subject to a condition on hours of trading in order to protect the amenity of nearby residential occupiers at unsocial hours
- 6.3. **Environmental Health:** No comments received
- 6.4. **Heritage:** Approve
- 6.5. **Tourism & Leisure Department:** Support
- 6.6. **Transport:** Acceptable, subject to the gate opening inwards

## 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.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

- 7.2. The development plan is:
  - Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Joint Area Action Plan (October 2019)
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP12 Urban design

## CP15 Heritage

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

TR7 Safe Development

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD5 Design - street frontages

QD14 Extensions and alterations

QD27 Protection of amenity

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

### Brighton & Hove City Plan Part 2:

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM10 - Public Houses

DM18 - High quality design and places

DM20 - Protection of Amenity

DM21 - Extensions and alterations

DM26 - Conservation Areas

DM29 - The Setting of Heritage Assets

DM33 - Safe, Sustainable and Active Travel

DM40 - Protection of the Environment and Health – Pollution and Nuisance

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development, the impact of the design on the host property, streetscene, designated heritage assets and on the amenities of neighbouring properties as well as the highways implications.

Officers have undertaken a site visit to this site and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

### **Principle of Development:**

- 9.2. Weight must be given to the fact that planning permission has previously been given for a very similar development, albeit in 2013 (ref. BH2013/02540), with the present application proposing a slightly larger beer garden and an extra table. Since that decision, City Plan Part 2 (CPP2) has progressed, with Policy DM10: Public Houses (which can be given significant weight) to protect pubs,

highlighting the ‘important contribution’ they make to the character and vitality of communities.

- 9.3. The retention and enhancement of the existing pub use is therefore given weight, along with the previous planning permission for the pub garden area.
- 9.4. It is also noted that the Council’s Tourism & Leisure Department considers that the proposal enhances the night time economy facility, consistent with their development and augmentation to continue the success of this economy.

**Design and Heritage:**

- 9.5. In considering whether to grant planning permission for development which affects the setting of a listed building, the Council has a statutory duty to have special regard to the desirability of preserving 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.
- 9.6. Case law has held that the desirability of preserving the setting of a listed building 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*”.
- 9.7. The east-facing elevation of the rear part of the site would be altered by the removal of the existing garage door and would be infilled with blue painted rendered blockwork to match the existing side wall.
- 9.8. The location of the existing doorway in the eastern boundary would also be retained as part of this proposal, although it would be widened slightly in order to allow for the collection of bins. These are to be stored to the west side of the rear part of the site and whilst it is not ideal for them to be taken up two steps on collection day, this is an existing situation. Following amendments, the doorway would open inwards and, once altered, would be sufficiently wide to allow bins to be emptied from Prince’s Street. The new door to the widened opening would be of the same style and type as the existing and would be painted blue to match the rendered wall.
- 9.9. Subject to compliance with a condition to ensure the external finishes match the material, colour and style of the existing, it is considered that the proposal would have an acceptable impact upon the visual amenities of the subject property, the Prince’s Street streetscene and the wider East Cliff and Valley Gardens Conservation Areas. The proposal is not considered to materially affect the setting of the nearby listed buildings.

**Impact on Neighbouring Amenity:**

- 9.10. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 187

highlights the need to protect pubs and other venues, albeit from new development, noting that *“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.”*

- 9.11. A number of residential properties are located within the vicinity of the site on Prince’s Street, Pavilion Street and Pavilion Parade. The rear part of the site, in which the beer garden would be located, adjoins 6 Prince’s Street (a residential property) to the north and 9 Pavilion Parade (a commercial property) to the west. No windows relating to the former are located within its southern elevation, but there are windows to its rear (eastern) elevation and the rear external amenity areas to both properties would directly adjoin the proposed beer garden.
- 9.12. No hours of opening are given in the application form, but for the public house they are 12:00–00:00 Sunday to Thursday and 12:00–01:00 on Fridays and Saturdays. The former presumably includes Public and Bank Holidays. Whilst it would be unreasonable to limit the existing hours of the public house when the application relates solely to a beer garden, it is important to control the opening hours of this space given its location and close proximity to neighbouring residential properties, and the need to not unreasonably disturb their amenity and sleep. It is therefore considered necessary to condition its usage to 12:00–22:00 Monday to Sunday including Public and Bank Holidays. The condition will also ensure that the rear access to the beer garden remains closed other than for emergency access or moving the bins.
- 9.13. It is also considered necessary to attach a condition prohibiting the playing or generation of live or amplified music within the beer garden at any time. This is also to protect the amenities of neighbouring properties.
- 9.14. Objections from local residents have raised multiple issues on the grounds of residential amenity, but noise and disturbance at antisocial hours from customers and glass disposal and collection either currently occurs or has the potential to occur and would not be worsened were the current application to be approved and implemented. It is acknowledged that extra waste may be generated by an increased capacity, but not a significant amount, and the additional impact is not considered to be unacceptable. Matters of its storage and collection fall under separate legislation and Council departments.
- 9.15. It should be noted that Sussex Police’s Designing Out Crime Officer has reviewed this application and has not raised any concerns about the design and layout of the proposal, or anti-social behaviour resulting from it. Her concerns have been addressed by the opening hours condition.
- 9.16. The proposed beer garden would be surrounded by four high walls and therefore views are limited upwards from within it. As such, no views could be had into neighbouring windows or external amenity areas.

- 9.17. It is noted that string lighting with festoon bulbs is proposed to be hung externally over the proposed beer garden. It is recognised that these would be visible from neighbouring properties, as evidenced in photos submitted, but given their relatively low brightness (modern LED bulbs are very efficient and therefore the brightness emitted is much lower) and purpose as mood lighting, these would not cause an adverse impact or a significant amount of light spill.
- 9.18. Subject to the aforementioned conditions being added, it is considered that the proposed beer garden would not be unsuitable for this area and there would not be a need to further control its size or capacity than that shown.

**Impact on Highways:**

- 9.19. As previously stated, the doorway within the widened opening would now open inwards to avoid causing an obstruction to the public highway or striking pedestrians, which is supported.
- 9.20. The loss of the garage has previously been found to be acceptable and, whilst it has been re-built since then, no objections are raised to its demolition, particularly since it does not benefit from having a vehicle crossover and the visibility for any vehicles entering and existing is poor.
- 9.21. The proposal is considered unlikely to generate a material uplift in trips, many of which would be linked to other amenities in the area.

**10. CONCLUSIONS**

- 10.1. It is considered that, subject to the compliance with the attached conditions, the proposed development would not be of detriment to the visual amenities of the subject property, the Prince's Street streetscene and the wider East Cliff and Valley Gardens Conservation Areas, or to the setting of the nearby listed buildings and the amenities of neighbouring properties. Further, the benefit of the scheme to retaining and enhancing the use of the site as a public house, and the contribution it makes to the community must be given weight. Therefore, the proposal would be compliant with Policies CP12 and CP15 of the City Plan Part One, TR7, SU9, SU10, QD5, QD14, QD27, HE3 and HE6 of the Local Plan and DM10, DM18, DM20, DM21, DM26, DM29, DM33 and DM40 of the emerging City Plan Part Two. As such, this application is recommended for approval.

**11. EQUALITIES**

- 11.1. None identified

**12. CLIMATE CHANGE / BIODIVERSITY**

- 12.1. The site has good links to local amenities and is well served by public transport.  
The works would make better use of land to the rear of the existing building.





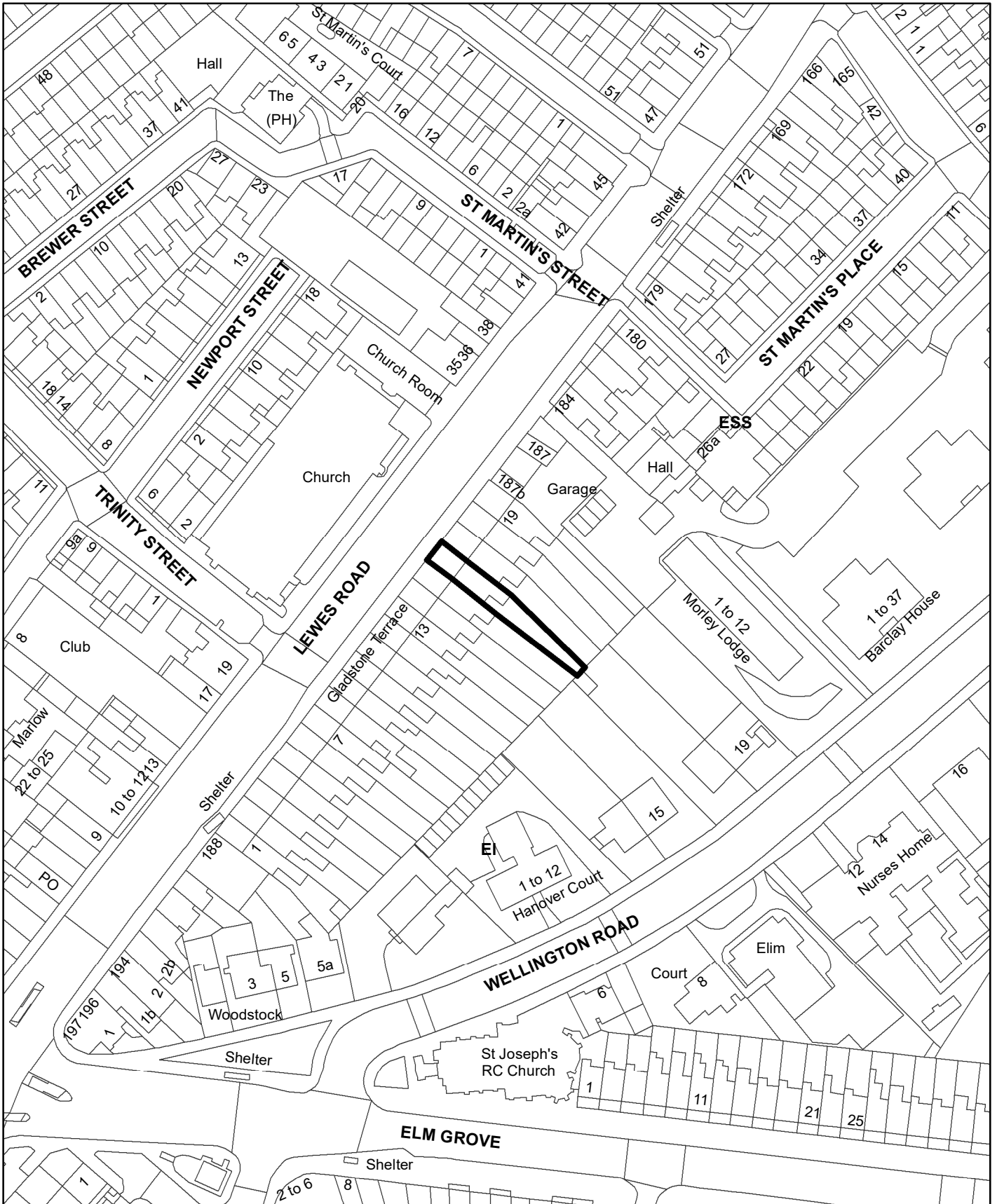
# **ITEM H**

**16-18a Gladstone Terrace  
BH2022/00947  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> June 2022**



# BH2022 00947 - 16 And 16A Gladstone Terrace



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/00947</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>16 And 16A Gladstone Terrace Brighton BN2 3LB</b>		
<b><u>Proposal:</u></b>	<b>Change of use of 2no two bedroom flats (C3) to a three bedroom small house in multiple occupation (C4) and a four bedroom small house in multiple occupation (C4).</b>		
<b><u>Officer:</u></b>	Steven Dover, tel:	<b><u>Valid Date:</u></b>	21.03.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	16.05.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	24.05.2022
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr P Louis C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	1838-EX-001		21 March 2022
Proposed Drawing	1830-PA-030		21 March 2022
Proposed Drawing	1830-PA-031		21 March 2022
Proposed Drawing	1830-PA-032		21 March 2022
Proposed Drawing	1830-PA-033		21 March 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 three bedroom HMO (planning use class C4) located on the lower ground and ground floor hereby approved shall only be occupied by a maximum of five (5) persons.

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

4. The small four bedroom HMO (planning use class C4) located on the first and second floors hereby approved shall only be occupied by a maximum of five (5) persons.

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

5. The development hereby approved shall be implemented in strict accordance with the proposed layout detailed on the proposed floorplans, 1838-PA-030 and 1838-PA-031, received on the 21st March 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 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

6. 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.

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 door should be provided in the open plan hallway of the proposed 3Bed HMO, for fire safety.

## 2. SITE LOCATION

- 2.1. The application relates to a terraced four-storey period property, including a semi-basement lower ground floor. Located on the eastern side of Gladstone Terrace (the A270, becoming Lewes Road immediately north), it has been subdivided into two separate two-bedroom maisonettes. The 'permitted development' rights afforded to single dwellings do not therefore apply.
- 2.2. The property is directly opposite (east of) the Grade II\* Listed St Martin's Church, separated from it by the carriageway so forming part of its setting.

- 2.3. The entire 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). The application site is not a listed building and is not sited in a conservation area.

### 3. RELEVANT HISTORY

- 3.1. **BH2021/03058** - Erection of rear/side extension to ground floor, side extensions to lower ground and first floor and rear extension to second floor. Installation of rear patio and steps to garden, with associated alterations. Withdrawn
- 3.2. **BH2021/01258** - Erection of rear/side extensions to ground and lower ground floor and second floor rear extension, with installation of rear patio and steps to garden and associated alterations. Approved
- 3.3. **PRE2021/00086** - First floor rear extension, ground floor rear/side extension and lower ground floor side extension. Advice issued

### 4. APPLICATION DESCRIPTION

- 4.1. This application seeks planning permission for the change of use from 2no. two-bedroom flats (Use Class C3) to a three-bedroom small house in multiple occupation (HMO, Use Class C4), and a four-bedroom small house in multiple occupation ( Use Class C4).

### 5. REPRESENTATIONS

- 5.1. **One (1) letter** has been received objecting to the proposed development from **Councillor David Gibson** for the following reasons:
- High concentration of HMO's in the area.
  - Unbalancing to local Community.
- 5.2. **Councillor Gibson** requested that the application is determined by Planning Committee if Officers are minded to approve.  
A copy of the Councillor's representation is appended to this report.

### 6. CONSULTATIONS

- 6.1. **Housing Strategy:** No comment received
- 6.2. **Private Sector Housing:** Comment  
A door should be provided in the open plan hallway of the proposed 3 Bed HMO, for fire safety.
- 6.3. Advised If the application is approved than the applicant would require an HMO licence for both properties.

6.4. **Sustainable Transport - Verbal Comment:** No objection subject to a condition regarding cycle parking

The change of use unlikely to significantly increase trips to/from the site or increase on-street parking demand in the vicinity over the existing uses. Cycle parking storage should be secured by condition if the application is approved, although it is recognised that the proposed layout of the building may make this difficult to achieve.

## 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

Brighton & Hove City Plan Part Two

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

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:**

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:  
*"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."*
- 9.3. A mapping exercise has been undertaken (May 2022) which indicates that there are 65 properties within a 50m radius of the application property, 5 of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 7.69%. Even taking account of one of the HMOs the subject of this application potentially coming into use before the other, this would increase HMOs within 50m to 9.23% (6 HMOs of 65 properties) and would still not, therefore, conflict with 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.

Three bedroom Small HMO:

- 9.5. The proposed three-bedroom HMO accommodation would comprise a living/dining room (14 sqm), a kitchen (12 sqm) and bedroom (Bedroom 01 - 16 sqm) at lower ground level, with two further bedrooms at ground floor level (Bedroom 02 - 10sqm; and Bedroom 03 - 17 sqm). All of the bedrooms would be relatively 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. The proposed HMO would be served in terms of bathroom facilities with bedroom 3 having an ensuite shower room with WC, and the main bathroom for the property on the ground floor with a bath basin and WC.
- 9.7. The space would be functional with sufficient levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. All the bedrooms proposed meet the government's minimum space standards and would have good or reasonable levels of natural light and outlook.
- 9.8. It is noted that the living areas and one of the bedrooms are at lower ground floor level, but this is similar to the existing layout of the property, and whilst light is restricted to a degree it is considered to provide adequate living conditions.
- 9.9. To the rear of the property, accessed from the lower ground kitchen and ground floor bedroom 02, is a long garden more than sufficient for the proposed level of occupation of the three-bedroom, five person HMO, in accordance with policy HO5 and emerging policy DM1.
- 9.10. The above assessment has been made on the property as a three-bedroom, five-person HMO. The communal spaces and the indicative layout demonstrate that a higher level of occupation would likely result in a cramped living experience for more than five occupants, with insufficient circulating space within the communal areas in particular. Conditions would therefore be imposed to secure a maximum occupation of five persons and three bedrooms, with communal areas safeguarded.

Four Bedroom Small HMO:

- 9.11. The proposed four-bedroom HMO accommodation would comprise a living/dining/kitchen room (22sqm) and two bedrooms, (Bedroom 01 - 11sqm; and Bedroom 02 - 11sqm) at first floor, with two further bedrooms at second floor level (Bedroom 03 - 10sqm; and Bedroom 04 -15 sqm). All of the bedrooms

would be relatively 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.

- 9.12. The kitchen and living space would allow for sufficient area for the occupants to cook and dine together. There would be a WC on the first floor, and the a main bathroom on the second floor with a bath, basin and WC.
- 9.13. The communal space would be functional with sufficient levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. All the bedrooms proposed meet the government's minimum space standards and would have good levels of natural light and outlook.
- 9.14. The above assessment has been made on the property as a four-bedroom, five-person HMO. The communal spaces and the indicative layout demonstrate that a higher level of occupation would likely result in a cramped living experience for more than five occupants, particularly in terms of the communal areas. Therefore, to ensure that the property is not overcrowded in the future, conditions are recommended to secure a maximum occupation of five persons and four bedrooms with communal areas safeguarded.
- 9.15. The proposed four-bedroom, five person HMO does not have any dedicated outdoor private amenity space for use of all the occupants, with access to the shared garden only available from Bedroom 01. While outdoor space is beneficial to all homes, given the location of the property within the densely populated area of the city where properties generally 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 property is close to Park Crescent Gardens and The Level which are the nearest green and open spaces.
- 9.16. Overall, it is considered that the conversion of the property to create a four bed HMO and a three bed 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 policies DM1 and DM7 of the City Plan Part Two which can be afforded significant weight.

**Impact on Amenity:**

- 9.17. 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.
- 9.18. The proposed change of use from 2no two bedroom flats (Use Class C3) to a three bedroom small house in multiple occupation (HMO, Use Class C4) and a four bedroom small house in multiple occupation (HMO, Use Class C4) would result in a more intensive use of the property. However, it is not considered that

the increased noise/disturbance would be sufficient to warrant refusal of the application.

- 9.19. As already noted, Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use to a sui generis House in Multiple Occupation, provided that there is not an excessive proportion of neighbouring dwellings in HMO use (over 10% within a 50 metre radius). The application accords with Policy CP21 in this regard and any increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm.
- 9.20. Furthermore, it is noted that HMOs 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.
- 9.21. Accordingly, the proposed use of the property to a three bedroom small house in multiple occupation (HMO, Use Class C4) and a four bedroom small house in multiple occupation (HMO, Use Class C4) is not detrimental to neighbouring amenity or the amenity of the area. Therefore, the proposal is considered in accordance with policies CP21 of the City plan part One, QD27 of the Local plan and emerging policies DM7 and DM20 of the City Plan Part Two.

**Sustainable Transport:**

- 9.22. The existing dwelling is in a central and sustainable location with access to local buses and Brighton Railway Station, and many daily amenities within easy reach of the site. It is not considered that the change from 2, two bedroom flats to a three bedroom small house in multiple occupation and a four bedroom small house in multiple, would adversely affect the local highway network in terms of the number of trips generated.
- 9.23. 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 Gladstone Terrace is subject to parking 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.
- 9.24. Transport Officers have requested the provision of secure cycle storage by condition as none is proposed on the submitted plans. Due to the lack of easy rear access any covered facility would have to be located in the front garden and of such a large size to accommodate at least 5 bikes securely. Any such structure would be very visible in the street scene and public realm and considered to be visually harmful as out of keeping with relatively open and uniform front garden areas, with potential impacts on the Grade II\* Listed St Martin's Church opposite a consideration. It would also likely affect the outlook and light to the lower ground floor bedroom of the property.

9.25. Therefore it is considered that the provision of secure cycle parking by way of Sheffield stands or similar to the front garden, which still maintain the openness of the area, with no adverse impacts on the host property and streetscene due to much lower visibility in the public realm would be the best solution. The provision of secure cycle parking storage would be secured by condition.

9.26. Accordingly, the development is considered acceptable in relation to transport matters.

**Conclusion:**

9.27. Planning permission is sought to provide two small HMOs on the site which is currently in use as two dwellings. There are no more than 10% of residential properties within a 50m radius in HMO use, so the scheme would comply with policy CP21 which supports mixed communities. The proposed standard of accommodation for the occupiers of both proposed HMOs is considered acceptable, and the likely impact on neighbouring amenity would be acceptable. No significant transport concerns have been identified.

9.28. Accordingly, the application is recommended for approval, subject to conditions restricting any of the communal area being lost to bedrooms and the overall number of occupiers restricted to five for each separate HMO.

**10. EQUALITIES**

None identified.

**11. CLIMATE CHANGE & BIODIVERSITY**

11.1. The scheme would provide two HMO properties in a sustainable location close to amenities and public transport.





PLANNING COMMITTEE LIST

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**Cllr. David Gibson**

**BH2022/00947 – 16 And 16A Gladstone Terrace**

**28<sup>th</sup> March 2022:**

I object to the planning application BH2022/00947 as this will create 2 more HMOs in an area which already has a high concentration of HMOs and suffers as a less balanced community. Should officers recommend approval, I should like this application to go to committee and to have the opportunity to address the committee





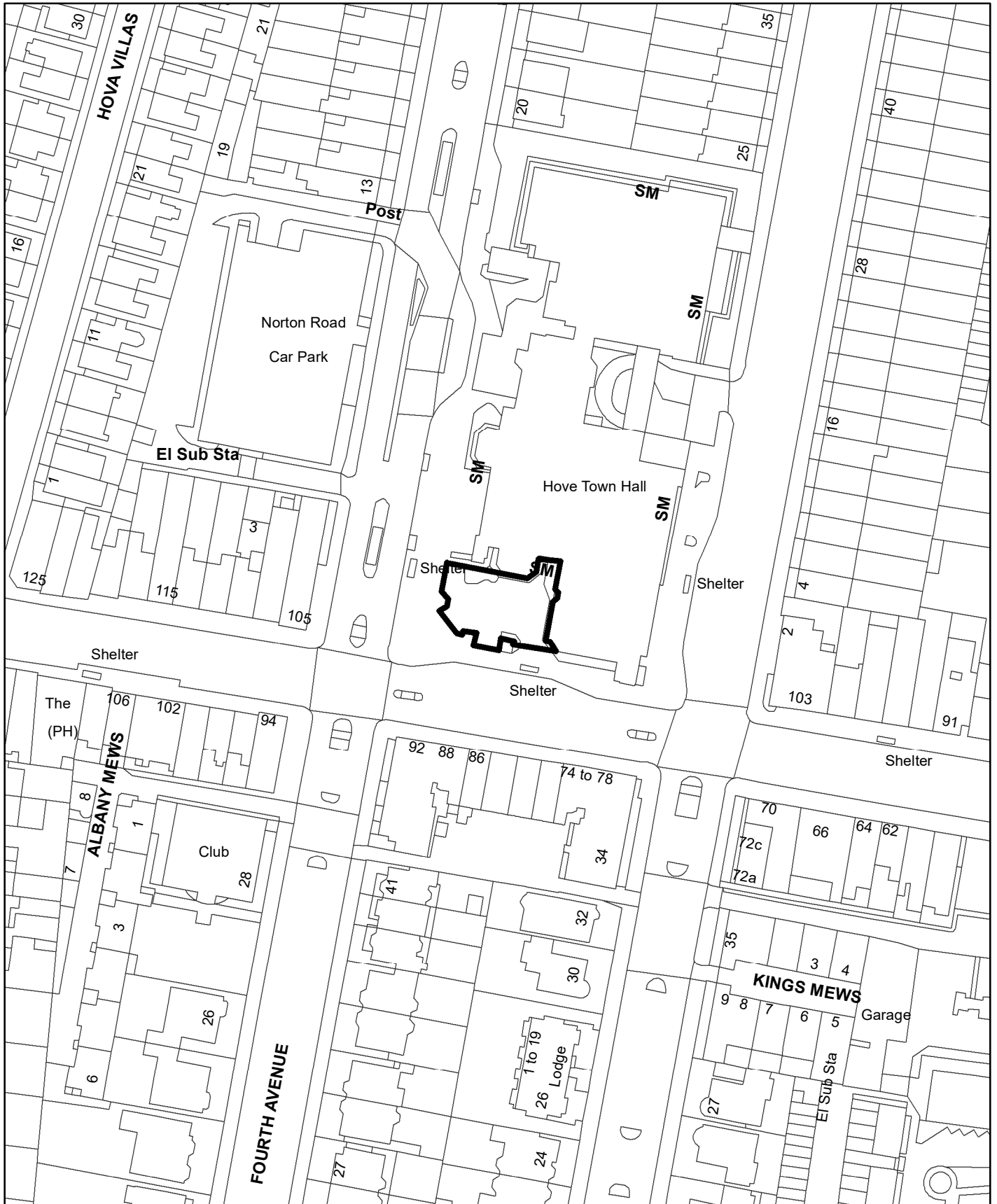
# **ITEM I**

**Hove Town Hall, Church Road  
BH2022/01015  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> June 2022**



# BH2022 01015 - Hove Town Hall, Church Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2022/01015</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Hove Town Hall Ground Floor Front Church Road Hove BN3 4AH</b>		
<b><u>Proposal:</u></b>	<b>Installation of 2no areas of timber decking, with associated planters.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	24.03.2022
<b><u>Con Area:</u></b>	Willett Estate	<b><u>Expiry Date:</u></b>	19.05.2022
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Architecture Of Calm 95 Denton Road Denton Newhaven BN9 0QE		
<b><u>Applicant:</u></b>	M Chisholm Hove Town Hall Ground Floor Front Church Road Hove BN3 2AF		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	0083-EX-001	-	24 March 2022
Proposed Drawing	0083-FE-010	-	20 April 2022
Detail	0083-FE-011	-	24 March 2022
Proposed Drawing	0083-FE-015	-	24 March 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the external timber cladding to be used, including details of its treatment to protect against weathering, has 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 policies QD14, HE3, HE6 and HE10 of the Brighton & Hove Local Plan; CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM21, DM26, DM28 and DM29 of the emerging Brighton and Hove City Plan Part Two.

4. No development above ground floor slab level of the southernmost raised deck hereby permitted shall take place until a schedule detailing sizes and numbers/densities of all proposed plants including species and sizes, nursery stock type, supplier and defect period.

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

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area; and to comply with policies QD15 of the Brighton & Hove Local Plan; CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One; and DM21 and DM22 of the emerging Brighton and Hove City Plan Part Two.

5. The silver birch tree within the site of the northmost raised deck hereby permitted shall be retained.

**Reason:** In the interest of maintaining the visual amenities and biodiversity of the area, and to comply with policy QD15 of the Brighton & Hove Local Plan, and CP10 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 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.
3. The applicant is advised to contact [permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) for necessary highway approval from the Highway Authority prior to any works commencing on or adjacent to the adopted highway, and if they wish to suspend parking outside the application site during the delivery and construction period.

## 2. SITE LOCATION

- 2.1. The application site is Hove Town Hall, a large brutalist building on a corner plot, with Norton Road on its west side, Tisbury Road on its east, and Church Road on its south. It is within the Willett Estate conservation area, with the boundary of The Avenues conservation area just to the south.

## 3. STATEMENT OF SIGNIFICANCE

- 3.1. This site is on a prominent location at the junction of Church Road and Norton Road, it forms part of the open space surrounding Hove Town Hall, which is

locally listed, and is in the Willett Estate Conservation Area. Directly to the West is the grade II listed terrace 105-119 Church Road and opposite that numbers 94-108 are also listed grade II.

- 3.2. The Hove Town Hall is not typical of the building typology of the wider Willett Estate Conservation Area as described by the conservation area character statement; however, its scale and architecture is representative of its status as a 20th century civic building. The application site is part of the open area surrounding the Town Hall. This space is paved, with seating and peripheral planting, and there are 3 substantial dark grey brick planters containing larger single trees on the boundary with the surrounding footway. The Juggler statue sits within the space.

#### 4. **RELEVANT HISTORY**

None

#### 5. **APPLICATION DESCRIPTION**

- 5.1. Planning permission is sought to erect two raised deck areas. One of these decks features planters serving as a boundary.
- 5.2. The initial submission has been amended to introduce level (ramped) access to both raised decks. It also included areas for stalls associated with use of the square for social and commercial events. The use of the square for use for such events, and associated temporary erections, are not considered to constitute development therefore have been removed as considerations. The use of the square for events could be managed through Licencing.

#### 6. **REPRESENTATIONS**

- 6.1. One representation has been received, making the following comments on the initial proposal:
- Only one of the proposed raised decks is accessible. \*
- \*The initial scheme has been amended so both proposed decks would include ramped access.*
- 6.2. A representation has also been received from **Ward Councillor Wilkinson**, objecting to the scheme and asking that it go before the Planning Committee. A copy is attached.
- 6.3. A representation has also been received from Peter Kyle MP, in support of the scheme. A copy is attached.

#### 7. **CONSULTATIONS**

- 7.1. **Heritage:** Comments regarding initial submission

The scheme seems to be broadly in line with policy CP13 however the requirement to use high quality, robust and sustainable materials for all elements of the street scene, along with DM18 requiring consideration of materials and detailing and DM26 requiring the use of materials and finishes that respect the area is not fully addressed, and whilst timber planters are a sustainable material there is concern that they may not be sufficiently robust, and would not follow the pallet of materials that has been established within this space.

- 7.2. It is noted that the area of existing mature planting on the east side of the square appears to be proposed for removal however the details of how the large shrubs will be incorporated into the scheme is not clear, and their loss would not appear to follow the stated aim to improve greenery within the square.
- 7.3. It is therefore considered that whilst the proposed use of the space for events is supported in principle, there are some details of the works that are not fully explained and matters of concern that need to be addressed before the heritage team is able to support the application.
- 7.4. **Sussex Police:** No Objection
- 7.5. **Transport:**  
Acceptable in principle, but further information is required regarding level access being provided to the raised decks, and additional cycle parking should be required by condition.

## 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
CP2	Sustainable Economic Development
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP13	Public Streets and Spaces
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

### Brighton & Hove City Plan Part Two

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

## **10. CONSIDERATIONS & ASSESSMENT**

- 10.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents and business-users; on highway safety; and on the significance of heritage assets in the vicinity.

### Principle of Development

- 10.2. The proposed development would enhance the existing business at the southern end of Hove Town Hall by creating an outside seating area. This would support business growth, which is one of the aims of policy CP2 of the CPP1.

Design and Appearance

- 10.3. The proposed development is considered to be acceptable in principle. Both raised decks would integrate well with the host building and appear as subservient additions. A planning condition would be included with any permission requiring further details on the external timber material and treatment required to help preserve it against weathering.

- 10.4. The loss of the existing plant bed is unfortunate in terms of visual amenity, and it will be necessary to grant permission only subject to a further condition requiring details of the planting proposed with the planters on the larger decking, to ensure these are implemented. This will soften the appearance of the development and mitigate the loss of greenery.

Impact on Heritage Assets

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

- 10.6. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

- 10.7. It is considered that the proposed development would have an acceptable impact on the significance of the locally listed Hove Town Hall. It is noted that timber external materials would not emulate nearby on-street development, such as the tree planting beds built in brickwork, but as subservient, modern additions to the building it is considered that an alternative finish is acceptable in this instance.

- 10.8. It is not considered that the raised decks would have any significant impact on the Willett Estate conservation areas. Given the Town Hall itself does not accord with the wider character of this area, and the modest scale of the development, it is considered that the significance of this conservation areas would be preserved. Likewise, the setting of The Avenues conservation area, and the nearby listed building to the west, would also be preserved.

Impact on Amenities

- 10.9. It is not considered that the physical presence of the raised deck areas would have the potential to cause harm to the amenities of any person in terms of lost light or privacy.

10.10. Concerns have been raised that the proposed development would give rise to noise disturbance for local residents. It is unclear in the Councillor's representation if these concerns relate to the use of the square for events, or the decking itself. As aforementioned, use of the square for events does not constitute development and is not a consideration for this application. With regards to the decking, more intensive use of the site for people working outside may increase the noise output; however, given the site is in the middle of a busy urban area, and separated from the nearest residential units by a busy carriageway, it is not considered the potential noise output is likely to cause harm on a degree that would warrant permission being withheld in this instance. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

#### Impact on the Public Highway

10.11. The proposed decks would not extend significantly beyond the bounds of the existing shrub bed, and an acceptable area of footway would be retained between it and an existing tree. The smaller raised deck is in a corner of the square covered in wood chips and not designated footway; there are no concerns with regards to the physical impact of the development on the smooth running of the public highway.

10.12. The Highway Authority has requested that additional cycle parking be provided to service the development. Hove Town Hall features several banks of Sheffield stands on Tisbury Road and Norton Road, and BikeShare facilities are also present on the latter. On balance, it is not considered that the proposed decking will cause an increase in trip generation on a scale that justifies requiring additional cycle parking in this instance.

#### Other Considerations

10.13. Concerns have been raised regarding the loss of the shrub bed, which would be replaced by the larger of the two raised decks. Whilst loss of greenery is resisted, it is considered that the shrubs in this case would be replaceable (by attractive planting in planters secured by condition) and that their loss should not make development unacceptable in principle.

10.14. A single immature silver birch tree is located where the smaller raised deck is proposed. It has been clarified that this tree is intended to be retained and built around, as part of the development. This is considered acceptable and shall be secured by condition.

#### Conclusion

10.15. The proposed raised decks are considered to be acceptable in terms of appearance and the impacts it may have on the amenities of local residents. External materials and biodiversity protection/improvements shall be secured by condition. For the foregoing reasons the proposal is considered to be in accordance with policies QD5, QD14, QD15, QD27, HE3, HE6 and HE10 of the Brighton and Hove Local Plan; and CP2, CP9, CP10, CP12, CP13 and CP15 of the City Plan Part One.

- 10.16. It is also considered that the proposal would be in accordance with policies DM20, DM21, DM22, DM26, DM28 and DM29 of the Proposed Submission City Plan Part Two which is gathering weight. Policies DM22, DM26, DM28 and DM29 are considered to have significant weight at this stage and policies DM20 and DM21 are considered to have more weight than the adopted Local Plan policies QD14 and QD27.

## **11. EQUALITIES**

- 11.1. The proposed development includes two raised decks, both of which have been designed to provide level access.

## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. Planning conditions are included to ensure the silver birch is retained as part of the development, and that significant planting is established within the planters on the larger deck.



## PLANNING COMMITTEE LIST

### Brighton & Hove COUNCILLOR REPRESENTATION City Council

Cllr. Gary Wilkinson

BH2022/01015 – Hove Town Hall

**21<sup>st</sup> April 2022:**

As a ward Cllr for Central Hove, I wish to object to the above planning application for the following reasons.

- *Impact on visual amenity*
- *Loss of trees and planting and impact on biodiversity - The existing planting on the east and north side of the square appears to be proposed for removal and this loss does not appear to uphold the aim of improving greenery in the public square*
- *Effect on listed building and conservation area - The site is on a prominent location and forms part of the open public space surrounding Hove Town Hall which is locally listed and sits beside grade II listed buildings in a conservation area.*
- *Impact on Heritage Assets - The application concerns the proposed use of space for events and additional structures. This space is currently available to the general public for enjoyment of.*
- *Layout and density of building*
- *Design, appearance and materials*
- *Landscaping*
- *Disabled persons' access - The proposed design does not appear to provide for disabled persons access.*
- **Noise and disturbance** - The proposed development sits close to residential properties. The public square in its current format cause little noise or disturbance as it is not used for gatherings or events. The recently drafted City Plan Part 2 clearly offers a high degree of protection to residents to protect their peace and harmony.

Should the decision be to grant this planning application under delegated powers, I wish this planning applications go to the planning committee and reserve my right to speak.





## PLANNING COMMITTEE LIST

### **Brighton & Hove** COUNCILLOR REPRESENTATION **City Council**

**Peter Kyle MP**

**BH2022/01015 – Hove Town Hall**

#### **13<sup>th</sup> May 2022:**

I have been working in conjunction with Platform9 on this exciting regeneration project. As you know, my office is adjacent to this woeful space and I'm sure you agree as you must walk through the current dead space every day, that it is in great need of some work and much improvement.

It is currently a cold, unwelcoming space that actually wastes a key position of the area. I have spoken to local businesses and residents and there is great support for breathing life into it and making it look a welcoming and fresh, exciting, green space.

Platform9 have been excellent at communicating the plans to me and I believe that the design, appearance and landscaping will not just be a huge improvement for locals, tourists and the workers in the Town Hall, but that it will become a space which raises the tone of the whole area and contributes to plans included in the Station Neighbourhood Plan, for example.





# PLANNING COMMITTEE

## Agenda Item 8

Brighton & Hove City Council

### NEW APPEALS RECEIVED 07/04/2022 - 04/05/2022

#### WARD

#### **GOLDSMID**

APPEALAPPNUMBER

BH2021/04025

ADDRESS

203 Dyke Road And 15 Caburn Road Hove BN3 6EF

DEVELOPMENT DESCRIPTION

Conversion of 15 Caburn Road from 11 person House in Multiple Occupation to 12 person House in Multiple Occupation (and retention of 203 Dyke Road as an 8 person HMO). (Retrospective)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

04/05/2022

APPLICATION DECISION LEVEL

Delegated

---

#### WARD

#### **HANGLETON AND KNOLL**

APPEALAPPNUMBER

BH2021/04314

ADDRESS

27 Broad Rig Avenue Hove BN3 8EW

DEVELOPMENT DESCRIPTION

Prior Approval for the proposed erection of an additional storey.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

07/04/2022

APPLICATION DECISION LEVEL

Delegated

---

#### WARD

#### **MOULSECOOMB AND BEVENDEAN**

APPEALAPPNUMBER

BH2021/04012

ADDRESS

9 Manton Road Brighton BN2 4FB

DEVELOPMENT DESCRIPTION

Change of use of existing 6no bedroom small house in multiple occupation (C4) to a 8no bedroom large house in multiple occupation (sui generis) incorporating cycle store to front and fenestration alterations to side elevation.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

04/05/2022

APPLICATION DECISION LEVEL

Delegated

---

#### WARD

#### **MOULSECOOMB AND BEVENDEAN**

APPEALAPPNUMBER

BH2021/04175

ADDRESS

40 Bodiam Avenue Brighton BN2 4LQ

DEVELOPMENT DESCRIPTION

Erection of 2 storey side extension to form an annex and part two and part single storey rear extension with associated alterations

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE 21/04/2022  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **PRESTON PARK**  
APPEALAPPNUMBER BH2021/03990  
ADDRESS 106 Springfield Road Brighton BN1 6DE  
DEVELOPMENT DESCRIPTION Enlargement of existing 2no rear dormers into 1no large rear dormer with associated alterations  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 03/05/2022  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **ROTTINGDEAN COASTAL**  
APPEALAPPNUMBER BH2021/02172  
ADDRESS 1 Wanderdown Road Brighton BN2 7BT  
DEVELOPMENT DESCRIPTION Demolition of existing bungalow and erection of part 2, part 3 storey building containing 5no. residential units (C3) and associated works.  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 13/04/2022  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **ROTTINGDEAN COASTAL**  
APPEALAPPNUMBER BH2021/03083  
ADDRESS 91 Lustrells Crescent Saltdean Brighton BN2 8FL  
DEVELOPMENT DESCRIPTION Erection of 1no two bedroom detached single storey dwelling (C3) on land east of existing dwelling, incorporating removal of existing garage, landscaping and parking.  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 21/04/2022  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **SOUTH PORTSLADE**  
APPEALAPPNUMBER BH2021/04370  
ADDRESS 97 Dean Gardens Portslade BN41 2FX  
DEVELOPMENT DESCRIPTION Erection of front dormer.  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 21/04/2022  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **ST. PETER'S AND NORTH LAINE**  
APPEALAPPNUMBER BH2021/01764  
ADDRESS Smart House Ditchling Road Brighton BN1 4SE

<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey self-contained one-bedroom/studio dwellinghouse (C3) with basement. New pedestrian and vehicle access gates.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	26/04/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEALAPPNUMBER</u>	BH2021/01765
<u>ADDRESS</u>	Smart House Ditchling Road Brighton BN1 4SE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey self-contained one-bedroom dwellinghouse (C3) with basement. New pedestrian and vehicle access gates.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	26/04/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEALAPPNUMBER</u>	BH2021/03284
<u>ADDRESS</u>	Outside 123 - 125 Portland Road Hove BN3 5QY
<u>DEVELOPMENT DESCRIPTION</u>	Installation of a 15m Phase 8 telecommunications monopole C/W wraparound cabinet at base and associated ancillary works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/04/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEALAPPNUMBER</u>	BH2021/03594
<u>ADDRESS</u>	Flat 4, 175 Kingsway Hove BN3 4GL
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to existing rear access to roof area, with new rear roof terrace with balustrade.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	07/04/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WOODINGDEAN</b>
<u>APPEALAPPNUMBER</u>	BH2021/02820
<u>ADDRESS</u>	139 Kipling Avenue Brighton BN2 6UF
<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for the erection of an additional storey to form a second floor extension.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/04/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated

**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WOODINGDEAN**

BH2021/03674

139 Kipling Avenue Brighton BN2 6UF

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

APPEAL IN PROGRESS

12/04/2022

Delegated



### INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

Planning Application No	BH2018/03633
Site Address	Land At King George VI Avenue (Toads Hole Valley) Hove
Description	Outline application for a mixed use development comprising residential dwellings (C3 use); land for a 6-form entry secondary school (D1 use)/community sports facilities (D2 use); office/research/light industry floorspace (B1 use); neighbourhood centre including retail outlets (A1-5 uses), a doctors' surgery (D1 use) & community building (D1 use); public open space (including food growing space & children's play space), enhancements and alterations to the Site of Nature Conservation Interest (SNCI); & associated landscaping. Provision of 3no. vehicular accesses onto King George VI Avenue (unreserved) with associated highway alterations. [Additional Information to Environmental Statement Nov 21]
Application Decision	Appeal In Progress
Type of Appeal	Public Inquiry
Date Appeal To Be Held:	09.06.2022
Venue of Appeal	The Jubilee Library
Planning Officer	Maria Seale



# PLANNING COMMITTEE

## Agenda Item 10

Brighton & Hove City  
Council

### APPEAL DECISIONS FOR THE PERIOD BETWEEN 20/04/2022 AND 24/05/2022

<b><u>WARD</u></b>	<b>GOLDSMID</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2021/00093
<b><u>ADDRESS</u></b>	63-65 The Drive Hove BN3 3PF
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Appeal against
<b><u>APPEAL TYPE</u></b>	Against Enforcement Notice
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	
<b><u>APPLICATION DECISION LEVEL</u></b>	Not Assigned
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2022/00013
<b><u>ADDRESS</u></b>	64 Goldstone Villas Hove BN3 3RS
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of extension with roller shutter to existing shopfront. (Retrospective)
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2021/01953
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>GOLDSMID</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2022/00027
<b><u>ADDRESS</u></b>	68 Old Shoreham Road Hove BN3 6GF
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Prior Approval for the erection of two additional storeys to form second and third floors.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	WITHDRAWN APPEAL
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2021/03419
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated
<b><u>WARD</u></b>	<b>HANOVER AND ELM GROVE</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2022/00012
<b><u>ADDRESS</u></b>	45 Seville Street Brighton BN2 3AR
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Certificate of lawfulness for proposed erection of a rear L shaped dormer with juliet balcony.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL DISMISSED

<u>PLANNING APPLICATION NUMBER</u>	BH2021/02879
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>QUEEN'S PARK</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00055
<u>ADDRESS</u>	18 Lower Rock Gardens Brighton BN2 1PG
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against EN Without planning permission, the erection of a shed/outbuilding on the front hardstanding of the property.
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<b><u>WARD</u></b>	<b>QUEEN'S PARK</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00018
<u>ADDRESS</u>	28 Park Street Brighton BN2 0BS
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to existing single storey rear extension to create first floor roof terrace with new door for access. Replacement and rearrangement of rear ground floor doors and windows.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03818
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WISH</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00092
<u>ADDRESS</u>	93 St Leonards Road Hove BN3 4QQ
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of 2no self-contained flats and former chiropody surgery room into 3no selfcontained flats (C3) (part retrospective) and erection of car port (retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/03631
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WISH</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00094



<u>ADDRESS</u>	93 St Leonards Road Hove BN3 4QQ
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

---

<b><u>WARD</u></b>	<b>WITHDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00099
<u>ADDRESS</u>	20 Bavant Road Brighton BN1 6RD
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

---

