

Planning Committee

Date: **7 September 2022**

Time: **2.00pm**

Venue **Council Chamber - Brighton Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

31 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

32 MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 10 August 2022.

33 CHAIR'S COMMUNICATIONS

34 PUBLIC QUESTIONS

Written Questions: To receive any questions submitted by the due date of 12 noon on 01 September 2022.

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

36 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

- | | | |
|---|---|----------------|
| A | BH2021/02014 - Palmer and Harvey House, 106-112 Davigdor Road, Hove - Full Planning | 11 - 50 |
| B | BH2022/00552 - 113 - 119 Davigdor Road, Hove - Removal or Variation of Condition | 51 - 66 |

MINOR APPLICATIONS

- | | | |
|---|---|------------------|
| C | BH2022/01281 - 22 The Cliff Brighton - Full Planning | 67 - 88 |
| D | BH2022/01629 - 64, 66, 68 & 68A Old Shoreham Road, Hove - Full Planning | 89 - 110 |
| E | BH2022/01630 - 55 Auckland Drive, Brighton - Full Planning | 111 - 122 |

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

INFORMATION ITEMS

38 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **123 - 126**

(copy attached).

39 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this meeting.

(copy attached).

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

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

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 290569, email shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 10 AUGUST 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Littman (Chair), Ebel (Deputy Chair), Appich, Barnett, Gibson, Janio, Robins, Shanks, C Theobald and Yates

Apologies: Councillors Childs, Hills and Moonan

Officers in attendance: Jane Moseley (Planning Manager), Liz Arnold (Team Leader), Alison Gatherer (Lawyer), Russell Brown (Principal Planning Officer), Andrew Renaut (Head of Transport Policy and Strategy), Matthew Gest (Principal Planning Officer) and Penny Jennings (Democratic Services Officer)

PART ONE

21 PROCEDURAL BUSINESS

21a Declarations of substitutes

21.1 Councillor Appich substituted for Councillor Childs, Councillor Gibson substituted for Councillor Hills and Councillor Robins substituted for Councillor Moonan.

21b Declarations of interests

21.2 There were none.

21c Exclusion of the press and public

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

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

21d Use of mobile phones and tablets

- 21.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

22 MINUTES OF THE PREVIOUS MEETING

- 22.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 6 July 2022 as a correct record.

23 CHAIR'S COMMUNICATIONS

- 23.1 There were none.

24 PUBLIC QUESTIONS

- 24.1 There were none.

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

- 25.1 There were none.

26 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2018/02583 - Westerman Complex, School Road, Hove - Deed of Variation

MAJOR APPLICATION (S)

1. The Planning Manager introduced the application to the Committee. It confirmed that the 40% affordable housing requirement would still be met.

Answers to Committee Member Questions

2. Councillor Gibson sought confirmation whether rent payable would be capped. The legal adviser to the Committee confirmed that the rental which could be charged would be no more than the local housing allowance or 80% of the market rent whichever is the lower.
3. Councillor Theobald sought clarification regarding the any changes to the parking layout and number of spaces to be provided and the form that the public realm art to be provided. It was confirmed that no changes were proposed to any of these and that arrangements in respect of the public art to be provided were nearing completion, but final details had yet to be received.

Debate

4. Councillor Appich welcomed this scheme, noting the site sat on the boundary with her ward. Rents for accommodation there would be more affordable than they would be on the open market and would provide much needed housing for local people.

5. Councillor Theobald considered that the scheme was acceptable given that the variations being sought to the original permission were minor and would hopefully provide affordable accommodation.

Vote

6. A vote was taken, and Members voted unanimously to grant a Deed of Variation in the terms set out in the report.
7. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** a second Deed of Variation to the S106 Agreement so that the developer is obliged to provide 14, one-bed affordable rent units; a three bed affordable rent unit; eleven one-bed shared ownership units; 10 two bed affordable rent units and five two-bed shared ownership units.

MINOR APPLICATIONS

B BH2022/00673 - 10 Blatchington Road, Hove - Full Planning

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

Speakers

2. Mr Puplett spoke on behalf of the applicants in support of their application. Mr Puplett stated that the proposed development would provide an additional residential unit as well as improving the accommodation provided in the existing first floor flat by introducing an additional bedroom whilst retaining the existing retail use.
3. The applicant did not concur with the view set out in Officer’s report that the proposed scheme would result in a poorly designed shopfront which would cause significant harm to the character and appearance of the host building and the wider area. The character of Blatchington Road was mixed and there were other properties nearby which combined retail and residential uses. The proposed scheme would reinstate the basement for residential use, the resulting unit would also provide city centre accommodation with a garden. Sixteen letters had been received in support of this application and no objections had been received.

Answer to Committee Member Questions

4. Councillor Shanks asked whether the applicants had explored whether other options could achieve the same results, for example by providing a ramped access; also whether the proposals would increase the height of the existing building. Mr Puplett explained that there would be no increase in height, however, the scheme as proposed was the only means by which reinstatement of a residential unit at basement level could be achieved.
5. Councillor Ebel asked for confirmation regarding access arrangements to the residential units and it was explained that that this was via a communal front door with separate internal doors to each flat.

6. Councillor Theobald enquired regarding the assertion that there were similar properties in the vicinity which had undergone similar treatment, citing the recent planning permission granted in respect of the adjacent property at no 8. It was explained that the considerations there had been different in that related to an entirely residential property with no retail provision and stepped access had been considered appropriate in that instance.
7. Councillor Yates referred to the fact that this proposal would result in a building where the retail use would be less accessible than was currently the case. He asked whether permission had been given for commercial buildings in the neighbouring area. It was confirmed that it had not.

Debate

8. Councillor Theobald stated that she considered that the proposed scheme was attractive and would provide a unit at basement level with garden. That could not be achieved without stepped access. The resulting units would not be fully accessible, however, in this instance she considered that was acceptable.
9. Councillor Janio considered that it was not usual to have stepped access to a retail unit. This would result in that unit being less accessible than currently which in his view would be a backward step.
10. Councillor Yates considered that although the proposed development would be attractive, on balance it was not acceptable because it would result in a poorly designed shopfront which would not be accessible for anyone unable to use the stepped access.
11. Councillor Robins stated that neither the dwelling units nor the business use would be accessible, if permission for this use was agreed, it could create a precedent for similar applications; for that reason, he would be voting that it be refused.
12. Councillor Littman, the Chair stated he was in agreement that the scheme would cause significant harm to the character of the wider area and would represent a disadvantage to people for whom stepped access would be a barrier to a local service.

Vote

13. A vote taken, and Members voted by 9 to 1 that the application be refused.
14. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons also set out in the report.

C BH2022/01049 - 67 Saltdean Drive, Saltdean - Householder Planning Consent

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

Speakers

2. Councillor Fishleigh spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme and those of neighbouring objectors who considered that the proposed form of development represented overdevelopment. It would generate additional traffic and noise and would have a negative impact on neighbouring residential amenity. This was a piecemeal development by someone seeking to expand their healthcare business which had grown rapidly. A number of separate applications had been lodged and Councillor Fishleigh wanted the application either to be refused or its consideration deferred in order for all of the applications to be considered together.
3. Mr Grey, the applicant's agent spoke in support of the application and was accompanied by Ms Peazold, Operations Manager for the applicant. They explained that in their view the objector in relation to parking and waste management were factually incorrect. Records were kept by the provider in relation to management of the site and this scheme had been put forward following consultation with planning officers. The facilities provided for disabled young people would answer a local need as the local authority would have nomination rights. The design of the proposed extension was considered to be in keeping with the character of the neighbouring street scene.

Answer to Committee Member Questions

4. In answer to queries, the Planning Manager explained that any future that future use of the site was not a planning consideration, the Committee were being asked to determine whether they considered the proposed extensions to a dwelling were acceptable. This was a residential property for which a residential extension was being sought.
5. In answer to questions of Councillor Shanks it was confirmed that this application needed to be considered on its individual merits.

Debate

6. Councillor Shanks stated that she considered the design of the proposed scheme to be acceptable. It was important for those with disabilities to live in their local communities.
7. Councillor Yates considered the development was acceptable in planning terms and would provide for an identified local need by creating a space in which people of all abilities could live.
8. Councillor Janio was in agreement that the proposed extensions were acceptable.
9. Councillor Appich expressed concern that the objections received related to who lived/ would be living at the property rather than germane planning issues such as its proportions and design.
10. Councillor Theobald stated that effectively this scheme should be in a more central location.
11. Councillor, Littman, the Chair stated that he considered the proposed scheme was appropriate and of an acceptable design, who would reside there was not a planning consideration.

Vote

12. A vote was taken and on a vote of 9 to 1 the Committee agreed to grant planning permission.
 13. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.
- D BH2022/01606 - 25 Chailey Avenue, Rottingdean - Householder Planning Consent**

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

Speakers

2. Councillor Fishleigh spoke in her capacity as a Local Ward Councillor setting out her objections and those of local objectors. The photographs and drawings submitted were out of date, officers had not visited the site and in fact this application differed very little from the previously refused scheme. The scheme was an overdevelopment of the site and did not take account of the proposed parking scheme and the restrictions which that would impose or its close proximity to an air quality management area. This scheme would result in overlooking, loss of privacy and loss of sunlight. It would have a huge negative impact on the quality of life of existing neighbouring residents.
3. Mr Pocock and the other immediate neighbour spoke as neighbouring objectors, sharing the available speaking time between them. They had concerns regarding the quality of the submitted plans, which in their view reflect the height and dimensions of the proposed additional storey. This scheme was not significantly different from that previously refused. The proposed full width windows would look directly into their respective properties and would result in overlooking and overshadowing.

Answers to Committee Member Questions

4. Councillor Theobald asked for clarification of the differences between this scheme and the previous refusal, and this was done with reference to elevational drawings and the materials and fenestration to be used.
5. Councillor Yates sought further clarification on this matter, and it was explained that the changes to height, scale, materials and design were considered to be such that the previous reasons for refusal had been overcome. Details of the proposed porch to the front of the property and the rear elevations were shown.
6. Councillor Robins asked for clarification regarding the Controlled Parking Zone scheme referred to stating that in his view the application could not be refused on the basis of a possible future parking scheme which may or may not come to fruition. The impact of such a scheme, negative or positive could not be determined, it was an unknown. This was confirmed to be the case.

7. Councillor Appich sought clarification regarding the height of existing front and rear elevations in the immediate vicinity. Whilst it was confirmed that these were of varying heights the proposed scheme was not higher than that of other developments nearby. In relation to neighbouring dwellings at no 23 and number 25. It was confirmed that these were of a similar height and appearance.

Debate

8. No further issues were raised in debate as points of concern or clarification by members had been responded to.

Vote

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

E BH2022/01478 - 20 Woodlands, Hove - Householder Planning Consent

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

Answer to Committee Member Questions

2. Councillor Theobald sought clarification regarding any trees which would be removed in consequence of the development. Councillor Theobald expressed disappointment that an unusual tree in front of the site had already been removed. Councillor Theobald also enquired regarding the remodelling of the building, including the provision of windows to the side elevations. It was confirmed that a number of elements of this scheme had already received approval under a previous permission for a similar proposal.
3. Councillor Shanks also enquired regarding the impact on trees at the site, noting the concerns set out in the letter of objection received from Ward Councillor Brown. It was explained that as no works were proposed to the front of the building and any trees along the frontage would not be affected. The scheme had been amended throughout the course of the application, including reducing the depth setting it in from the southeast boundary and including a 1.8m privacy screen.
4. In answer to questions by Councillor Robins it was confirmed that the existing beech tree in front of the property did not form part of the site and would not be affected by it.

Debate

5. Councillor Theobald considered that the proposed form of development would be large and overly dominant and with windows to the side elevation was not in keeping with the local street scene, was out of proportion with its neighbours and was not acceptable in her view. She was also concerned regarding loss of trees on site. The Planning Manager explained that there were no trees subject to Tree Preservation Orders on the

site, and that the storage of construction materials on the highway, including around trees, could be controlled through existing regulations.

Vote

6. A vote was taken and on a vote of 6 to 2 with 2 abstentions the Committee agreed to grant planning permission.
7. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation subject to Conditions and Informatives set out in the report.

F BH2021/00174 - 7 Seafield Road, Hove - Full Planning

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

Answer to Committee Members Questions

2. Councillor Theobald enquired regarding the number and location of the bathrooms, shower rooms and toilet facilities. It was confirmed that the proposals would result in an additional shower room as well as increasing the number of letting rooms from ten rooms to twelve. It was confirmed that the number of bathroom, shower and toilet facilities met all necessary requirements

Debate

3. Councillor Appich stated that she was pleased to note that the standard of accommodation to be provided would be improved. The two dormer windows and rooflights proposed were in keeping with the appearance of the building and were acceptable.
4. Councillor Gibson concurred in that view as the proposed alterations would result in approved amenity for residents.

Vote

5. A vote was taken, and Members voted unanimously that planning permission be granted.
6. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolved to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

G BH2022/01630 - 55 Auckland Drive, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Yates queried the fact that consideration of this application did not appear to have taken account of changes to policy particularly Policy DM7 of City Plan Part 2, and sought clarification of the extent to which these had been considered.
3. Councillor Yates stated that it would be reassuring for Committee Members to be sure that this and all other relevant factors had been taken account of. Also, that the potential impact on the wider neighbourhood and community had been considered, as required by the emerging policy. Councillor Yates stated that he was not implying that these factors had not been addressed but considered that this did need to be evidenced fully. Councillor Gibson concurred in that view.
4. It was confirmed that policy DM7 could now be given significant weight, but that the mapping had not been set up that required to confirm whether schemes complied with the criterion requiring that 'fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs'.

Debate

5. Councillor Yates proposed that consideration of the application be deferred pending confirmation that the issues he had raised had been addressed fully. Councillor Shanks seconded that proposal and in consequence it was voted on.

Vote

6. A vote was taken and on a vote of 5 to 4 by the 9 Members present it was agreed that consideration of this application be deferred pending receipt of the information referred to above.
7. **RESOLVED** – That consideration of the above application be deferred pending receipt of an updated report (for consideration at the scheduled September Committee) outlining how a decision can be made without an assessment being made under CPP2, HMO Policy (DM7).

Note: Councillor Ebel was not present at the meeting during consideration of the above application.

H BH2022/01277 - 48 Sandgate Road, Brighton - Householder Planning Consent

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

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

- 27.1 There were none.

28 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

29 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

29.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

30 APPEAL DECISIONS

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

The meeting concluded at 4.15pm

Signed

Chair

Dated this

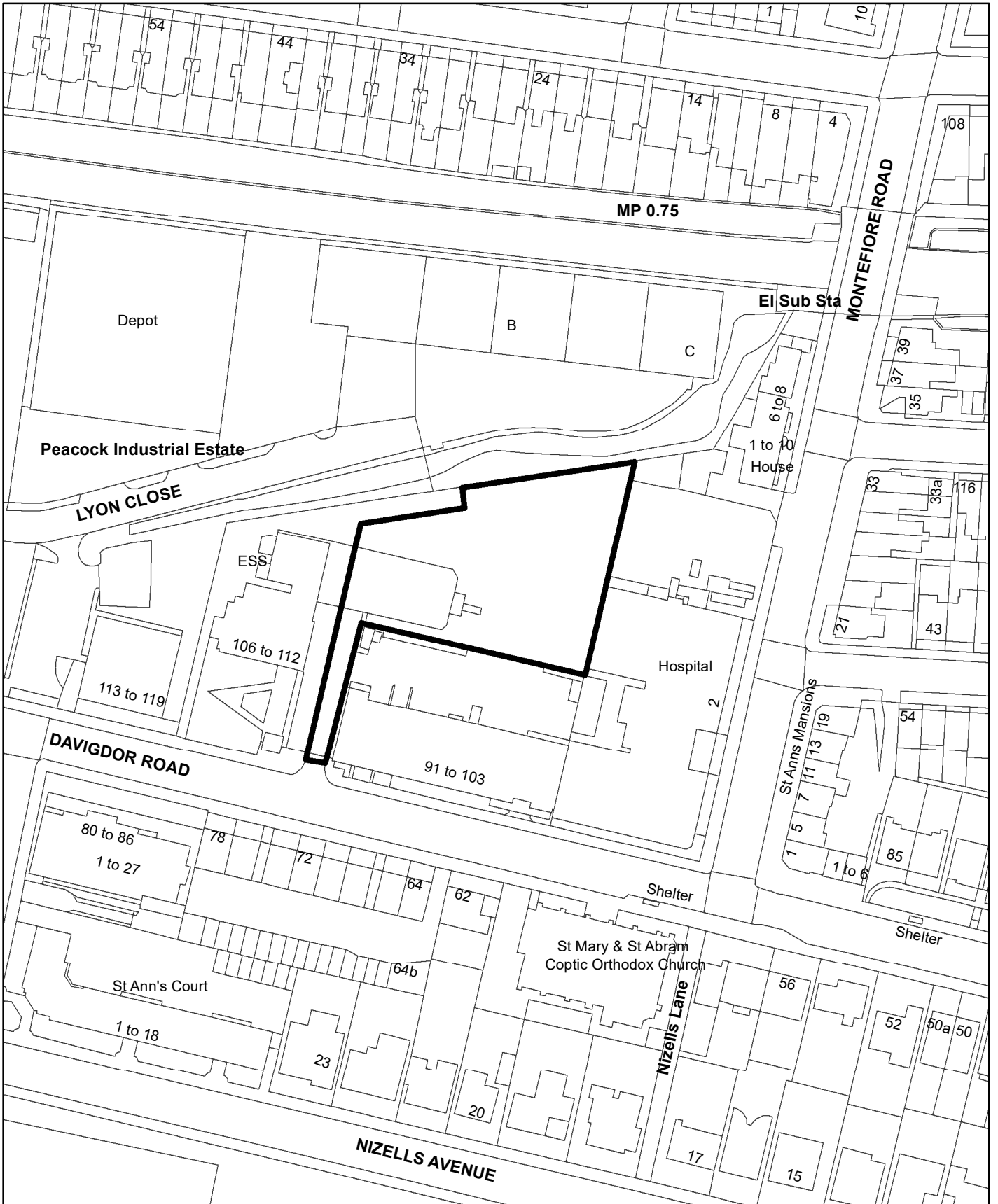
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ITEM A

**Palmer and Harvey House,
106-112 Davigdor Road
BH2021/02014
Full Planning**

DATE OF COMMITTEE: 7th September 2022

BH2021 02014 - Palmer And Harvey House, 106-112 Davigdor Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/02014	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE		
<u>Proposal:</u>	Erection of eight storey building on land to rear of P&H House comprising residential flats (C3) and commercial/office floorspace (Class E) at ground floor, with associated landscaping works. For information: proposal is for 39no flats.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	01.07.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	30.09.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	10.08.2022
<u>Agent:</u>	William Clutton Da Vinci House 44 Saffron Hill London EC1N 8FH		
<u>Applicant:</u>	Stonegate Homes (Hove) Limited C/O Stonegate Homes Oakgreen House 250-256 High Street Dorking RH4 1QT		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 30 November 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 14 of this report.

S106 Heads of Terms

Affordable Housing

- On-site provision of 7 Affordable Rent Units and 3 Shared Ownership Units or as a commuted sum in lieu of onsite provision.
- A Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution

Travel Plan

A Travel Plan covering a minimum 5 year period. To promote safe, active and sustainable travel choices by its future occupiers and visitors.

Employment and Training

- Submission of developer contributions of £11,700 to be submitted prior to site commencement.
- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	(PL) 001	A14	8 July 2022
Proposed Drawing	(PL) 002	A8	30 May 2022
Proposed Drawing	(PL) 003	A7	30 May 2022
Proposed Drawing	(PL) 004	A7	30 May 2022
Proposed Drawing	(PL) 005	A7	30 May 2022
Proposed Drawing	(PL) 006	A7	30 May 2022
Proposed Drawing	(PL) 007	A6	30 May 2022
Proposed Drawing	(PL) 008	A5	30 May 2022
Proposed Drawing	(PL) 009	A5	30 May 2022
Proposed Drawing	(PL) 011	A6	30 May 2022
Proposed Drawing	(PL) 012	A4	30 May 2022
Proposed Drawing	(PL) 013	A4	9 February 2022
Proposed Drawing	(PL) 014	A3	9 February 2022
Proposed Drawing	(PL) 010	A5	30 May 2022
Proposed Drawing	TPHS/308/DR/0 01		30 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 development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. CEMP shall at least include:

- a) The phases of the Proposed Development including the forecasted completion date(s)
- b) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- c) 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)
- d) 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
- e) Details of hours of construction including all associated vehicular movements
- f) Details of the construction compound
- g) A plan showing construction traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with

policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, policy DM20 of City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

4. The development hereby permitted shall not be commenced and no other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:
 - i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Tree works Specification and means for their implementation, supervision and monitoring during works. This will include details to protect all adjacent roadside trees in the vicinity of the development site.
 - ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees; No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan, policy DM22 of City Plan Part Two, and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

5. No works under this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (1)
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan and policy DM41 of City Plan Part Two.

6. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

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

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

7. Other than demolition works and works to trees the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall include detailed design and associated management and maintenance plan for surface water drainage using sustainable drainage methods as per the recommendations of the Surface Water Drainage Strategy by RPS dated 3 June 2021. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan and policy DM43 of City Plan Part Two.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan, policy DM20 of City Plan Part Two, and CP12 of the Brighton and Hove City Plan Part One.

9. Notwithstanding the approved plans, other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of two units which are in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). These units shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton and Hove Local Plan, and policy DM1 of City Plan Part Two.

10. No development (other than demolition works) shall commence until evidence has been submitted at the design stage that a BREEAM Building Research Establishment Design Stage Assessment certificate confirming that the employment development has achieved a minimum New Construction rating of "Very Good" has been submitted to, and approved in writing, by the Local Planning Authority.

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

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until a Scheme of Management and Layout of the vehicle parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures: - Details of the layout of the bays and access within the car park, and any other motor vehicle parking areas. Including resident, visitor and motorcycle bays

- Details of how each car parking space will be allocated and managed.
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- Details of disabled parking bays
- Details of servicing bays
- Details of keep clear areas

The approved layout and management arrangements shall be implemented prior to the occupation of the building and thereafter be retained and maintained.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan, policy DM33 of City Plan Part Two, and CP9 of the City Plan Part One

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments including any glazing
- e) samples 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 QD14 of the Brighton & Hove Local Plan, policy DM18 of City Plan Part Two, and policy CP12 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan and policy DM43 of City Plan Part Two.

14. No development above ground floor slab level of any part of the development hereby permitted shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- Details of low-carbon provision of heating and hot water.
 - Details of the rooftop solar array layout
 - Details of the green roofs planting and substrate, along with a Biodiversity Net Gain calculation and an ongoing management strategy.
 - Overheating assessment of single-aspect dwellings
 - A water calculator showing how the targeted 95 litres / person / day will be achieved.

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

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

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

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan, and policies DM20 and DM40 of City Plan Part Two.

16. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

Hove Local Plan policy DM22 of City Plan Part Two, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

17. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of bird boxes, bat boxes and bee bricks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan, policy DM37 of City Plan Part Two, and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
18. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, and policy DM33 of City Plan Part Two.
19. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards
20. Notwithstanding plans hereby permitted, details of disabled parking facilities 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 the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan, policy DM33 of City Plan Part Two, and SPD14 guidance.
21. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will be scheduled, take place and otherwise be managed, and the frequency of deliveries, shall be submitted to and approved in writing by the

Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, SU10, QD27 and SR4 of the Brighton & Hove Local Plan, policies DM20 and DM33 of City Plan Part Two, and SA2, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.

22. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of phase 1 of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy DM20 of City Plan Part Two, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

23. Within 6 months of first occupation of the development hereby approved, a Post Construction Review Certificate issued by a BREEAM Building Research Establishment assessor shall be submitted to and approved in writing by the Local Planning Authority confirming that the employment development built has achieved a minimum BREEAM New Construction rating of "Very Good".

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

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

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

25. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

26. The development shall be carried out in accordance with the noise mitigation measures set out within the Acoustic Design Statement JAE11133_Report01_Rev1 received 13 May 2020.

Reason: To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan, and policies DM20 and DM40 of City Plan Part Two.

27. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan, and policies DM20 and DM40 of City Plan Part Two.

28. The employment use hereby approved shall be used as offices E(g) only and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policy CP3, policy QD27 of Brighton & Hove City Plan Part One, and policy DM20 of 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. To discharge the surface water drainage scheme condition, the applicant will need to provide:
 - A detailed design including details and locations of the drainage infrastructure.
 - Calculations to confirm that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations based upon the 1% AEP plus 40% increase in rainfall intensity due to climate change.
 - A management and maintenance plan for the final drainage design for the proposed development incorporating all elements and confirming ownership and management responsibilities.
3. In the light of the forthcoming Future Homes Standard, the developers should review their proposals to ensure they do not quickly become out of date, particularly with respect to carbon emissions, heating and hot water, and ventilation.
4. The applicant is advised that the CEMP also includes the following information:

- Due to the sensitive nature of Regent Hill being a main public transport route it is recommended that the applicant consults Brighton & Hove Buses before submission.
 - Details of any oversailing of the highway construction, falsework, formwork and scaffolding
 - Details of use of any cranes, lifts, escalators and lifting vehicles
 - Details of any Department for Transport Abnormal Load Notification and/or Order
 - A commitment to implement vehicle cleaning and drainage facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
 - A commitment that any temporary traffic management measures and/or marshalling of traffic on the highway, including that of both construction traffic and general traffic, shall be undertaken by Contractors holding National Highways Sector Scheme 12(d) certification.
 - A commitment to register the site during construction with the Considerate Constructors Scheme (CCS) and the Construction Logistics & Community Safety scheme (CLOCS), to retain that certification for the duration of the works and to comply with all mandatory requirements of the related Codes, to arrange associated monitoring visits every 4 months, and to make the monitoring reports available to us.
 - A commitment that the Principal Contractor for both demolition and construction shall have Silver certification under the Fleet Operators Recognition Scheme (FORS).
5. 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 relates to a large carpark in the north-eastern corner of the wider P&H building site. The car park runs under and behind the P&H House building and wraps around the western side elevation. The wider site is currently occupied by the P&H building, set within a large plot comprising a substantial car park which extends under the building.
- 2.2. Both the application site and wider P.&H House site have planning history which is relevant to consideration of the site location, given what has permission to come forward, and what is currently being considered.
- 2.3. There is a planning application (ref. BH2020/00781) currently at appeal for non-determination for a similar scheme, namely the "Erection of a new six storey (above 1.5 storey undercroft) building comprising 43no flats (C3), with undercroft parking, associated access and landscaping."

- 2.4. Palmer And Harvey (P&H) House is a 7-storey office block which also has a large expanse of hardstanding to the north of Davigdor Road. The building was previously used for office and is currently vacant. The building is finished in red brick and mirrored glass and is set well back from the street frontage, partially behind Preece House. To the west/south of the building is an area previously lawned and containing trees which have recently been felled.
- 2.5. The existing P&H House building is subject to a Prior Approval (BH2019/03783) for conversion of part of the existing building from B1 office space to 78 residential units (approved March 2020) and a separate planning permission (BH2020/00895) to add an extra storey for additional residential apartments along with a small extension to the front of the building to create additional B1 office space (approved September 2020).
- 2.6. As set out further below, the wider site includes a number of permissions in recent years for various developments, including residential conversions and extensions of the existing P& H building.
- 2.7. P&H building is flanked to the west by a construction site (113-119 Davigdor Road) which has an extant permission for an 8-storey residential office/residential block. To the east of the application site is the Montefiore Hospital which is a locally listed heritage asset. An application for a four-storey extension to the Montefiore Hospital to the east of the site has been minded to grant by Planning Committee, subject to a s106 agreement. To the north of the site is Lyon Close and the Peacock Trading Estate which comprises a number of large-scale retail/warehouse units. This site is subject to an approved development of 4 buildings (between 6 and 8 storeys) for 152 dwellings, 2 live/work units and office accommodation (BH2018/01738).

3. APPLICATION DESCRIPTION

- 3.1. This application seeks permission for the erection of an eight-storey building to the east of the site, in an area which is currently used as a car park used in association with the main office building. P&H House would be retained, and the development site would be set in the north-east corner, including parking to the rear, and using the existing vehicle access running from Davigdor Road under the existing building. The proposed building would include 39 flats within the upper levels and 173sqm of commercial/office floorspace at ground floor level.
- 3.2. The proposal is a resubmission of an earlier application (BH2020/00781) for a six-storey block of 43 flats which is currently subject to an Appeal against non-determination (ref. APP/Q1445/W/20/3266006).
- 3.3. Following receipt of consultation comments, the applicant submitted amendments to the scheme as follows:
 - Rotated and re-sited position, plan form and orientation of building
 - Alteration to site plan to include existing access route and existing car park.
 - Segregated pedestrian/cycle path from the Davigdor Road site entrance to the building entrance.

- Relocation of building entrance and alterations to outdoor amenity spaces
- Omission of the setback top storey and replaced with integrated split level roofscape. Primary brick work raised to align with the brick parapet level
- Alterations to materials with red brick as primary material
- Relocation of north-facing balconies to west elevation
- balustrade added to the 1st floor flat roof

3.4. The following additional information was provided during the application:

- Contextual analysis
- Sustainability Statement
- Tall Buildings Statement
- Transport Statement & Daily Traffic Considerations
- Fire Statement
- Sunlight/Daylight Assessment & Addendums

4. RELEVANT HISTORY

4.1. BH2020/00781 Erection of a new six storey building comprising 43no flats (C3), with undercroft parking, associated access and landscaping - Appeal in Progress.

P&H House

4.2. BH2021/00391 Erection of an additional storey and extension to third floor to provide 7no two bedroom flats & 1no one bedroom flat (C3) plus external alterations to the existing building - Approved 30/06/2021

4.3. BH2020/00895 Erection of an additional storey and extension to fourth floor to provide 7no two bedroom flats & 1no one bedroom flat (C3), erection of 3 storey front extension to create a further 298sqm of office space (B1) together with associated external alterations, access, car parking and landscaping - Approved 17.09.2020.

4.4. BH2019/03783 Prior Approval for change of use from office (B1) to residential (C3), to form 78no. one bedroom flats - Approved 10/03/2020.

4.5. BH2019/01739 Prior Approval for change of use from offices (B1) to residential (C3) to form 92no one bedroom flats - Approved 07/08/2019.

4.6. BH2019/01619 Prior Approval for change of use from offices (B1) to residential (C3) to form 86no flats, comprising 49no one bedroom units and 37no two bedroom units - Withdrawn 04/07/2019.

4.7. BH2014/03006 Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats - Approved 20/10/2014

4.8. BH2008/00919: Smoking shelter at third floor level on roof podium - Approved 23/05/2008.

- Land South of P&H House
- 4.9. BH2021/00633 Erection of a three storey building with roof terrace to provide new office space (E) - Refused 26/08/2021 (Appeal in Progress)
- Montefiore Hospital
- 4.10. BH2016/02850 - Erection of four storey side extension with roof top plant to existing hospital with re-arrangement of existing vehicular access and car parking - Awaiting decision
- Land At Lyon Close
- 4.11. BH2018/01738 Demolition of existing buildings (B8) to facilitate a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys to provide 152 dwellings (C3), 2 live/work units (sui generis) and 697sqm of office accommodation (B1) with associated car and cycle parking, landscaping and other related facilities - Approved 31/07/2019
- 113 - 119 Davigdor Road
- 4.12. BH2018/02926 Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works - Approved 31/03/2020
- Preece House 91-103 Davigdor Road
- 4.13. BH2021/02667 Prior Approval for a change of use of the ground, first, second, third and fourth floors from office (B1a) to residential (C3) to create 35no. flats - Prior Approval Required Approved 23/09/2021

5. REPRESENTATIONS

- 5.1. Four (4) letters have been received from, objecting to the proposed development for the following reasons:
- Overbearing
 - Dominate streetscene
 - Highway safety
 - Insensitive to locally listed Montefiore Hospital
 - Overdevelopment
 - Poor design
 - Impact on amenity
 - Too close to boundary

6. CONSULTATIONS

- External
- 6.1. **Conservation Advisory Group: Objection**
The Group recommends refusal with due to overdevelopment, views from Montefiore Road, Addison Road and Old Shoreham Road will be adversely affected as will the long view from St Ann's Well Gardens, and does not enhance

the existing street scene and will adversely affect the two locally listed buildings - the Coptic Church and the Montefiore Hospital

6.2. **County Archaeologist:** No objection

Although this application is situated within an Archaeological Notification Area, based on the information supplied, County Archaeology do not believe that any significant archaeological remains are likely to be affected by these proposals.

6.3. **East Sussex Fire & Rescue Service:** Comment

Initial Comments

The plans and supporting correspondence do not contain enough information to determine whether or not access for fire appliances is satisfactory. The Fire Authority are therefore unable to comment at this time and request a further submission containing detailed access proposals.

Further Comments

6.4. The team have now fully reviewed the proposal and are satisfied that Option 1 as detailed in the Fire Statement/Strategy will be acceptable.

6.5. **Scottish Gas Networks:** Comment

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

6.6. **Southern Water:** No objection

Southern Water have advised that they can provide foul and surface water drainage to service the proposal. Appropriate disposal of surface water shall be provided and a formal application to connect to the sewerage system is required. Details of means of foul and surface water drainage are required.

6.7. **Sussex Police:** No objection

Security measures are recommended including access control implemented into the layout, external/wall mounted post boxes for residents, adequate security lighting, CCTV and secure cycle parking.

6.8. **UK Power Networks:** Comment

Should the excavation affect relevant Extra High Voltage equipment, the applicant should contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.

Internal

6.9. **Air Quality:** Comment

Insufficient information to recommend approval, Confirmation required of daily vehicle trips to be generated per day in addition to the extant use with Transport Team, and confirmation there is no combustion on site.

6.10. **City Clean :** No objection

6.11. **City Regeneration:** No objection

Employment & Skills have no adverse comments regarding this application. It was noted that this new proposal does not involve demolition or additional floors added to the former P & H House building as the development would be constructed to the rear of the building on the site of the P & H House building car park. The amended proposal will provide 173 sqm commercial floorspace on the ground floor which could provide 14 FTE opportunities. Should this application be approved, this development falls within the criteria that will require the applicant to submit developer contributions, in line with the Planning Authority's Technical Guidance for Developer Contributions.

6.12. **Environmental Health:** Comment

The Delta Simons phase 1 desk study report flags that P&H House has a former industrial/commercial use including former uses as a builder's yard and garage with reference to former and current underground fuel storage. The report related specifically to conversion of P&H House not development of land to the rear. It recommends an intrusive investigation with the work to include groundwater and gas monitoring. Recommend that a contaminated land planning condition is applied to this development.

6.13. **Housing Strategy:** Comment

In this application the developer provided a viability report which identified a financial surplus as available for affordable housing. No affordable homes were proposed on site. Council policy requires financial viability proposals to be independently verified and this was forwarded to the District Valuer Service (DVS) for this service. The DVS concluded that 10 affordable homes made up of 7 x affordable rent and 3 x low cost ownership flats could be viably provided on site.

6.14. Affordable housing would usually be provided by a Registered Provider and the developer is required to approach RPs (including the council) and negotiate with them for the affordable housing. If no purchaser can be found the council may accept a commuted sum in lieu of affordable housing on site. This is an agreed policy position and funds provided can be used to support council housing initiatives to provide additional housing in the city.

6.15. **Planning Policy:** Comment

The application site forms part of a larger area at Lyon Close which is allocated in CPP2 Policy SSA3 for comprehensive mixed use redevelopment. There is already sufficient residential provision in the form of completions and extant commitments at Lyon Close to meet the overall Policy SSA3 target minimum of 300 residential units. This application would potentially provide additional housing which would help to meet the overall City Plan housing target and the 5-year housing supply shortfall.

6.16. If following independent assessment, it is accepted that the scheme cannot currently provide 40% affordable housing, then provision should be made for a future viability review.

6.17. **Private Sector Housing:** No objection

- 6.18. **Sustainability:** No objection
 Conditions are recommended for carbon emissions including investigation of low-carbon provision of heating and hot water, details of the rooftop solar array layout, details of the green roofs planting and substrate along with a Biodiversity Net Gain calculation, overheating assessment of single-aspect dwellings, and a water calculator showing how the targeted 95 litres / person / day will be achieved.
- 6.19. **Sustainable Drainage:** No objection
 The Lead Local Flood Authority acknowledges the submission of Surface Water Drainage Strategy - HLEF80380. Approval of the application recommended subject to conditions
- 6.20. **Sustainable Transport:** Comment
Initial Comments
 The Sustainable Transport Team unable to recommend approval of the scheme due to a lack of information to assess the potential impact, particularly in relation to:
- Further information on step-free access for pedestrian access routes
 - Lack of information regarding the numbers and allocation of car & cycle parking for the proposed development and the existing/proposed parking for the wider site.
 - the number of wheelchair accessible units, and therefore the provision of disabled car parking is unclear.
- Further Comments
- 6.21. Acceptable subject to the inclusion of conditions, informatives and obligations
- 6.22. **Urban Design Officer:** Comment
Initial Comments
 The principle of redevelopment of this site is welcomed. It is considered that there is capacity for the site to accommodate mixed use development in conjunction with the retention of the existing P&H House. However, due to the retention of P&H House, available developable area is tightly constrained and, as a result, site layout and massing considerations are complex.
- 6.23. No contextual analysis, site strategy, or design development has been presented to justify the proposed design and, whilst some attributes are successful including the south facing shared amenity space, proposed site layout and massing present significant concerns regarding the proximity of the proposed block to adjacent existing and approved buildings and the impact of this on the quality of internal and external space as well as townscape.
- Further Comments
- 6.24. Proposals present positive design aspects which respond well to prevailing context in site layout, massing and appearance / materiality. Recent revisions present improvements to the pedestrian / cyclist access strategy, landscape / amenity function, private amenity provision, and appearance / materiality.

- 6.25. Some recommendations are offered regarding SUDS and carbon emissions, as well as some other minor recommendations on appearance and internal layout, dealt with by condition, and the overall recommendation is to support these proposals.

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 Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM1	Housing Quality, Choice and Mix
DM9	Community Facilities
DM11	New Business Floorspace
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM43	Sustainable Drainage
SSA3	Land at Lyon Close, Hove
H1	Housing Sites and Mixed-Use Sites

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Surface Water Drainage
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of residential/commercial development of the site, the proposed residential units and affordable housing contribution, the impact of the design on the street scene and wider views, neighbouring amenity, sustainable transport impacts including parking demand, landscaping, ecology/biodiversity and contribution to other objectives of the development plan.

Principle of the Development:

- 9.2. The key planning policy background to the principle of the site's redevelopment is set out in City Plan Part 2 (CPP2) Policy SSA3 and the accompanying Design Principles for Lyon Close which indicate the Council's aspirations for the future development of the site for comprehensive mixed-use development.
- 9.3. The site forms part of a wider allocation proposed in CPP2 Policy SSA3 (which can be afforded significant weight) for comprehensive mixed-use redevelopment to deliver more effective and coordinated use of the whole site. Across the whole allocation, the policy seeks:
- The retention/replacement of a minimum 5,700 sq.m net B1a office floorspace, (including 1,000 sq.m at P&H House);
 - a minimum of 300 residential units;
 - expanded D1 health facilities (GP surgery) and/or community use subject to demonstration of need and deliverability; and
 - ancillary small-scale retail uses.
- 9.4. Further, in terms of housing provision, Policy CP1 in City Plan Part One sets a minimum housing 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).

- 9.5. Therefore, the principle of development of the site relates to the acceptability of a mixed use residential/commercial scheme within the site. As set out above, the wider site is currently occupied by a seven storey office building set within a large plot comprising a substantial car park which extends under the building. The proposed development would involve the erection of an eight-storey building to the north-west corner of the site - an area currently used for car parking.
- 9.6. The aspirations within policy SSA3 are written with the assumption that the entire site would be redeveloped as opposed to the re-use of the existing building and redevelopment of the existing carpark. However, the redevelopment of the wider site has not been forthcoming. There are a number of other extant permissions on the site, in addition to several currently under consideration including the Prior Approval (BH2019/03783) for conversion of part of the existing building from B1 office space to 78 residential units (approved 10 March 2020) and a separate planning application (BH2020/00895) to add an extra storey to P&H House for additional residential apartments along with a small extension to the front of the building to create additional B1 office space (approved 17 Sept 2020).
- 9.7. City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets the following summarised criteria: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.
- 9.8. The proposed residential density is relatively high at 260dph, though in the context of the taller buildings that surround the site it is not considered to be out of character to the area and would accord with policy CP14 in respect of density.
- 9.9. CPP2 Policy SSA3 seeks delivery of a minimum of 300 residential units across the wider Lyon Close allocation. This has already been achieved through the existing/approved development on neighbouring sites. A total of 351 residential units has already been completed or are currently subject to planning permission or Prior Approval: 47 units already built at 121-123 Davigdor Road (Artisan); 152 units permitted at Lyon Close; 52 units permitted at 113-119 Davigdor Road; 92 units with Prior Approval and 8 additional units with planning permission at P&H House). This application would provide would provide an additional 39 residential units which would help to meet the overall City Plan housing target and the 5-year housing supply shortfall. Increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.10. Overall, the predominantly residential redevelopment of the site is acceptable in principle. Criterion b) of Policy SSA3 states that all proposals will be expected to contribute to the provision of a range of office and flexible workspaces including medium floor plate offices and start up business floorspace suitable for small business. The application proposes 173m² commercial/office use (Class E) at

ground floor level which would comply with the requirements of Policy SSA3 and is preferable to the undercroft car parking proposed in the Appeal scheme.

- 9.11. The proposed office/commercial space would fall under the broad Class E (Commercial, Business and Service uses) in the revised Use Classes Order. Therefore, in accordance with Policy SSA3 a condition is required to restrict activities to Class E(g) office use only.
- 9.12. The location is well located for high density development, with good access to local facilities and services (including health, recreation, schools and utilities), and being well served by public transport. Given the city's housing requirement and the current supply position, the principle of mixed-use residential and office development on the site is considered acceptable, subject to all other material considerations set out below.
- 9.13. To secure local benefits from the development coming forward, an Employment and Training Strategy would be secured by legal agreement for each phase to ensure at least 20% local labour is used in the construction of the development, and requiring a contribution towards the Council's Local Employment Scheme.

Proposed Residential Mix:

- 9.14. Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. A demographic analysis of the demand/ need for homes in the city over the plan period indicates that an estimated 65% of the overall demand/need (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); followed by 1 bedroom properties (24%) and four-plus bedroom properties (11%). In terms of the demand for market housing, the greatest demand is likely to be for two- and three-bedroom properties (35% and 36% respectively); while for affordable housing the majority of the requirement is likely to be for one- and two-bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.
- 9.15. Following amendments to the scheme, the proposed development would provide 23 x 2 no. bedroom (59%) and 16 x 1 no. bedroom flats (41%), so heavily skewed towards smaller units. There is potential conflict with Policies CP19 and SA6 which encourage developments to provide a housing mix that will help create mixed and sustainable communities, weighing against the scheme when the proposal is assessed in its totality. However, with the significant benefits of the housing units being provided, consideration of site layout/massing in this constrained site, and the viability of this scheme to provide affordable housing which would be compromised further with a higher percentage of larger units, the lack of three-bed units is not considered to be so significant as to warrant refusal of the scheme in this instance.

Affordable Housing:

- 9.16. For schemes of 15 units or more, policy CP20 sets out that up to 40% of the proposed units should be affordable. The 40% target may be applied more flexibly where the council considers this to be justified. CP20 states that the

financial viability of developing the site holds significant weight in the decision-making process. In the case of the application scheme of 39 units, this would equate to an affordable housing provision of 16 units.

- 9.17. The policy wording of CP20 advises that the target of 40% may be applied flexibly where it is considered to be justified in light of various criteria including, among others: the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model); the extent to which affordable housing would prejudice other planning objectives; and, the need to achieve a successful housing development.
- 9.18. A Financial Viability Assessment was submitted with the application in order to assess whether or not the provision of 40% on site affordable housing would be viable. Officers requested the District Valuer Service (DVS) provide an independent review of this evidence. The DVS advised in the final review that the proposed scheme was not capable of providing a fully policy compliant scheme of 40% affordable housing. It was concluded that the proposed development is able to support the proposed affordable housing contribution of 10 no. affordable homes (25.6%) consisting of 7 x Affordable Rent Units and 3 x low-cost ownership units as well as and CIL payments, with a small surplus remaining.
- 9.19. This follows the sentiment of Paragraph 64 of the National Planning Policy Framework (NPPF) which states, 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership'.
- 9.20. Homes available through planning gain have traditionally been provided through Registered Provider (RP) partners, however sites with smaller numbers of homes have more recently been rejected for purchase by the RPs as not viable. The Council therefore consider alternative ways in which the affordable housing can be provided. This includes looking at council purchase of homes direct, and commuted sums in lieu of onsite provision. These options will be considered if there is no RP take up at this development.
- 9.21. Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable registered social landlords (RSL) are secured within the s106 heads of terms. A review mechanism is proposed to be included as an obligation in the legal agreement to ensure that the viability of the scheme is reappraised at a later date when actual costs and values are known and if there is any uplift in the development value, a proportion of this can be captured as a financial contribution.

Standard of Accommodation:

Internal Layout:

- 9.22. The proposed development would provide 39 dwellings set over eight storeys with no units located at ground floor level.
- 9.23. 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 useful guidelines on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.

- 9.24. The NDSS identifies a minimum floor space for a 1bed-2person flat as 50m² (proposed units are 51.2m² and 50.7m²), and a 2bed-3person flat as 61m². (proposed units are 68.2m²). All units would comply with the minimum standards, and the size and layout of each unit is generally considered acceptable. Following amendments to the siting, footprint and orientation of the proposed building, there have been significant improvements to natural light, ventilation and outlook levels for many units.
- 9.25. Single aspect units (i.e. units with windows facing only in one direction) can present an inhibited connection with the outdoors, poorer natural daylight levels and a reduction in natural ventilation. The ratio of single-aspect dwelling units is improved in revised proposals, from 50% in the appeal application, 30% in the original plans in this application, and now 33%. Given the constraints on the site, and the general improvements to standard of accommodation elsewhere in the proposals, the proposed ratio is considered an acceptable level in this instance.
- 9.26. There will be some inevitable level of mutual overlooking between the windows and balconies of the proposed building and neighbouring development. The degree of overlooking in this scheme is inevitable in a development of this density and overall, the scheme is considered to be acceptable in this regard. It is acknowledged that the amendments to the siting and orientation of the building have improved privacy levels and minimised overlooking.
- 9.27. The requirement to meet Lifetime Homes (under saved Local Plan Policy HO13) has been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the building is achievable therefore in the event permission is granted a condition is required to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the wheelchair accessible units, and Requirement M4(2) for all other units.
- 9.28. In regard to access standards, a lift is proposed allowing access to all residential units proposed. At least 5% fully wheelchair accessible homes are required in order to accord with Local Plan Policy HO13 equating to 2 units. This is confirmed to be provided on the first floor and the scheme as such would be secured by condition.

Outdoor Amenity Space:

- 9.29. CPP2 Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Schemes should aim to provide private amenity space through balconies and/or garden space, as a sense of ownership of external space is important to any

home but especially important to high density residential schemes such as proposed here.

- 9.30. All units would benefit from private amenity space in the form of balconies or terraces, which is welcomed. Following amendments to the scheme, north-facing balconies have been repositioned to be west-facing to improve sunlight levels and be further away from the existing trees on the north boundary. The proposed roof terrace at 7th floor level would provide additional external amenity, and amenity space is provided at ground floor level which as improved in design and quality following amendments to the site layout. This includes a dedicated children's play space in the south-east corner. Overall, it is considered that private and shared amenity space is acceptable.

Daylight/Sunlight:

- 9.31. Planning policy notes the provision of balconies for private amenity space is supported where possible, but it also highlights the need to minimise the loss of daylight and sunlight protruding balconies may cause. Concerns were also raised in relation to the previous application (BH2020/00781) due to the number of single-aspect units, in combination with the orientation of the block, facing east/west rather than due south. Following amendments to the scheme in respect of site layout and improved standoff distances between neighbouring buildings, the opportunities for acceptable light levels within units have significantly improved.
- 9.32. The applicant has submitted a Daylight & Sunlight Assessment to assess the levels of daylighting and sun lighting to all habitable windows in the buildings. This has been independently evaluated by the BRE by reviewing the scope and methodology, text, and conclusions of the report.
- 9.33. The BRE review outlined that the results suggested that daylight recommendations would be comfortably met for all rooms, noting the large windows and a number of living areas having some dual aspect. The single aspect units to the west have rooms that are relatively deep in plan, however the levels of glazing appear to allow light levels to be appropriate. Many of the living rooms within the development would meet the sunlight recommendations and appear to have a window facing within 90 degrees of due south, allowing good potential for sunlight levels.

Noise:

- 9.34. Planning policy seeks to ensure that all new developments minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties, and the surrounding environment. The proposed building would be set back from Davigdor Road. A Noise Impact Assessment has been submitted to address potential disturbance from traffic movements along Davigdor Road which would be the dominant sound source. The Assessment concludes that noise would be a low risk factor in this instance. Measures to ensure appropriate noise levels within units can be secured by condition.

Design and Appearance:

- 9.35. Policy SSA3 criterion c) requires that development provides a high standard of design and amenity, whilst criterion d) requires that development should contribute to a coherent townscape; improved public realm and provide shared amenity space; biodiversity net gains, green infrastructure and wider landscaping enhancements through creative landscaping solutions.
- 9.36. Policy CP12 on urban design states that development should provide high quality design, create a sense of place, conserve and enhance the city's built archaeological heritage and settings and achieve excellence in sustainable building design and construction.
- 9.37. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 9.38. The application site includes an eight-storey office building and a substantial area of parking/hardstanding which extends under the eastern wing of the existing building. To the west and south-west corner of the site are further areas of hardstanding and sparse areas of planting/landscaping.
- 9.39. Immediately adjacent to the site to the south is Preece House, a five storey office building which obscures the majority of the application site from Davigdor Road. To the east of the site is the Montefiore Hospital, a four storey locally listed building which runs along Montefiore Road, parallel to the application site. The Montefiore Hospital currently has a pending full planning application for a four storey extension to the north, partially adjacent to the eastern elevation of the proposal. Further along Montefiore Road to the north is Russell House, a three/four storey block of ten flats with a detached dwelling to the rear. To the north is Lyon Close, a street set significantly lower than the application site containing several large commercial/warehouse buildings, with an extant permission for a residential redevelopment. The vicinity of the site comprises a mixture of building typologies, ranging from eight storey blocks of flats to two storey dwellings. The application site, although relatively open as existing, is restricted to some degree due to the irregular shape, the closeness of adjacent buildings and the retention of P&H House.
- 9.40. As set out above, the proposal seeks permission for an eight storey block containing 39 flats and office floorspace at the ground floor level, located in a single block situated to the east of the existing P&H House, accessed from Davigdor Road.

Site Layout:

- 9.41. As originally submitted, there were concerns regarding the lack of a thorough analysis of the local area and as a result, a lack of clear design vision and masterplanning. Little compromise or alterations had been made in order to successfully accommodate a building of this footprint and scale, which was evident due to the lack of 'breathing space' between it and surrounding buildings. The proximity to the existing P&H House some 5.2m to the west, and the

Montefiore Hospital some 3m to the east would have resulted in a constrained development with insufficient spacing.

- 9.42. The revised proposals have successfully addressed the site access from Davigdor Road, with the pedestrian and cycle access route turning east before the existing P&H House undercroft and therefore away from the vehicle access. The access route and entrances to the building would now have a direct connection with the landscaped amenity space.
- 9.43. The siting and orientation of the building is significantly improved, set closer to the north boundary which has a generous standoff distance to the approved Lyon Close development, and would result in a less constrained built form, and increased separation distances to the east, west and south. The proposed standoff to the west (P&H House) is approximately 12.5m at its narrowest, while the proposed standoff to the east (Montefiore Hospital) ranges between approximately 4m and 13m due to the angle of the proposed plan, with an indirect aspect between proposed dwellings and the approved hospital extension.

Form/Scale/Massing:

- 9.44. The scheme falls under the City Plan definition of 'tall buildings' in Policy CP12. Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site. As set out in the submission, there have been a number of relatively recent permissions and implementations of larger residential blocks, and the existing P&H House building is a prominent feature within the local townscape. Furthermore, there are a number of historical taller buildings within the wider area ranging from six to eight storeys. On this basis, it is considered that taller developments would not be resisted on this site.
- 9.45. The applicant has submitted 3D information within the submitted Design & Access Statement and a Tall Buildings Statement which illustrate the relationship of proposed massing and height with existing buildings in the vicinity, and it is considered that the submission appropriately demonstrates that the general scale of proposals is now comfortable within the setting. The
- 9.46. built form and roof top design is much improved, and the scale reduces from 8 to 7 storeys on the south end of the proposed block, which is also an improvement. The character and nature of the site and area is such that the proposed block would sit appropriately in this context.
- 9.47. It is unfortunate that the massing of the south-east corner of the building is set close to the hospital, however as set out above the site layout is improved in other respects, the design of the building in respect of amenity levels are not significantly affected, and given that the site is a back land location, the townscape would be unaffected by this.

Impact on nearby Locally Listed Assets:

- 9.48. CPP2 Policy DM29 states that 'Development within the setting of a heritage asset will be permitted where its impact would not harm the contribution that

setting makes to the asset's significance, by virtue of the development's siting, footprint, density, scale, massing, design, materials, landscaping or use.'

- 9.49. The site is adjacent to the distinctive locally listed Montefiore Hospital (former Hannington's depository) which has a domed corner turret which is prominent in the views along Davigdor Road. It is however not considered that the proposed development would have a significant impact on the setting of the building, especially in the important views from the east.
- 9.50. To the east of the site is the end of the Willett Estate Conservation Area (corner of Cromwell Road and Holland Road). It is considered that the existing development surrounding the site would limit any significant impact on Willett Estate Conservation Area.
- 9.51. The locally listed St Anne Well Gardens public park is located to the south, and the locally listed Dyke Road Park is set further away to the north of the site. The P&H Building is visible from both views. However given the distances involved, and the visibility of other surrounding tall buildings, it is unlikely that the development will appear out of context from views. Therefore it is not considered that the proposed development would have a significantly detrimental impact from these views.

Appearance, Detailing and Materials:

- 9.52. The overall elevational appearance is considered to successfully provide interest and texture to the development. The proposed materials would consist of a primary light-red brick, accent dark-red brick, charcoal engineering brick plinth, precast concrete balcony details with light grey metal balustrades and trims, and a "Moss Grey" corrugated metal crown. It is considered that this material palette responds positively to the prevailing character of the area and relates to the adjacent approved Lyon Close development.

Landscaping:

- 9.53. The planted areas throughout the scheme are significantly improved in the revised scheme with less hard surfaced areas surrounding the building. Rain gardens are proposed in planting beds on the south and east for natural character and increased biodiversity. A communal residential roof terrace with raised planters, trees and seating is also proposed. The sustainability report indicates these areas may be planted with sedum or wildflowers. A detailed planting specification alongside the SUDS (raingardens) strategy is required by condition

Impact on Amenity:

- 9.54. 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.

- 9.55. The site is set within an area of mixed character with a number of commercial buildings within close proximity and several residential blocks further afield. The closest residential buildings to the site are:
- Russell house - three/four storey block of ten flats to the north-east of the site.
 - 4 Montefiore Road - two storey detached dwelling to the north-east (to the rear of Russell House).
 - Park Court, 80-86 Davigdor Road - 3/4 storey block of 27 flats to the south west, south of Davigdor Road.
 - 72-78 Davigdor Road (even) - four semi-detached two storey dwellings.
- 9.56. There are also notable extant residential permissions within the vicinity of the site including:
- P&H House - Prior Approval (BH2019/03783) for conversion of part of the existing building from B1 office space to 78 residential units (approved March 2020).
 - 113-119 Davigdor Road - 5/8 storey residential block to the west of the site (approved March 2020, ref. BH2018/02926).
 - Lyon Close - residential scheme of four blocks ranging from 6 to 8 storeys (approved July 2019, ref. BH2018/01738).
- 9.57. The proposed building would enclose an area of the site which is currently relatively open and therefore would result in a loss of amenity to some local residential units, however there are a number of larger blocks and extant permissions for residential blocks within the vicinity of the site. The resultant situation is not considered to result in significant harm given the character of the surrounding area, and it is considered that adequate spacing would be retained to nearby residential units to ensure that the new buildings would not have an overbearing impact.
- 9.58. In regard to sunlight and daylight, the application submission includes a detailed Daylight/Sunlight report which assesses windows within adjacent neighbouring dwellings and has been independently reviewed by the Building Research Establishment (BRE). The results indicated that windows facing Preece House to the south would meet guidelines with only a minor impact. Windows in the lower floors of the closest two blocks at the Lyon Close development to the north would meet the guidelines and impact would be minor, although the balconies on the development would restrict sunlight provision in some cases. Windows to Russell House to the north-east would meet the BRE vertical sky component and sunlight guidelines. The most impact neighbouring properties would be first to fifth floors of the north-east corner of P&H House where there would be loss of daylight, especially to the lower floors, and moderate loss of sunlight to five living rooms. However, some rooms appear to be dual aspect and so daylight to the rooms are likely to still be adequate. Overall it is considered that the loss of daylight/sunlight in some minor aspects would not warrant refusal of the application in this instance.
- 9.59. In regard to overlooking, the proposed development would include windows and balconies facing in all directions. The level of separation from the majority residential developments is considered sufficient to alleviate any significant loss

of privacy or noise impact. The proposed balconies and windows would therefore result in some level of overlooking which does not currently exist. In this case, given the level of separation and the fact that 4 Montefiore Road to the north-east only has several small rooflights facing towards the proposed development, the level of harm would not be significant in this case.

- 9.60. With regards to P&H House, the proposed development would include a number of windows and balconies within relatively close proximity to the eastern flank wall and therefore there would be a level of inter-overlooking between the two developments. However, the units within this particular section of P&H House would retain outlook from other directions and therefore would be able to retain a level of outlook whilst ensuring privacy. The level of inter- overlooking is not considered significant enough to warrant refusal of planning permission in this case.
- 9.61. On this basis no significant harm to the amenities of existing/future residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 9.62. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 c) of the Brighton and Hove City Plan Part One is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle 75 Access and Parking) and TR18 (Parking for people with a mobility related disability).
- 9.63. The site is located on Davigdor Road which is a key transport route into the city and benefits from ample bus services and easy access into the centre. The site falls within an area where parking restrictions are in place. The existing site comprises a car park accessed from Davigdor Road, underneath P&H House.
- 9.64. A Construction Environmental Management Plan (CEMP)/Demolition Environmental Management Plan (DEMP) is recommended to be conditioned. This would address concerns about safety, amenity, noise and traffic during construction.

Access:

- 9.65. The proposed development would utilise the existing vehicle access. Following amendments to create a segregated pedestrian/cycle access route, the Local Highway Authority raise no objections to the proposed access for pedestrians, cycles and cars.

Servicing/Deliveries:

- 9.66. The existing main vehicle access off Davigdor Road will be used by service vehicles and refuse vehicles to enter the site and access loading/unloading areas.

Vehicle Parking

- 9.67. In the originally submitted plans, there was some overlap of parking arrangements with neighbouring sites. The site plan for the wider P&H House redevelopment includes 44 spaces. In the revised plans, it has now been clarified that 3 no. disabled parking spaces would be allocated to the proposed development, and the rest are not related to the proposal. A Car Parking Management Plan would be required by condition.
- 9.68. The site has the potential to result in overspill parking onto surrounding residential roads. The submitted Transport Assessment has sought to address this issue and includes a cumulative assessment of overspill parking. The surrounding streets would experience some parking stress in the day and evening with the addition of overall committed developments in the vicinity, taking the on-street parking close to capacity. The Transport Assessment takes account of the car club bays in the vicinity of the site that have been proposed as part of the committed developments.
- 9.69. The site is located in a Controlled Parking Zone (Zone O) which will mean demand for parking is managed, and double yellow lines restricting parking along Davigdor Road to the front and Lyons Close to the rear. The site is also in a sustainable location along bus routes and within a 15-20min walk from both Brighton & Hove Stations and the city centre. As such occupiers would not be solely reliant on car travel to meet their day-to-day needs. If necessary, parking permits for residents of this development could be restricted through processes separate to planning. Further, measures in the Travel Plan to be secured by condition would also further increase travel by sustainable modes.
- 9.70. The impact of parking overspill should be considered in balance with the merits of the scheme. The mixed-use development would provide much needed housing, including affordable units. It is therefore considered that in this instance, any potential harm would be outweighed by the public benefits that would be generated through the delivery of this development.
- 9.71. SPD14 advises that at least 10% of the car parking provision should have electric charging facilities, whilst at least a further 10% should have 'passive provision' allowing for their easy future conversion. This will be provided and secured by condition.

Cycle Parking:

- 9.72. With regards to cycle parking, the updated plans proposed 18 cycle spaces in Sheffield Stands and 42 cycle spaces in two-tier racks. This quantum accords with SPD14 standards, and the level of provision would be secured by condition.

Trip Generation:

- 9.73. The Local Highway Authority do not consider that the proposed development would have a material impact on the surrounding highway network. The impact on air quality is addressed below.

Sustainability:

- 9.74. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 9.75. The submitted Sustainability Statement outlines the longevity and durability of proposed brickwork, and that proposed metal cladding is fully recyclable, which all reduces the embodied carbon of proposals.
- 9.76. Solar panels (the principle source of carbon reductions for the development) and areas of green roofs are proposed at roof level. A rainwater harvesting system will be provided at roof level for irrigation of planting. The submitted Energy Statement indicates that no other site-wide renewable energy or heat sources, such as air source heat pumps, are suitable due to a lack of available plant space or other site constraints
- 9.77. The dual aspect units allow natural cross-ventilation, and have some shading to south-facing glazing. The reliance on gas combi boilers for heating should be reconsidered, given the recent changes to the building regulations now require a 30% improvement to CO2 emissions over current Part L standards. Details are required by condition.
- 9.78. Water standards shall be secured by condition to addresses policy CP8 requirements. A further condition is proposed to secure a BREEAM rating for the non-residential element of the scheme.

Other Considerations:

Air Quality:

- 9.79. The site is not located in an Air Quality Management Area. The development will not add sufficient traffic to warrant a detailed air quality assessment. On ground of air quality there is no objection to the proposals.

Flood risk:

- 9.80. The site is considered to be in an area of low risk of surface water flooding. There is no indication of how the proposed raingardens or permeable paving relate to the overall surface water drainage strategy and so full details of the surface water drainage strategy are required to ensure SUDS features are key components. Recommended conditions can adequately deal with any future flood risks in accordance with development plan policies.

Ecology/Biodiversity/Trees:

- 9.81. Given the location, nature and scale of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site currently comprises buildings and hard standing and is of relatively low ecological value.
- 9.82. The proposed green roofs and landscaping within the development would improve biodiversity in relation to the existing car park on the site. Planting and soft landscaping proposed includes up to 15 new trees.

- 9.83. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring bee bricks has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.84. A provision of bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows. A condition securing a scheme of nature conservation would be secured by condition in the event of an approval.
- 9.85. Arboriculture officers have previously raised concern regarding the loss of a tree to the south-west corner, however this is outside of the site boundary proposed works have already been granted permission under a separate permission (ref. BH2020/00895) for works to the P&H House building. The trees to the north outside of the site overhang what is currently hard surface used for car parking, and details of their protection and management during construction would be required by condition.

Land Contamination:

- 9.86. A Phase 1 Land Contamination Assessment has been submitted with the application which confirms that potential historical on-site sources of contamination have been identified. The report recommends that further intrusive investigation is undertaken in the future in order to establish whether any contaminants are present. This approach is considered appropriate and would be secured by an appropriately worded condition should permission be granted.

Waste Management:

- 9.87. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 in the national Planning Practice Guidance (PPG) on Waste provides guidance on what could be covered in order to meet the requirements of the policy. A fully completed Site Waste Management Plan (SWMP) will need to be required by condition to include sufficient information to demonstrate compliance with Policy WMP3d
- 9.88. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details are required by condition.

10. CONCLUSION

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

- 10.2. As noted previously the Council is currently unable to demonstrate a 5-year housing supply. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of office space and housing, including affordable housing without significant harm to the amenities of adjacent occupiers
- 10.3. The revised general site arrangement orients the building more successfully regarding built form conditions. Given the presence of the consented and potential future taller buildings on surrounding sites, it is considered that a tall building would make an effective use of the site in this instance.
- 10.4. The proposed housing mix, which is skewed towards smaller units is justified on the basis of the site location and the constraints of the site. Subject to relevant conditions the proposal would provide adequate living conditions for future occupiers. All residential units would have a balcony or roof terrace, and also direct access to the shared amenity spaces.
- 10.5. The proposed development would provide sustainable transport improvements including an acceptable provision of cycle parking and a Travel Plan which will offer a number of measures to reduce reliance on the private car. The lack of car parking on site is considered acceptable as accessibility to public transport is excellent, and overall it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing and employment floorspace are such that they outweigh the perceived harm of parking overspill.
- 10.6. Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, and air quality have been assessed and have been considered acceptable.
- 10.7. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £442,459.58. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it is practicable after the issuing of planning permission.

12. EQUALITIES

- 12.1. The development would be required to comply with optional access standards by condition, and 2 no. wheelchair accessible units would be provided on the first floor in accordance with Building Regulation requirement Part M4(3). Furthermore 3 no. disabled parking spaces would be provided.

13. CLIMATE CHANGE/BIODIVERSITY

- 13.1. The proposed development would result in new dwellings being constructed to modern standards with a requirement to meet sustainability standards for water and energy efficiency. The proposed development would include a green roof, bee bricks and bird boxes by condition, and a condition to enhance the nature conservation interest of the site will all benefit biodiversity in the city.

14. S106 AGREEMENT

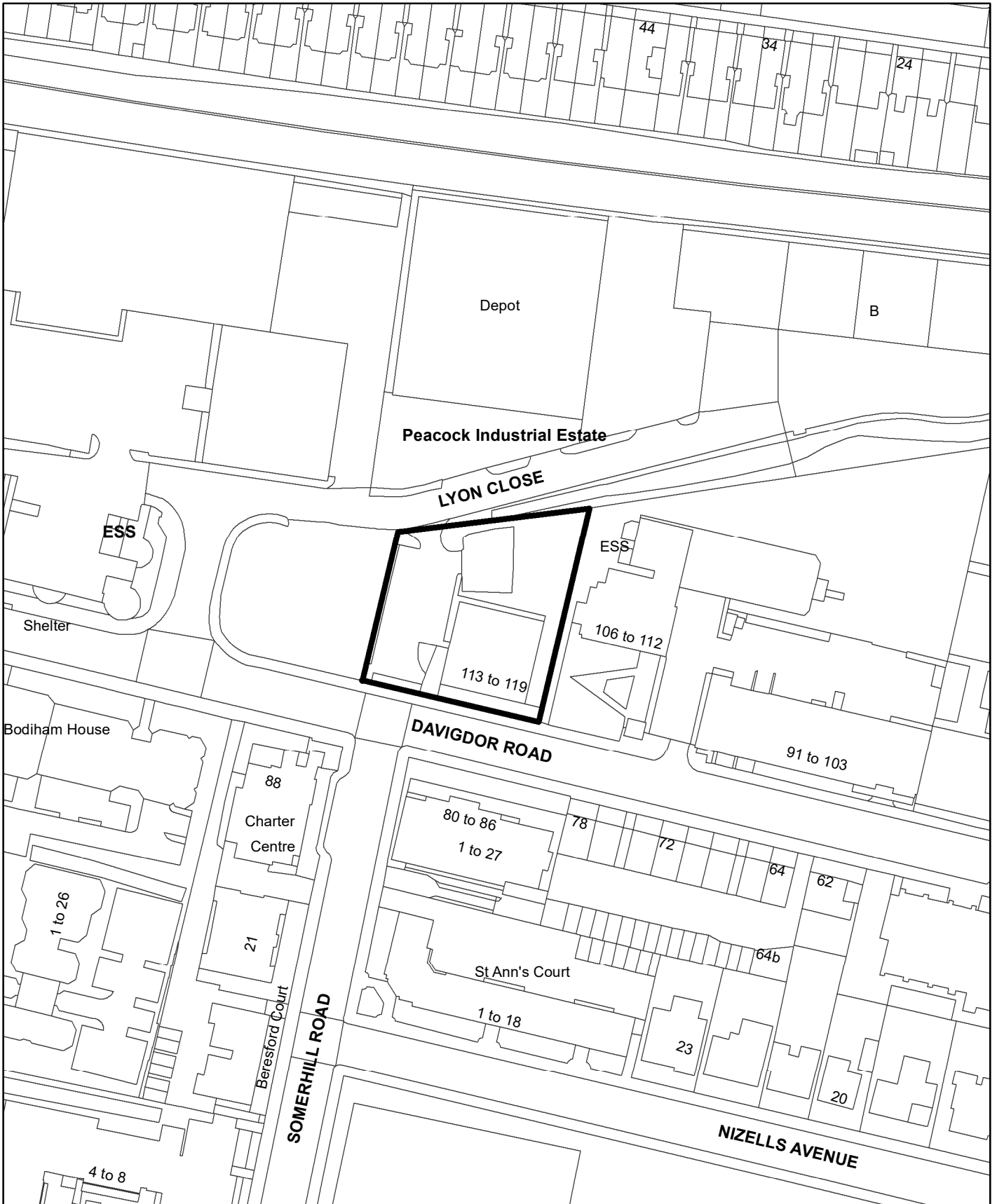
- 14.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
 2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 4. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

ITEM B

**113-119 Davigdor Road
BH2022/00552
Removal or Variation of Condition**

DATE OF COMMITTEE: 7th September 2022

BH2022 00552 - 113-119 Davigdor Road



N



Scale: 1:1,250

<u>No:</u>	BH2022/00552	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	113 - 119 Davigdor Road Hove BN3 1RE		
<u>Proposal:</u>	Application to vary condition 18 of planning permission BH2018/02926 to change the minimum BREEAM new construction rating from 'Excellent' to a 'Very Good' standard rating.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	17.02.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	19.05.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Peter Rainer Griffin House 135 High Street Crawley RH10 1DQ		
Applicant:	Withdean Commercial Property Ltd C/o DM Stallard LLP Griffin House 135 High Street Crawley RH10 1DQ		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	16036.100		11 February 2022
Block Plan	16036.101	01	11 February 2022
Report/Statement		Supporting Statement	11 February 2022
Proposed Drawing	100228 - 16036-232	03	12 April 2019
Proposed Drawing	16036.203	03	12 April 2019
Proposed Drawing	16036.204	03	12 April 2019
Proposed Drawing	16036.205	03	12 April 2019
Proposed Drawing	16036.206	03	12 April 2019
Proposed Drawing	16036.207	03	12 April 2019
Proposed Drawing	190228 - 16036-231	03	12 April 2019
Proposed Drawing	16036.202	02	4 March 2019
Proposed Drawing	16036.208	02	4 March 2019
Proposed Drawing	16036.209	02	4 March 2019
Proposed Drawing	16036.211	02	4 March 2019
Proposed Drawing	16036.220	02	4 March 2019
Proposed Drawing	16036.221	02	4 March 2019
Proposed Drawing	16036.222	02	4 March 2019
Proposed Drawing	16036.230	02	4 March 2019

Proposed Drawing	16036.233	02	4 March 2019
Proposed Drawing	16036.241	02	4 March 2019

2. Not used
3. The development hereby permitted shall be carried out in accordance with the details of existing and proposed ground levels (referenced as Ordnance Datum) as approved under application BH2021/03715.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan, policy DM20 of City Plan Part Two, and CP12 of the Brighton & Hove City Plan Part One.
4. Five per cent of the dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan, and policy DM1 of City Plan Part Two.
5. 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, and policy DM20 of City Plan Part Two.
6. Not used
7. None of the new build residential units hereby approved shall be occupied until each new build residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.
8. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan, and policies DM20, DM33 and DM40 of City Plan Part Two.

9. Prior to the occupation of the building hereby approved, a Car Park Management Plan outlining the management of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the layout and parking space allocation and enforcement policies, including electric vehicle charging points and disabled parking, and details of measure of control for vehicles entering and exiting the site. The approved scheme shall be implemented prior to occupation of the building and thereafter retained at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One

10. Not Used

11. 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.

12. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities, including shower facilities for the B1 use, shall be fully implemented and made available for use prior to the first occupation of the development, shall thereafter be retained for use at all times and adhere to design guidance.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, and policy DM33 of City Plan Part Two.

13. Prior to first occupation of the development hereby permitted, full details of pedestrian routes to and through the development site shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies CP9 and CP12 of the City Plan Part One.

14. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

a. details of all hard surfacing;

- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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 of the City Plan Part One, and policy DM22 of City Plan Part Two.

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan, policy DM43 of City Plan Part Two, and CP11 of the Brighton & Hove City Plan Part One

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

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan, and policy DM43 of City Plan Part Two.

17. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of compensatory bird boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One, policy DM37 of City Plan Part Two, and SPD11: Nature Conservation and Development.

18. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
19. Prior to first occupation of the development hereby permitted, details of the external lighting of the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting shall be installed prior to first occupation of the development hereby permitted, and maintained and operated in accordance with the approved details thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and comply with policies QD25 and QD27 of the Brighton and Hove Local Plan, and policies DM20 and DM40 of City Plan Part Two.
20. 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 bricks, mortar and metal cladding,
b) details of all hard surfacing materials,
c) details of the proposed window, door and balcony treatments,
d) details of all other materials to be used externally,
e) a schedule outlining all of relevant materials and external details
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan, policy DM18 of City Plan Part Two, and CP12 of the Brighton and Hove City Plan Part One.
21. No development above ground floor slab shall take place until an example bay study showing full details of window(s) and their reveals and cills including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
22. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

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

23. The development hereby permitted shall not be commenced until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 13 November 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan, and policy DM43 of City Plan Part Two.
24. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external façade.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
25. The employment use hereby approved shall be used as offices E(g) only and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policy CP3 of City Plan Part One, policy DM20 of City Plan Part Two, and QD27 of Brighton & Hove City Plan Part One.
26. The offices shall only be occupied and serviced between the hours of 07:00 to 19:00 hours Monday to Friday and 08:00 to 17:00 hours Saturdays with no working or servicing on Sundays, bank or public holidays.
Reason: To safeguard the amenities of the locality and the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan, and policies DM20 and DM40 of City Plan Part Two.
27. Other than the dedicated balconies to each flat, access to the flat roofs over the building 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 policy DM20 of City Plan Part Two.
28. All hard surfaces hereby approved within the development site 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 site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan, and policy DM43 of City Plan Part Two.

29.

- (i) The development hereby permitted shall be constructed and carried out in accordance with the Preliminary Site Investigation Report Ref. J12101 dated 19/02/2015 and the Remediation and Validation Method Statement Version: 1.01 dated 08/11/2021 as approved under BH2021/03715.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (i)b that any remediation scheme required and approved under the provisions of condition (i)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan, and policy DM41 of City Plan Part Two.

30. The development hereby permitted shall be constructed and carried out in accordance with the Construction Environmental Management Plan (CEMP) as approved under BH2021/03715.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, policy DM20 of City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

31. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan, and policies DM20 and DM40 of City Plan Part Two.

32. The development hereby permitted shall not be occupied until vehicular loading restrictions, operational from Monday to Sunday between the hours of 7-10am and 4-7pm, are introduced to the northern side of Davigdor Road, extending between a point 10metres west along the road of the south west corner boundary of 113-119 Davigdor Road and another 20metres east along the road from the south east corner of the same.

Reason: In the interest of highway safety and to comply with Brighton & Hove Local Plan policy TR7, and policy DM33 of City Plan Part Two.

33. Prior to commencement of development an 'approval in principle' shall be obtained from the Highway Authority for the basement works hereby permitted adjacent to the Davigdor Road frontage of the site. The scheme benefiting from that approval in principle shall be constructed in accordance with the approval and thereafter shall be retained.

Reason: In the interests of highway safety and to comply with policy TR7 of the retained Brighton and Hove Local Plan, and policy DM33 of 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 site, located on the northern side of Davigdor Road, is currently vacant. It previously consisted of a 1990s-built two storey building comprising 700sqm of office accommodation, associated parking located to the west side and rear of the site, with access from Lyon Close to the rear.
- 2.2. The site is bordered to the east by the seven storey currently unoccupied P&H office building 106-112 Davigdor Road (granted Prior Approval under application BH2017/03873 to convert to residential but not implemented) and three storey office building Preece House situated further to the east. At the end of the block on the corner of Montefiore Road is the locally listed Montefiore Hospital.
- 2.3. To the west is Artisan 121-123 Davigdor Road, a five, seven and eight storey (plus basement) building comprising 47 no. one-, two- and three-bedroom flats (approved under application BH2015/02917).
- 2.4. A number of one/two storey retail warehouses and trade counters sit across Lyon Close to the north (Peacock Industrial Estate), with the mainline railway beyond which separates the industrial estate from the line of semi-detached houses on Lyndhurst Road. Part of the land within the industrial estate to the

north is subject to a planning application granted (BH2018/01738) to redevelop the site comprising of 4 no. buildings between 6 and 8 storeys to provide 152 dwellings and 938sqm of office accommodation.

- 2.5. A mix of two, three and four storey residential houses and flats sit opposite to the south on Davigdor Road. The site is opposite the junction of Somerhill Road, and so the approach on this street is a key view of the site. This street leads to the locally listed park, St Ann's Wells Gardens.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought to vary condition 18 of planning permission BH2018/02926 to change the minimum BREEAM new construction rating from 'Excellent' to a 'Very Good' standard rating.
- 3.2. No physical changes to the approved scheme are proposed.

4. RELEVANT HISTORY

- 4.1. BH2022/02056 Non-Material Amendment to BH2018/02926 to amend the balcony material from glass balustrading to metal railing - Approved 22/07/2022
- 4.2. BH2018/02926 Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works - Approved 31/03/2020
- 4.3. BH2014/02308 Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works - Approved 05/11/2015

5. REPRESENTATIONS

None received

6. CONSULTATIONS

Internal

- 6.1. **Sustainability Officer:** No Objection
It is recommended that Condition 18 is varied to require a BREEAM rating of Very Good, instead of Excellent, as evidence have been given that the 'Very Good' score would still be high.

7. MATERIAL CONSIDERATIONS

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

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

SA6 Sustainable Neighbourhoods

CP8 Sustainable buildings

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

Brighton & Hove City Plan Part Two:

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

SSA3 Land at Lyon Close, Hove

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the acceptability of varying condition 18 (BREEAM rating) of planning permission BH2018/02926 to change the minimum BREEAM new construction rating from 'Excellent' to a 'Very Good' standard rating.

- 9.2. Planning permission for the mixed office/residential use was originally granted under application BH2018/02926 with the following description:
“Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works (Approved at Planning Committee on 12 June 2019).”
- 9.3. Policy CP8 of City Plan Part One sets out minimum energy and water efficiency standards required to be met for all developments, with a BREEAM rating of excellent required for the B1 office element of the approved development.
- 9.4. Condition 18 stated: *'Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority'.*
- 9.5. The applicant has submitted a letter from Delta Green Environmental Design which sets out that prior to applying for the original planning permission, the developers were working to the 'Very Good' standard and so early actions to achieve the Excellent standard were not undertaken, and cannot be carried out retrospectively.
- 9.6. The application indicates that Delta Green have identified BREEAM credits to improve the score above the 'Very Good' threshold of 55% to a potential 61.49%. The Consultant has set out how slippage of the score could be avoided during construction, and they have confirmed which credits will be targeted to ensure the target score is reached.
- 9.7. The proposed submission sets out that although the development cannot meet 'Excellent', the optimum score possible will be attained which will be significantly above the 'Very Good' threshold.
- 9.8. The application is therefore recommended for approval with the following change (underlined) to Condition 18:
- 9.9. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
- Other Matters
- 9.10. The other conditions previously applied must be revised and updated where necessary:
- 9.11. Condition 2 (Standard Time Condition) is no longer required.

- 9.12. Condition 6 (Energy Efficiency Standard) is superseded by Building Regulations.
- 9.13. Condition 10 (Parking Permits) is removed as it is not considered appropriate to impose a car-free condition because parking in the local area, and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone.
- 9.14. Condition 25 (Class Use) is updated to refer to Class Use modifications.
- 9.15. All other conditions are re-applied.

10. EQUALITIES
None identified

ITEM C

**22 The Cliff
BH2022/01281
Full Planning**

DATE OF COMMITTEE: 7th September 2022

BH2022 01281 - 22 The Cliff



N



Scale: 1:1,250

<u>No:</u>	BH2022/01281	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22 The Cliff Brighton BN2 5RE		
<u>Proposal:</u>	Demolition of existing dwelling and erection of 2no part three, part four storey five bedroom houses (C3) together with associated parking, garaging and landscaping.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	29.04.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	24.06.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	ECE Architecture Limited 64-68 Brighton Road Worthing BN11 2EN		
Applicant:	Mr Neil Moffett Focus House Ham Road Shoreham-By-Sea BN43 6PA		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Block Plan	PL02	P01	13 April 2022
Proposed Drawing	PL03	P2	15 July 2022
Location Plan	PL01	P01	15 July 2022
Proposed Drawing	PL04	P2	15 July 2022
Proposed Drawing	PL05	P2	15 July 2022
Proposed Drawing	PL06	P2	27 July 2022
Proposed Drawing	PL07	P2	15 July 2022
Proposed Drawing	PL08	P2	15 July 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/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) details/samples of all render, including technical specification and details of the colour/paintwork to be used)
- b) details/samples of all cladding to be used, including details of their treatment to protect against weathering
- c) details/samples of all hard surfacing materials
- d) details/samples of the proposed window, door and balcony treatments
- e) details/samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies CP12 of the Brighton & Hove City Plan Part One and DM18 of the Proposed Submission City Plan Part 2.

4. 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 Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Proposed Submission City Plan Part 2.

5. The development hereby permitted shall not be occupied until the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings), other than the stepped pedestrian access route to the dwellings, and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with Policies HO13 of the Brighton & Hove Local Plan and DM1 of the Proposed Submission City Plan Part 2.

6. 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 Policies TR14 of the Brighton & Hove Local Plan and DM33 of the Proposed Submission City Plan Part 2, and SPD14.

7. The development hereby permitted shall not be occupied until, a car park layout plan has been submitted to and approved in writing by the Local Planning Authority. This should include details of proposed cycle parking, car parking, electric vehicle parking and charging and visitor parking. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all

users and to comply with CP9 of City Plan Part One and DM33 of the Proposed Submission City Plan Part 2.

8. The development hereby permitted shall not be occupied until the new/extended crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and DM33 of the Proposed Submission City Plan Part 2.

9. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy with CP9 of City Plan Part One and DM33 of the Proposed Submission City Plan Part 2.

10. A bee brick shall be incorporated within the external wall of the development for both units hereby approved and shall be retained thereafter.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11 Nature Conservation and Development.

11. Three swift bricks / boxes shall be incorporated within the external wall of the development for both units hereby approved and shall be retained thereafter.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11 Nature Conservation and Development.

12. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;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, CP12 and CP13 of the Brighton & Hove City Plan Part One and DM18 and DM22 of the Proposed Submission City Plan Part 2.

13. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.
14. The first floor windows in the western and eastern side elevations of the units, serving ensuites, of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.
15. Access to the flat roofs of the buildings (apart from the annotated terrace areas) shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.
16. The development hereby permitted shall not be occupied until details of 1.7m privacy screens, to be provided on the rear, second floor terraces of both units, adjacent to the western and eastern site boundaries respectively, have been submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.
- 17.
- i) The development hereby permitted shall not be commenced until a Heritage Statement drawing on the results of a Historic Environment Record Consultation Report which has been submitted to and approved by the Local Planning Authority.
 - ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
- Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

18. No extension, enlargement, alteration or provision within the curtilage of the 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 CP12 and QD27 of the Brighton & Hove Local Plan and DM20 of the Proposed Submission City Plan Part 2.

19. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM21 of the of the Proposed Submission City Plan Part 2.

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 Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required under condition 5 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.

5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks / boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
7. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
8. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
9. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Heritage Statement as required by the archaeology condition.

2. SITE LOCATION

- 2.1. This application relates to a single two storey dwellinghouse on the southern side of The Cliff. It features a large, expansive width, dormers to the front and rear, integral garage and a large rear conservatory and is fairly traditional in design. The site history suggests it was originally built as a bungalow but has been extended over the years. To the rear is a large tennis court which leads to a lower garden level which extends onto a lower garden area with pedestrian access to/from Marine Drive (the A259) to the south. The gradient of the land slopes significantly from north to south.
- 2.2. The surrounding area is characterised by predominantly large, detached properties of varying design, characterised by two and three storey dwellings of various types and styles.

3. RELEVANT HISTORY

- 3.1. None for the site, but relevant planning permissions within the immediate vicinity of the site:

- 3.2. BH2018/02625 (45 The Cliff): Remodelling of property incorporating two storey extension to front and side elevations, part one part two storey extension to rear elevation, alterations to existing roof to create a third storey with a flat roof, enlargement of existing front garage with glass balustrade above, new balconies to front and side elevations, revised fenestration and other associated works. Approved 23.11.2018.
- 3.3. BH2015/02818 (12 The Cliff): Demolition of existing three bedroom house and erection of five bedroom house. Approved 26.10.2015.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission for the demolition of an existing dwelling at the site and the erection of two part three-, part four-storey, five-bedroom houses (C3) together with associated parking, garaging and landscaping.
- 4.2. During the course of the application, the proposal has been amended in response to concerns raised by officers over design. These include lowering the overall height of the dwellings by 600mm, and replacing the green roof and metal cladding from the upper floors with white render.

5. REPRESENTATIONS

- 5.1. **Sixteen (16)** letters of representation have been received objecting to the proposal for the following reasons:
- Overdevelopment
 - Overcrowding
 - Height will dwarf the adjoining houses
 - Materials inappropriate
 - Insufficient parking
 - Parking / traffic issues
 - Out of character
 - Out of keeping
 - Cramped and narrow plots / gardens
 - Adverse visual impact on the landscape and locality
 - Design issues
 - Bulk / massing
 - Out of scale
 - Overbearing
 - Overshadowing
 - Loss of privacy and overlooking
 - Loss of light
 - Restricted views
 - Noise nuisance
 - Developer trying to maximise profit
 - Lack of notification

- Loss of habitat
- Lack of information re. archaeological impacts
- Exceeds permitted boundary separation.

5.2. **Brighton Swifts** have commented to recommend that the swift / boxes condition is attached to the permission.

5.3. **Councillor Fishleigh** requests that if the application is recommended for approval the application should be heard at Planning Committee. A copy of Councillor Fishleigh's representation is appended to this report.

6. CONSULTATIONS

6.1. **Brighton and Hove Archaeological Society: Comment**

The application site lies within an area of intense archaeological sensitivity. The Brighton and Hove Archaeological Society would suggest that the County Archaeologist is contacted.

6.2. **County Archaeology: Comment**

This application site lies within an Archaeological Notification Area therefore the project may affect heritage assets with historic or archaeological interest. In this instance we consider that the scale of the development would warrant the submission, with the planning application, of a Heritage Statement drawing on the results of a Historic Environment Record Consultation Report, rather than a full desk based assessment and/or evaluation survey.

6.3. **Southern Water: Comment**

Southern Water requires a formal application for a connection to the sewer to be made.

6.4. **Sustainable Transport : No Objection**

Subject to recommended condition.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

- Shoreham Harbour 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
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban design
CP14	Housing Density
CP19	Housing Mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM1	Housing Quality, Choice and Mix	
DM18	High quality design and places	DM20 Protection of Amenity
DM20	Protection of Amenity	
DM21	Extensions and alterations	
DM22	Landscape Design and Trees	
DM31	Archaeological Interest	

DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development on site, the design of the new buildings and its impact upon the character and appearance of the streetscene and wider area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic 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.
- 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. The application site is in a residential area. The proposed development would result in the loss of a single detached dwelling and the erection of two houses on the site. This net increase of one dwellinghouse must be given weight in light of the city's housing supply shortfall.
- 9.6. Policy CP14 of the CPP1 relating to Housing Density states, among other things: *"Residential development should be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis."*

- 9.7. The policy seeks to prevent the overdevelopment of sites that would result in 'town cramming'.
- 9.8. The development proposes the creation of a new plot, formed from land at no. 22 The Cliff, by separating the plot into two to create two new detached dwellings.
- 9.9. The existing site is relatively large, with a generous width frontage, and a large rear garden sloping down to Marine Drive to the south. Plots in the area vary in width, with the adjoining plots to the east being fairly generous in size, and plots to the west smaller and narrower. The northern side of The Cliff and further west on Cliff Road contains a mixture of narrow and generous plots.
- 9.10. The proposal to sub-divide the existing site into two would create two narrow plots which would be comparable to plots immediately to the west of the site and would follow the general pattern of the area and the narrow plots /shapes, so would be in keeping with the locality and the character of the area.
- 9.11. Given that local planning policies support the principle of a more efficient use of land, and the development would follow the general pattern of the character of the area, the subdivision of the plot in this location would therefore be supported in principle.

Design and Character:

- 9.12. CPP1 Policy CP12: Urban Design expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods, and achieve excellence in sustainable building design and construction.
- 9.13. The design approach along The Cliff is characterised by two- and three-storey dwellings of various types and styles, with examples of both a traditional and modern design approach. Large, rebuilt and remodelled properties are considered to form part of the character of the area, the most recent application for a remodelled dwelling at no. 45 The Cliff. The southern side of The Cliff features dwellings varying in design, material, scale and rooflines, both traditional and modern.. The northern side of the Cliff is again varied, with a number of examples of modern dwellings including white rendered, Art Deco designs.
- 9.14. The proposed design approach is somewhat Art Deco-led, which is not uncommon within the street and is considered acceptable given the prevailing context. The new dwellings would appear three storeys in height when viewed from the front, with a sunken lower level providing a fourth storey to the rear. The design would include a recessed element to the top floor, incorporating white render, areas of cladding between the window openings, and dark render and aluminium fenestration, providing a contrasting and modern approach to the existing neighbouring properties on either side, which feature brick/rendered elevations and fairly traditional in design.

- 9.15. The submitted plans indicate that the ridge of the dwellings would be a similar height to the adjoining properties and it is therefore considered that the height of the properties respects the scale and character of the streetscene, which features a varied gradient and roofline, and noting the properties on the northern side are in an elevated position.
- 9.16. The footprint of the dwelling would extend slightly inwards (by 1m) than that of the existing dwelling, which would be similar to no. 24 adjoining and therefore there would be no detrimental impact on the streetscene. The front boundary treatment and landscaping of the site would be sympathetic and would not be intrusive within The Cliff streetscene.
- 9.17. Overall, therefore it is considered that the scheme is acceptable in terms of design and appearance. There are a number of examples in the streetscene of modern form and materials, and the principle of re-developing in the manner proposed would be appropriate and in keeping with the streetscene.

Standard of Accommodation:

- 9.18. Policy QD27 of the Brighton and Hove Local Plan, and emerging Policy DM20 of CPP2 (which can be given more weight than policy QD27) aim to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.
- 9.19. The Nationally Described Space Standards (NDSS), although not yet formally adopted by the Council, do provide a useful guide against which to assess the overall unit size and bedroom sizes, particularly as they are referred to in emerging Policy DM1 of City Plan Part 2 (which can be given significant weight).
- 9.20. The new dwellings would have a gross internal floor space of approximately 335.5sqm. For a five-bedroom, eight-bed-space, three-storey dwelling, the NDSS requires a minimum GIA of 134m²; it is clear therefore that the proposed dwellings (even for occupation by 10 persons) would significantly exceed this. The properties would consist of 5no double bedrooms, all of which meets the minimum national space standards for a double bedroom, having a minimum of 11.5 sqm floor space. The dwellings would provide generous accommodation throughout, with sufficient levels of natural light and outlook within the properties.
- 9.21. Policy HO5 and emerging Policy DM1 of CPP2 require private, useable amenity space to be provided 'where appropriate to the scale and character of the development'. The development proposes long gardens for each of the dwellings separated by a wall with fencing and hedging with an upper and lower garden level sloping down to Marine Drive. The amenity space provided would be sufficient to serve the dwellings and is therefore in accordance with Policy HO5 and emerging Policy DM1 of CPP2.
- 9.22. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without

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

- 9.23. The application proposes ramped access to a transitional landing at the front of the garages where access can be gained to the front entrance. However, the principal pedestrian route from The Cliff is stepped so disabled access is not possible. Therefore a condition has been attached to ensure that with the exception of this access, and given the ability to access the site via the ramped access, the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

Impact on Amenity:

- 9.24. Policy QD27 of the Brighton & Hove Local Plan and emerging DM20 of City Plan Part 2 (which can be given more weight than the Local Plan policy) 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.
- 9.25. Policies SU9 and SU10 of the Local Plan, as updated by Policy DM40 of City Plan Part 2 (which can be given more weight than the Local Plan policy) are concerned with development that could cause pollution and nuisance, for example by way of odours, or which could cause a noise nuisance to occupiers of nearby noise sensitive premises.
- 9.26. Given the existing residential character of the property and surrounding area, it is considered that the principle of the proposed residential use is acceptable. The intensification of the use of the site is not considered to result in a significant increase in noise and disturbance.
- 9.27. The general scale and massing of the building would not result in amenity harm toward numbers 20 and 24A The Cliff to the west and east respectively in terms of overshadowing, loss of light, loss of outlook or a sense of enclosure. The proposed new dwellings' footprint would have less of a projection to the boundaries compared with the existing dwelling, and the slight projection to the front and rear would not result in a significant harmful impact on the adjoining properties.
- 9.28. The frontage of the proposed dwellings would reflect the building line established by no.24A to the east and the adjoining garage of no. 20 to the west, and the proposed boundary treatment (given its height and projection) would not result in overshadowing or loss of light. The proposal would add additional bulk and massing to the site, with the overall height increasing by approximately 2.7m over the pitch of the existing dwelling,. However, it would match adjacent dwellings, and would be set back sufficiently to mitigate any potential loss of light or outlook.
- 9.29. The side-facing windows at first floor level would serve ensembles and therefore can be obscure glazed, which would be secured via condition, and views

achievable from the second floor bedroom side window would not be intrusive. The terraced areas to the rear at upper ground floor are not considered likely to result in obtrusive overlooking beyond that already experienced, given sufficient boundary treatment, and any oblique views would not be harmful. The terrace area at second floor level could offer views toward the rear garden spaces of the adjoining properties and therefore the addition of 1.7m high privacy screens would be secured via condition.

- 9.30. Overall whilst there may be some limited impacts over and above those which exist at the site, the scheme is considered to be acceptable in terms of its impact on neighbouring residents.

Sustainable Transport:

- 9.31. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 9.32. The widening of the existing vehicular access and the addition of a second vehicular crossover is considered acceptable.
- 9.33. The site lies outside of a Controlled Parking Zone. The application is proposing 2 car parking spaces and one garage per dwelling providing a total of 3 spaces per dwelling. This level of car parking exceeds the maximum standards (3 spaces overall for two 5-bedroom units) and therefore a Car Park Layout Plan condition has been attached securing the appropriate level of car parking.
- 9.34. Cycle parking is proposed in the form of a cycle parking store in each garage which is considered acceptable, and the provision has been secured via condition.

Sustainability:

- 9.35. Policy CP8 of CPP1 seeks to ensure that development proposals are efficient in the use of energy and water,
- 9.36. At the time the application was submitted, this required new build development to achieve 19% above Part L for energy efficiency, however, since the application was submitted, the Part L has been updated and now requires a higher standard. Since this is now covered under the Building Regulations, an informative to that effect will be attached rather than a condition. A condition, is though recommended to meet the optional standard for water consumption. This above can be secured by condition and informatives.
- 9.37. Refuse and recycling storage would be provided with the garages which is considered sufficient.

Ecology:

- 9.38. Policy CP10 of City Plan Part One and policy DM37 of CPP2 seek to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.

- 9.39. The applicant has submitted a Biodiversity Checklist which shows that the existing site does not show signs of any protected species being located on site. The proposal will not result in the loss of any mature trees. Overall, the proposal will not have any negative impacts on existing biodiversity on site. Full details for the landscaping of the proposed dwellings is required by condition.
- 9.40. A condition has been attached to ensure that bee bricks/swift bricks would be incorporated within the external wall of the development and for opportunities to provide sufficient landscaping within the site.

Other Considerations

- 9.41. The proposed development lies within an Archaeological Notification Area and therefore the proposal may affect heritage assets of archaeological interest.
- 9.42. County Archaeology have commented that a Heritage Statement drawing on the results of a Historic Environment Record Consultation Report should be submitted, and the applicant should consult the Historic Environment Record. A condition has been attached to provide this report prior to development.

Conclusion:

- 9.43. The scheme makes a small contribution to the Council's housing targets, provides an acceptable standard of accommodation and includes a modern design approach which would be acceptable within the context of the surrounding development. There is not considered to be a significant impact on highways safety nor neighbouring amenity and the proposal for 2no dwellings at the site is considered to be a positive development and therefore the application is recommended for approval subject to conditions.

10. EQUALITIES

- 10.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Conditions will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations. As already noted, the application proposes ramped access to a transitional landing at the front of the garages where access can be gained to the front entrance. However, the principal pedestrian route from The Cliff is stepped so disabled access is not possible. Therefore a condition has been attached to ensure that with the exception of this access, and given the ability to access the site via the ramped access, the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and

began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £50,187.66. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The application site is previously developed (brownfield) land, within a sustainable location with good access to public transport links and local facilities. Cycle parking is proposed, reducing reliance on cars. A landscaping scheme would improve the biodiversity of the site. Bee bricks and swift boxes / bricks shall be incorporated within the external wall of the development.

From: Bridget Fishleigh
Sent: 13 June 2022 15:12
To: Planning Applications
Cc:
Subject: BH2022/01281 22 The Cliff Brighton BN2 5RE

Dear Planning Team

I can see that this application has more than five objections.

This email is to request that if officers recommend grant or minded to grant that the application comes to planning committee.

Thanks very much.

Best, Bridget

Bridget Fishleigh
Brighton & Hove's Only Elected Independent Councillor

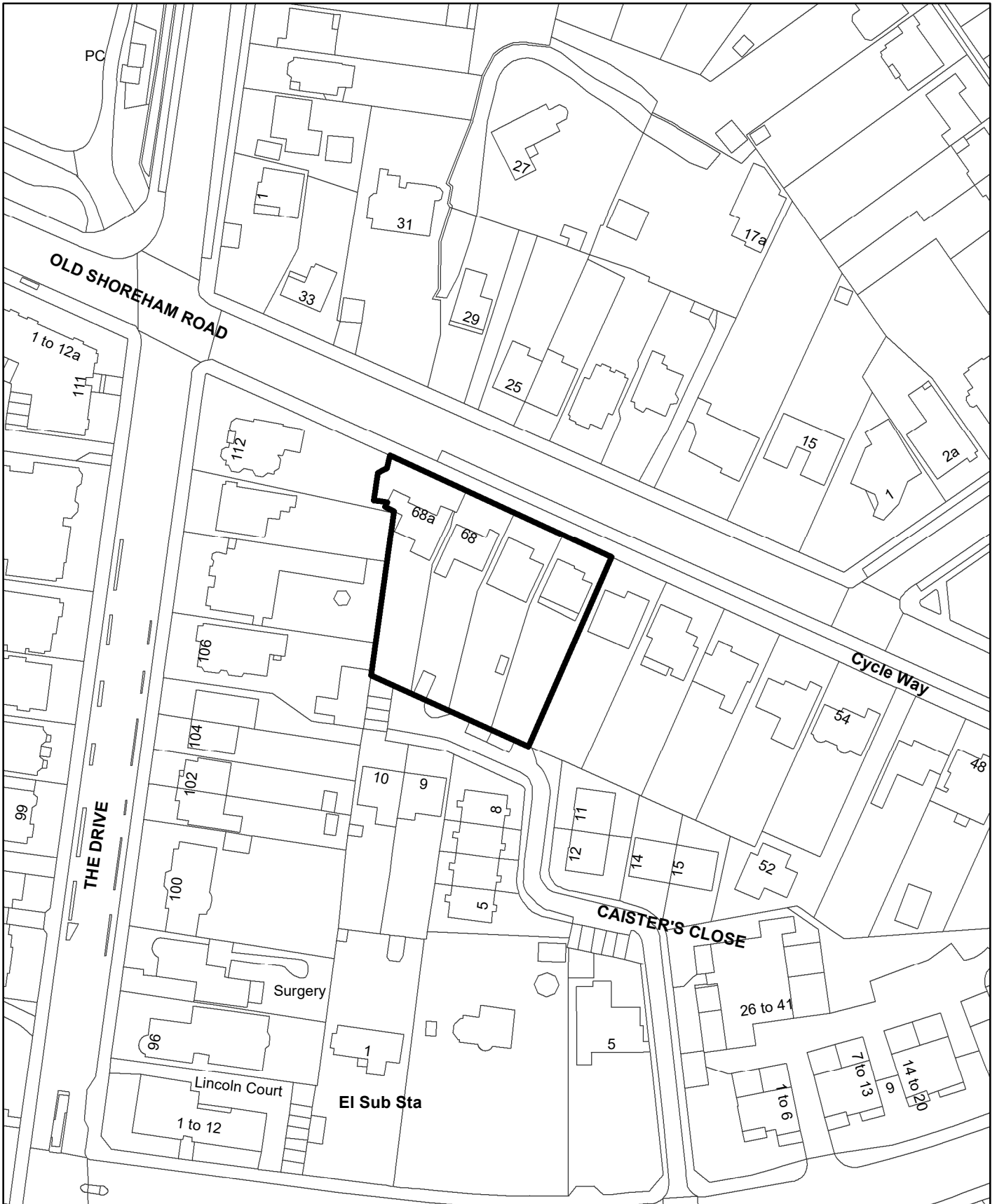
Representing people living and working in Sussex Square, Lewes Crescent, Eastern Road, Marine Drive, The Arundel's, The Marina, Roedean, Ovingdean, Rottingdean and West Saltdean

ITEM D

**64, 66, 68 and 68A Old Shoreham Road
BH2022/01629
Full Planning**

DATE OF COMMITTEE: 7th September 2022

BH2022 01629 - 64, 66, 68 And 68A Old Shoreham Road



N



Scale: 1:1,250

<u>No:</u>	BH2022/01629	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	64, 66, 68 And 68A Old Shoreham Road Hove BN3 6GF		
<u>Proposal:</u>	Remodelling of 4no. detached dwellinghouses including raising roof heights to create additional storeys, alterations and extensions.		
<u>Officer:</u>	Ayscha Woods, tel: 292322	<u>Valid Date:</u>	16.05.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11.07.2022
<u>Listed Building Grade:</u>	<u>EOT:</u>		
Agent:	CMK Planning 11 Jew Street Hove BN1 1UT		
Applicant:	Mr A Bowen 66 Old Shoreham Road Hove BN3 6GF		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	065 (Streetscene)	A	16 August 2022
Proposed Drawing	150	-	16 May 2022
Proposed Drawing	151	B	16 August 2022
Proposed Drawing	160	-	16 May 2022
Proposed Drawing	161	-	16 May 2022
Proposed Drawing	165	A	16 August 2022
Proposed Drawing	170	A	16 August 2022
Proposed Drawing	171	C	16 August 2022
Proposed Drawing	172	B	16 August 2022
Proposed Drawing	173	A	16 August 2022
Location and block plan	002	-	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. At least one bee brick shall be incorporated within the external wall of each dwelling of the development hereby approved and shall be retained thereafter.

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

4. The second floor window in the east elevation of no. 64, the first floor window to the east elevation of no. 68, and the first floor side windows of no. 68A of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

5. The works to nos. 64, 66, 68 and 68A Old Shoreham Road hereby permitted shall not be undertaken or completed as separate and individual developments.

Reason: To safeguard the visual amenities of the streetscene and wider area, and to comply with policies QD14 of the Brighton & Hove Local Plan, CP12 of the City Plan Part One and DM21 of 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. 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. This application relates to four detached dwellings being, from east to west, nos. 64, 66, 68 and 68A, located on the southern side of Old Shoreham Road. The site is situated just south-east of the Hove Recreation Ground. The site is not located within a conservation area and there are no relevant Article 4 directions covering the site.
- 2.2. Nos. 64, and nos. 66 and 68 adjacent to the west are all similar in appearance, being two storeys in height with a traditional hipped and pitched roof form and finished in brickwork, with white windows and plain roof tiles.
- 2.3. No. 68A is the most westerly property which has a more contemporary appearance, finished in render, with black windows and a grey slate roof. It also has a taller front boundary with two gated entrances at each side of the frontage.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for the remodelling of four detached dwellinghouses, including raising the roof heights to create additional storeys, alterations and extensions. The existing more traditional pitched roofs would be replaced with flat roofs, set back and in from the outer edges of the lower floor.
- 3.2. It is noted that amendments were sought throughout the course of application. The amendments have been made to all four properties and include the following:
- Raised parapet wall at first floor by 300mm
 - Increased setback at front of second floor to 800mm
 - reduced overhang of roof at sides
 - reduced overhang of roof at rear so it lines up with rear elevation
 - front overhang maintained

4. RELEVANT HISTORY

No. 64:

- 4.1. BH2015/03217 - Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.68m, and for which the height of the eaves would be 2.88m - Prior approval not required - 07/10/15
- 4.2. BH2015/00176 - Erection of a single storey front extension and part one part two storey rear extension with associated alterations - Refused - 27/03/15 for the following reason:
- “1) *The proposed two-storey rear extension, by reason of its form, design and excessive depth, would create an unduly dominant addition which would not appear subservient to the existing dwellinghouse and which would harm the established character of the building and wider surrounding area. The siting and depth of the two-storey extension would also appear visually overbearing when viewed from 62 Old Shoreham Road. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan, and guidance within Supplementary Planning Document 12, Design Guide for Extensions and Alterations.*”

No. 66:

- 4.3. BH2018/03586 - Complete remodelling of house, with front and rear two storey extension, steep pitched roof with roof lantern, and associated works such as alterations to the existing windows and doors on the side elevations - Refused - 13/03/19 - for the following reason:
- “1) *The proposed alterations by virtue of their overall size and form, design and choice of materials are considered to result in an incongruous - development visually disruptive within the streetscene and which would fail to respect the character of the host dwelling, adjoining properties and the surrounding area contrary to policy QD14 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.*”
- 4.4. BH2006/00908 - Single storey front extension and conversion of garage to habitable room - Approved - 26/04/06

No. 68:

- 4.5. BH2022/00142 - Prior Approval for the erection of an additional storey to form a second floor - Withdrawn - 24/02/22
- 4.6. BH2021/03419 - Prior Approval for the erection of two additional storeys to form second and third floors - Prior approval required and refused for the following reason:
“1) *The proposed additional storeys, and the significantly increased prominence of the dwellinghouse that results, would fundamentally alter its architectural composition, consequently having a harmful impact upon its external appearance and would provide an uncomfortable contrast with the prevailing scale of neighbouring buildings. This would adversely disrupt the continuity of the streetscene, therefore being out of keeping with the surrounding area and causing visual harm to the appearance of the area. The proposal would result in a top-heavy, cluttered appearance to the building due to the volume of fenestration and the lack of other features of visual interest. Accordingly, the external appearance of the dwellinghouse is not considered appropriate and therefore does not pass the requirements of Schedule 2, Part 1, Class AA.2(3)(a)(ii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*”

The above scheme was appealed but the appeal was withdrawn during the process.

- 4.7. BH2021/02907 - Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, for which the maximum height would be 3.0m, and for which the height of the eaves would be 3.0m - Prior approval not required - 13/09/21
- 4.8. BH2020/02930 - Demolition of existing side store and erection of a single storey side extension. Formation of rear raised terrace onto existing flat roof with steps down to rear garden, balustrade and timber screening. Revised rear fenestration and installation 3no first floor side rooflights - Approved - 27/11/20
- 4.9. PRE2020/00187 - Single storey side extension to replace existing garage, changing rear window to door for access to a roof terrace at first floor and insertion of rooflights - 05/10/20

No. 68A:

- 4.10. BH2008/01603 - Two storey side and rear extensions and new front wall and gates (amended scheme) - Approved - 14/08/08
- 4.11. BH2007/00447 - Two-storey rear extension & relocate side chimney breast - Approved - 27/03/07
- 4.12. BH2006/03425 - Two storey extensions to side and rear elevations (after removal of existing extension) - Refused - 07/12/06 for the following reason:

"1) The proposed side extension, by virtue of its excessive bulk and inappropriate design in a prominent position, would form an incongruous and unsympathetic feature, resulting in an overextended and incongruous addition poorly related to the house and detrimental to the visual amenity of the surrounding area. The proposal is therefore contrary to the objectives of development plan policies QD1 and QD14 of the Brighton and Hove Local Plan."

4.13. BH2003/01745/FP - Two storey side extension to form garage and snooker room with bedroom and en-suite bathroom over. Demolition of existing garage & extension. (Resubmission) - Approved - 16/07/03

4.14. BH2003/00280/FP - Two storey side extension to form garages, snooker room with two bedrooms and bathroom over, existing single storey extension and garage to be demolished - Refused - 04/03/03 - for the following reasons:

"1) The design of the proposed extension relates poorly to the parent building and is therefore harmful to the appearance of the existing dwelling, contrary to planning policies BE1 and BE19 of the Hove Borough Local Plan and QD14 and QD27 of the Brighton Hove Local Plan Second Deposit Draft 2001.

2) The design of the proposed extension relates poorly to streetscene and is therefore harmful to the visual appearance of the streetscape, contrary to planning policies BE1 and BE19 of the Hove Borough Local Plan and QD14 and QD27 of the Brighton Hove Local Plan Second Deposit Draft 2001."

5. REPRESENTATIONS

5.1. Fourteen (14) letters have been received objecting to the proposed development for the following reasons:

- Inappropriate Height of Development
- Overdevelopment
- Too close to the boundary
- Out of keeping with character of area
- Impact on streetscene
- Overlooking from additional floors
- Loss of privacy
- Harm to amenity
- Noise
- Overshadowing/loss of light due to height
- Poor Design
- Restriction of view
- Potential for conversion to HMO
- Impact from additional traffic/parking
- Detrimental effect on property value
- Poor design
- Set a precedent
- Impact on trees

- 5.2. Four (4) letters have been received supporting the proposed development for the following reasons:
- Good design
 - Fits in with variety of character of properties in streetscene and area
 - No harmful overshadowing or loss of light
 - No evidence for HMO claims, they are family homes
 - Would support attractive neighbourhood
- 5.3. Four (4) additional letters have been received from Councillor Bagaean, Councillor Ebel, Councillor Allcock, and Councillor O'Quinn objecting to the proposed development for the following reasons:
- Overdevelopment
 - Poor design
 - Impact on residential amenity
 - Loss of privacy
 - Loss of sunlight
 - Out of character
 - Additional height
 - Noise impact
 - Overlooking
 - Potential overshadowing
 - Potential HMO
 - Overbearing
 - Over-dominant
- 5.4. Copies of the councillors' objections are appended to this report.

6. CONSULTATIONS

None

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour 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 Two (Proposed Submission October 2020):

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations

Brighton & Hove City Plan Part One:

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

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

QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, surrounding streetscene and wider area, and the amenities of the neighbouring properties.

Design and Appearance:

- 9.2. The existing buildings at numbers 64, 66 and 68 are similar in appearance, finished in brickwork with white windows and plain roof tiles and have hipped roofs. There are considered to be fairly standard suburban dwellings which do not exhibit any particular architectural merit. No. 68A has been remodelled and

is finished in a contemporary design, with a render finish, black windows and grey slate roof tiles.

- 9.3. The four properties are similar in height, both to the eaves and ridgeline.
- 9.4. The application seeks to raise the roof heights of the four dwellings to create an additional storey to each building, introducing a flat-roofed design, in addition to some extensions and alterations, including a contemporary material finish.
- 9.5. The Old Shoreham Road streetscene is varied in character, with differing designs and materials. There is a mix of traditional designs, mock Tudor, and modern and contemporary appearances with render finishes and anthracite windows and grey roof tiles. There are also modern flatted developments in close proximity, and some re-modelling of dwellings utilising contemporary materials.
- 9.6. In the immediate vicinity of the site is no. 31 opposite and no. 50 adjacent to the east on Old Shoreham Road, and no. 1 Radinden Manor Road to the north, all of which have contemporary designs, along with a block of modern flats to the south of the site along The Upper Drive. There are also a number of flat-roofed buildings in the area, including properties at 17 The Upper Drive, numerous properties on Goldstone Crescent, and 58 Palmeira Avenue.
- 9.7. Given this context, it is considered that the proposed design of the buildings could be incorporated successfully in the streetscene and would not be out of keeping or incongruous with the wider area sufficient to warrant refusal of the application.
- 9.8. The roofs would be remodelled to create additional upper storeys, and numbers 66 and 68 would also be extended to the rear. The dwellings are of a smaller scale than the majority of the neighbouring dwellings, with both No.62 to the immediate east and No.112 The Drive to the immediate west being taller than the existing properties. The proposed height increase in comparison to the existing buildings would therefore be minimal, and the dwellings would have a lower roofline than both of the adjacent buildings.
- 9.9. The proposed upper storeys would be set back from the front and side elevations, and would be clad with materials which help to minimise their visual impact. Amendments were received throughout the course of the application setting the second storey additional back further to 800mm. The properties and the extensions would remain subservient to the host and surrounding buildings and the extensions would not compromise the established building lines.
- 9.10. To ensure the impact on the streetscene is acceptable, a condition is proposed requiring that the properties are not developed independently of each other. If only one of the properties was to come forward, it would result in an eaves line significantly higher than the existing properties, a differing roof form, different spacing, and a significant disparity in appearance that would be so detrimental to the harm of the streetscene as to warrant refusal.

9.11. On the basis of the above, the overall design, scale and appearance of the scheme is considered to be appropriate to this area and would successfully integrate into the existing streetscene, in accordance with policies QD14 of the Brighton & Hove Local Plan, CP12 of the City Plan Part One and DM21 of the emerging City Plan Part Two (which holds more weight than QD14).

Impact on Amenity:

9.12. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than the Local Plan policy) 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.

9.13. Following a site visit, the impact on the adjacent properties at 62 Old Shoreham Road to the east, and nos. 108, 110 and 112 The Drive to the west has been fully considered in terms of daylight, sunlight, outlook and privacy, and no significant harm has been identified.

9.14. It is acknowledged that the proposal would introduce additional height and massing above the existing, in close proximity to the adjacent properties. However, the additional storeys would be set in from the front and away from the sides and the overall height would still be lower than the adjacent properties. It would therefore not be overbearing, or introduce any significant loss of light.

9.15. The scheme would include a new side window to no. 64 to the east elevation at second floor level with the potential, therefore, for increased overlooking. However, this would be set in, would serve a toilet, and would be obscure glazed, as detailed on the plans submitted. This requirement would also be secured by condition. There would be no side windows to no. 66 above ground floor level.

9.16. There would be a side window in the eastern elevation of no. 68 which would be at first floor level which would be in a similar position to the existing, and again would be obscure-glazed, which would be secured by condition. Similarly, the side windows on no. 68A at first floor level would serve a bathroom and en-suite, and a condition is proposed to secure these to be obscure glazed.

9.17. On this basis, the impact of side-facing windows on privacy is considered acceptable.

9.18. It is noted that the upper floors of the scheme include rear-facing windows which may afford some additional overlooking. However, this would be to no greater degree than those achievable with rear dormers which are commonplace in suburban settings. Such development is widely accepted in suburban environments such as this and indeed, is often allowed under 'permitted development' rights. Further, the existing properties already have a degree of mutual overlooking of their rear garden spaces due to the first floor windows. On this basis, the impact on privacy resulting from the additional floors is considered acceptable.

- 9.19. Concerns in regards to the impact upon Caister's Close is noted, however, the rear gardens of the proposal properties sits adjacent with the road of Caister's Close and whilst the proposal may introduce more of a view of the fronts of some properties in Caister's Close the separation is considered to be sufficient to alleviate substantial harm. It is not considered that the additional views would result in a harmful level of overlooking which would warrant refusal of this application.

10. CLIMATE CHANGE/BIOVIERSITY:

- 10.1. The works would modernise and refurbish the existing building, providing additional living accommodation in a site in a sustainable location, helping to reduce the need for greenfield development. At least one bee brick to each dwelling would be secured by condition.

11. EQUALITIES

None identified.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Marianna Ebel

BH2022/01629 – 64, 66, 68 And 68A Old Shoreham Road

24th June 2022:

I am objecting to planning application BH2022/01629. This is the 3rd application submitted for 68 Old Shoreham Road within a short period of time.

BH2021/03419 was rightly rejected last year, and the subsequently submitted application BH2022/00142 was withdrawn, presumably because the applicant saw that the prospect of receiving approval for BH2022/00142 would be slim.

Unlike the previous two applications, this new application now also includes the properties in 64, 66 and 68A Old Shoreham Road. The proposed changes are, however, similar to the changes proposed in the previous two applications – extensions to the existing buildings that would infringe on the privacy and access to sunlight for neighbouring properties, and modifications to the exterior design that would make the buildings out of character with the local area.

The proposal includes an increase in the footprint of 66 & 68 Old Shoreham Road. This would bring the properties closer to the pavement. It would make the new buildings more dominant in the local street scene, and out of character with the other buildings in Old Shoreham Road.

The proposed development would increase the roof height to add an additional storey to each building. This was one of the reasons why the original application BH2021/03419 was rejected. The original refused proposal was to increase the height of just 68 Old Shoreham Road. This new application proposes similar changes to not one, but four buildings, and would therefore have an even more negative impact than the original proposal.

The local area is characterised by low-rise family homes (single or two 2-storey dwellings) and quiet gardens that are protected from street view and noise. In particular, the dwellings in Caister's Close are a quiet haven that many families who live there have chosen particularly because of its quiet, peaceful character. The amenity of residents in Caister's Close would be badly impacted by the proposed development as the new development would overlook and potentially overshadow their gardens and buildings. The same applies to the property directly next to the proposed development on 62 Old Shoreham Road, properties in 106 – 112 The Drive and the properties on the other side of Old Shoreham Road (in particular 19 – 31 Old Shoreham Road). All aforementioned properties would suffer from a loss of privacy.

If the recommendation is to grant planning permission I request that this planning application is referred to the Planning Committee for decision, and in this case I would also like to speak against this planning application at committee.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Jackie O'Quinn

BH2022/01629 – 64, 66, 68 And 68A Old Shoreham Road

29th June 2022:

I wish to object to the following planning application:

BH2022/01629 | Remodelling of 4no. detached dwellinghouses including raising roof heights to create additional storeys, alterations and extensions. | 64, 66, 68 And 68A Old Shoreham Road Hove BN3 6GF

This is a very unusual application in that the owners of nos 64, 66 and 68A objected to previous applications put forward by the owner of no 68 Old Shoreham Road – BH2021/03419 – which was refused and then was appealed – the appeal has been withdrawn, I understand – and then BH 2022/00142 which was withdrawn. Nos 64, 66 and 68A were vehement in their condemnation of the applications, especially Mr Bowen, at no 66 who felt that the extra storey(s) would lead to an 'impact on local amenity, incursion into privacy' and 'highly controversial and potentially hugely damaging to our area'. It now seems that Mr Bowen, who has put forward this application on behalf of the other properties, believes that quadrupling such a negative impact would somehow make the application acceptable.

The Planning Statement talks about other 'modern' properties in the area. Indeed, there are, but they are not 'mini-estates' such as is being proposed in this application. Other properties used as examples in the Planning Statement are single properties, such as no 33 Old Shoreham Road, which is very striking but can hardly be seen from the road as it is set so far back and has a garage with a green 'meadow roof' and driveway at the front. It thus does not impinge in a negative way on the street scene at all and neither do the other examples of 'modern' houses that are given in the Planning Statement as all are well set back from the road. This is unlike numbers 66 and 68, which have increased the footprint of their properties at the front in the application, thus creating a more dominant and overbearing look to the street scene by bringing them closer to the pavement. Some properties displayed in the Design Statement are flats but apart from 9 Upper Drive, it can be argued that they have little to no architectural merit and are anyway of little relevance to this application which pertains to houses.

The application would create an overbearing and dominant 'block' of buildings and be totally out of step with the street scene which consists mainly of detached one to two storey buildings. The 2nd floor balconies would create overlooking of gardens in surrounding buildings in Old Shoreham Road and The Drive, and also of Caister Close, which mainly consists of bungalows and is an oasis of peace and quiet at present.

The Planning statement lists the previous planning applications from all of the properties in the application, so they have all been, or in the case of no 68, about to be, significantly extended. No 66 also has a 2 bedroom building in the back garden so these properties are already provide considerable accommodation for a family. There has been speculation that



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

the owner of no 68 who is an HMO property developer, wishes to turn his property into an HMO, but I suspect that is a battle for another time.

This application will only have a negative impact on this area, as already stated by 3 of the applicants in their objections to the previous applications from no 68. I totally agree with their previous criticisms, and I urge the committee to refuse this application. I also wish to speak at the planning committee when this application comes before it.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. John Allcock

BH2022/01629 – 64, 66, 68 And 68A Old Shoreham Road

30th June 2022:

This is the third application submitted for 68 Old Shoreham within a relatively short period of time.

- BH2021/03419 the first application was rejected by planning in 2021 and then appealed but subsequently withdrawn.
- BH2022/00142 the second application was withdrawn, possibly because the applicant thought it was unlikely to be approved.

Oddly, the owners of no 64, 66 and 68A objected strenuously to previous applications put forward by the owner of no 68 Old Shoreham Road but include themselves as part of this application. Interestingly the owner of no 66 commented that the extra storey(s) implicit in application BH2021/03419 would *'impact on local amenity, incursion into privacy'* and be *'highly controversial and potentially hugely damaging to our area'*. Yet by participating in this application along with the other properties has magnified the impact by four.

The plans for this new application - BH2022/01629 align closely to those in the first two applications that were rejected/withdrawn. These include:

- extensions to the existing buildings that would adversely impact on the privacy and access to sunlight for neighbouring properties,
- exterior design that would make the buildings out of character with the local area.

Plans to increase the footprint of 66 and 68 Old Shoreham would bring the properties closer to the road making an overwhelming and more dominant 'block' of buildings being out of character with the street scene which is primarily detached one to two storey houses.

This would be further exacerbated by plans to increase the roof height to add an additional storey to each building (a key reasons why application BH2021/03419 was rejected for no 68 alone).

The increase of additional storey to all four properties (and some second floor balconies) would also have a greater negative impact on amenity of neighbouring properties that are mainly low-rise family homes and quiet gardens that would be overlooked and lose privacy if the plans are approved. Specifically:

- homes in Caister's Close;
- 62 Old Shoreham Road (next to the proposed development);
- 106 – 112 The Drive; and
- properties on the other side of Old Shoreham Road (19 – 31 Old Shoreham Road).

For these reasons I ask that that this application is referred to the Planning Committee where I would also like to be speak.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Samer Bagaeen

BH2022/01629 – 64, 66, 68 And 68A Old Shoreham Road

23rd June 2022:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Poor design
- Residential Amenity

Comment: The application suggests that modern and white render = good and pitched roof and traditional = bad.

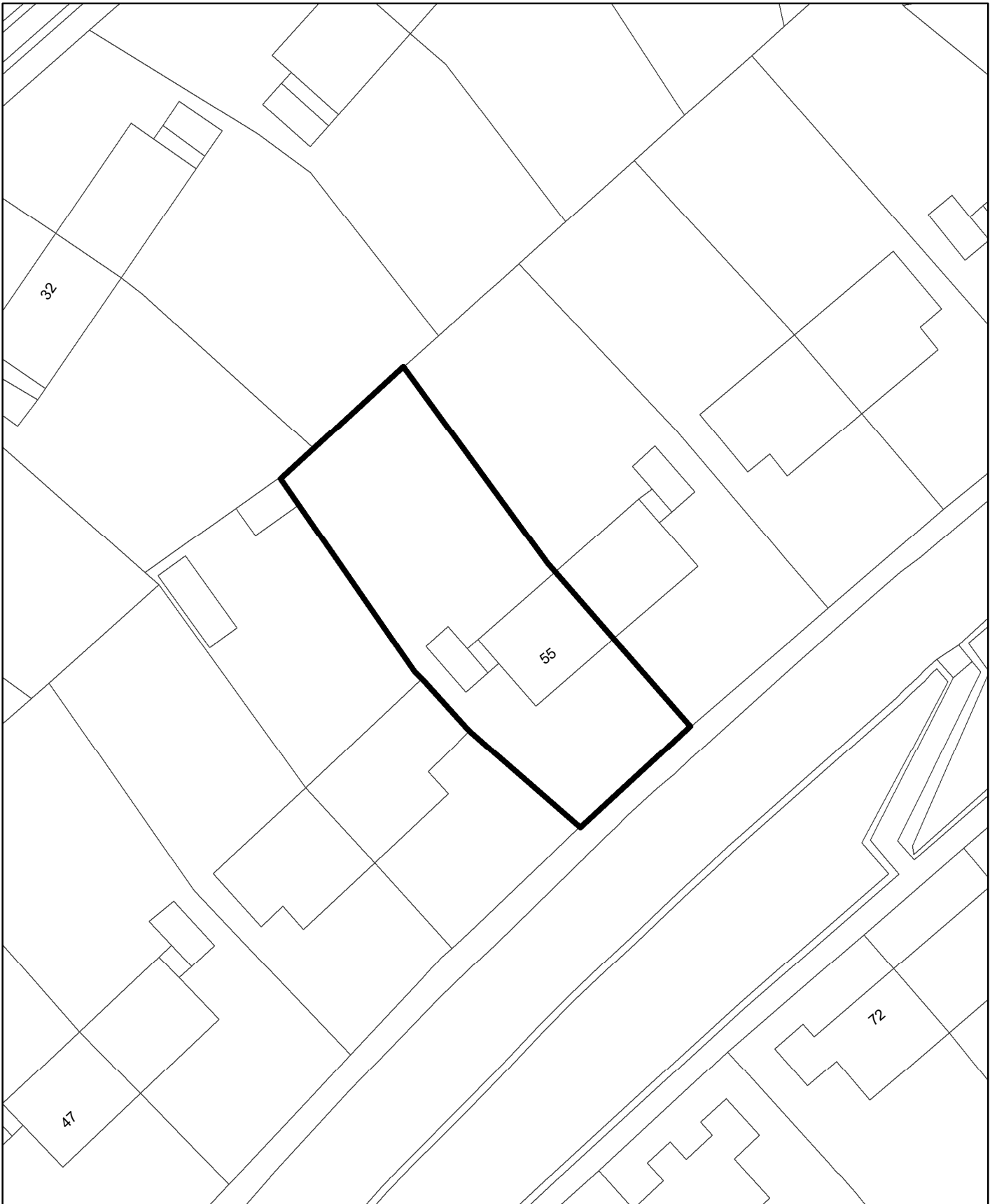
This cannot be acceptable under any of our policies and without mention of a retrofit of these properties to upgrade their energy performance we should not as a local authority be approving this under any circumstances.

ITEM E

**55 Auckland Drive
BH2022/01630
Full Planning**

DATE OF COMMITTEE: 7th September 2022

BH2022 01630 - 55 Auckland Drive



N



Scale: 1:365

<u>No:</u>	BH2022/01630	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	55 Auckland Drive Brighton BN2 4JD		
<u>Proposal:</u>	Change of use from dwellinghouse (C3) to small house in multiple occupation (C4) including the erection of a single-storey rear extension, and cycle and bin store to front.		
<u>Officer:</u>	Charlotte Bush, tel: 292193	<u>Valid Date:</u>	16.05.2022
<u>Con Area:</u>	None.	<u>Expiry Date:</u>	11.07.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Rivers Birtwell C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

This planning application was deferred by the Planning Committee on 10 August 2022 as Members required further detail on how a decision can be made without an assessment being made under CPP2, HMO Policy (DM7).

In response, further consideration has been set out in the 'Principle of Development' section below.

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Block Plan	02		16 May 2022
Proposed Drawing	02		16 May 2022
Location Plan	01		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 development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 02 received on

the 16/05/2022 and shall be retained as such thereafter. The layout shall be retained as communal space at all times and shall not be used as bedrooms.

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

4. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans has been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

Informatives:

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

2. SITE LOCATION

- 2.1. The application relates to a two-storey, two-bedroom, semi-detached dwelling located within a residential area, but not listed or in a Conservation Area. The house has an existing flat-roofed side projection which is a common feature of the houses built in this area. The house is finished in painted white render and brickwork, and sits back from the road behind a small garden. The building is below the road level, with the first floor windows just above the level of the road.
- 2.2. There is an Article Four Direction in place restricting the conversion of single dwellinghouses to houses in multiple occupation (HMOs)(planning use class C4, or sui generis (outside of a use class)).

3. RELEVANT HISTORY

None

4. APPLICATION DESCRIPTION

- 4.1. This application seeks permission to convert the existing C3 residential dwelling house to a small HMO in C4 use class providing six bedrooms.
- 4.2. Permission is also sought for the erection of a full-width single storey extension over an existing patio to the rear of the dwelling, with a maximum height of 3.1m and a depth of 3m. It is also proposed to erect a small cycle and bin store to the front of the dwelling.

5. REPRESENTATIONS

- 5.1. Seven (7) letters have been received from objecting to the proposed development for the following reasons:
- Additional traffic
 - Noise and antisocial behaviour
 - Impact on parking
 - Overdevelopment of a 2-bedroom family home to a 6-bedroom HMO
 - Detrimental effect on property value
 - Lack of family dwellings
 - There is purpose-built accommodation nearby
 - Too close to the boundary
 - Overshadowing
 - Untidy front gardens
 - Overflowing bins
 - Increased vermin

6. CONSULTATIONS

- 6.1. **Planning Policy:** No Comment
Policy comments not required
- 6.2. **Private Sector Housing:** Comment
Should the above application be granted then the applicant will need to apply for HMO Licence via the council' website.
- 6.3. **Transport:** No objections
The proposed change of use from C3 residential use to C4 HMO residential use is expected to result in an increase in trip generation, however the level of trips is not expected to result in a negative impact on the local highway network. The applicant proposes four long-stay cycle parking spaces, which exceeds the long-stay cycle parking requirement set out in the SPD 14 and is welcomed by the LHA. A cycle parking implementation scheme condition should be applied. Access to the proposed cycle parking store is proposed via external steps. The applicant should provide a wheeling cycle ramp against the stairs to facilitate cycle access and promote active and sustainable travel.

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
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity

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 Guide for Extensions and Alterations
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use, design and appearance, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues.

Principle of Development:

- 9.2. The application is for change of use from a C3 dwelling, to a use which would allow occupation of the property as a six-bedroom C4 HMO.
- 9.3. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either 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 use 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.”*
- 9.4. A mapping exercise has taken place which indicates that there are 25 neighbouring residential properties within a 50m radius of the application property. Two (2) neighbouring properties have been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 8%.
- 9.5. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

Update in Response to Deferral

- 9.6. As noted by members at the 10 August Planning Committee meeting, Policy DM7 of City Plan Part 2, which provides additional criteria in relation to HMOs, must also be given significant weight.
- 9.7. The policy states the following:
*“1. Planning permission will be granted for the conversion of sui generis Houses in Multiple Occupation to self-contained family homes (use class C3).
2. Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:*

- a) fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
- b) the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
- c) the proposal does not lead to a continuous frontage of three or more HMOs;*
- d) the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*
- e) communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants.”*

- 9.8. Criterion 1 is not relevant to this application.
- 9.9. At the time of the previous Planning Committee, compliance with criterion 2(a) could not be measured because the required mapping system had not been set up and notice of the change had not been publicised. For these reasons, it was not being applied to the relevant planning applications. However, the mapping system is now in place and will be used to apply the criterion to those applications validated after 26 August 2022. Given the mapping was not in place and had not been publicised before this date, it is not considered reasonable to apply it to applications such as the present one.
- 9.10. In the meantime, applications such as the present scheme must be considered against the other criteria set out in Policy DM21 and CP21, as set out above and below
- 9.11. Criterion 2(b) is met in that a dwelling would not be ‘sandwiched’ as a result of the HMO use, and there would not be a continuous frontage of HMOs, so it accords with criterion 2(c). As set out below, the communal facilities are considered to be acceptable, in compliance with criterion 2(d).

Design and Appearance:

- 9.12. Policy CP12 of the Brighton & Hove City Plan Part One seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City Plan seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.
- 9.13. The proposed single storey rear extension would have a maximum height of 3.1m and a depth of 3m and would expand across the full width of the main building. It would be finished in brickwork and painted render to match the existing. The doors and windows would align with the fenestration above. It would be subservient in form relative to the dwelling, and in keeping with it in terms of appearance. It would not be visible from the public realm so would have no impact on the streetscene or character of the area.
- 9.14. The cycle/bin store would be located on an area that sits below the road level, so would have limited, if any impact on the streetscene, particularly given its small scale.

- 9.15. On this basis, it is considered that the scheme is appropriate in terms of scale, appearance and materials and would accord with policies Policy CP12 and CP14 of the Brighton & Hove City Plan Part One.

Standard of Accommodation:

- 9.16. HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.
- 9.17. 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. Policy DM1 of the submission City Plan Part 2 proposes to incorporate the standards into development plan policy, and can now be given significant weight.
- 9.18. 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 should measure at least 11.5sqm. Rooms are also assessed for their ability to provide suitable room to circulate within them by future occupants.
- 9.19. The proposed ground floor layout would provide an open plan lounge/kitchen/dinner, two single bedrooms, shower room and W/C, storage room and separate W/C. The first floor accommodation would comprise four single bedrooms and a shower room.
- 9.20. All of the bedrooms would meet the minimum space standards for single occupancy and have access to natural light and ventilation, outlook and circulation space.
- 9.21. The lounge/kitchen/diner would provide 28sqm of communal space which exceeds the 4sqm per person required by policy DM7 of the emerging City Plan Part 2 which is given significant weight.
- 9.22. The proposed layout would be secured by condition which would ensure that any loss of communal space would be resisted as it would fail to provide a good standards of living accommodation for future occupants.
- 9.23. Overall, the accommodation proposed is in accordance with policy QD27 of the Brighton and Hove Local Plan and emerging policies DM1 and DM7 of CPP2 (of which can be given significant weight).

Impact on Amenity:

- 9.24. Policy QD27 of the Brighton & Hove Local Plan and emerging policy DM21 of City Plan Part 2 (that 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.
- 9.25. The properties most likely to be affected by the proposed development are 53 Auckland Drive and 57 Auckland Drive.
- 9.26. While the change of use from a dwelling to HMO may cause an increase in disturbance, it would not be of such a magnitude to cause demonstrable harm, particularly noting that six adult members of a family could live in the dwelling under a C3 use. Further, as already noted, Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use to C4 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 given the limited number of HMOs in the vicinity of the site, the cumulative impact is also not considered to be of concern.
- 9.27. The proposed extension would be situated to the west of the adjoining property No. 57 so would have limited impact in terms of overshadowing or loss of light. Both properties sit on wide plots with good sized rear gardens so the sense of enclosure experienced by the neighbours will be limited, and there will be no additional overlooking.
- 9.28. The proposed extension will be situated over 4.5m from the boundary to No. 53 which is considered sufficient to mitigate any harm.
- 9.29. Overall, while there may be some impacts over and above those which exist at the site, the impact on amenity of neighbouring occupiers is not considered to be so detrimentally significant as to warrant refusal of the application.

Sustainable Transport:

- 9.30. The proposed scheme is unlikely to generate the additional number of trips or on street parking that would warrant the refusal of the application. Cycle storage has been proposed for the garden at the front of the dwelling which is considered acceptable, and would be secured by condition.

10. CLIMATE CHANGE/BIODIVERSITY

- 10.1. The proposal would maximise the use of the property as a C4 HMO, making a more efficient use of the site in a sustainable location. Cycle storage facilities will be provided on site, reducing the need for combustion engine cars.

11. EQUALITIES

None identified

NEW APPEALS RECEIVED 07/07/2022-10/08/2022

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

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DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WARD

APPEALAPPNUMBER

ADDRESS

GOLDSMID

BH2021/03497

Land To Rear Of 74-82 Denmark Villas Hove BN3 3TJ
Erection of two storey building of 4no flats (C3), with new
entrance to access route from Denmark
Villas, re-configured escape stairs, associated
landscaping and parking.

APPEAL IN PROGRESS

26/07/2022

Delegated

GOLDSMID

BH2021/04420

Flat 3, 32 Cromwell Road Hove BN3 3EB

Replacement of existing first floor rear window sashes
including new slimline double glazing.

APPEAL IN PROGRESS

28/07/2022

Delegated

GOLDSMID

BH2022/00242

58B Davigdor Road Hove BN3 1RB

Roof extension to facilitate additional living space and
installation of side window.

APPEAL IN PROGRESS

26/07/2022

Delegated

HANOVER AND ELM GROVE

91 Southover Street Brighton BN2 9UD

Appeal against

APPEAL IN PROGRESS

09/08/2022

Not Assigned

MOULSECOOMB AND BEVENDEAN

BH2021/04343

159 Ringmer Road Brighton BN1 9JA

<u>DEVELOPMENT DESCRIPTION</u>	Erection of one bedroom single storey detached eco dwelling (C3) in rear garden.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	02/08/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2021/04506
<u>ADDRESS</u>	Olivier House, 18 Marine Parade Brighton BN2 1TL
<u>DEVELOPMENT DESCRIPTION</u>	Partial change of use of basement floor from office use (E) to 2no. two bedroom residential units (C3) with alterations to include replacement of rear windows with doors, demolition of an existing toilet block, cycle storage and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	10/08/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2022/00998
<u>ADDRESS</u>	34 Canning Street Brighton BN2 0EF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of rear dormer, with installation of 1no. conservation style rooflight to front roofslope.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	25/07/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2022/00265
<u>ADDRESS</u>	23 Rodmell Avenue Saltdean Brighton BN2 8LT
<u>DEVELOPMENT DESCRIPTION</u>	Remodelling and extensions to existing dwelling, incorporating new roof with side and rear dormers, two-storey front and rear extensions, first-floor side extension and alterations to fenestration.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	22/07/2022
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WOODINGDEAN
<u>APPEALAPPNUMBER</u>	BH2022/01011
<u>ADDRESS</u>	174 Cowley Drive Brighton BN2 6TD
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to front garden including a hardstanding to provide car parking space with car charging station, new fencing, steps and installation of vehicle crossover (part retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

10/08/2022

APPLICATION DECISION LEVEL

Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 27/07/2022 AND 23/08/2022

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00049
<u>ADDRESS</u>	203 Dyke Road And 15 Caburn Road Hove BN3 6EF
<u>DEVELOPMENT DESCRIPTION</u>	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)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04025
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00055
<u>ADDRESS</u>	82 Goldstone Villas Hove BN3 3RU
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of loft to create 1no. self-contained studio flat (C3), associated alterations including front and rear rooflights.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03711
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00067
<u>ADDRESS</u>	6 Avondale Road Hove BN3 6ER
<u>DEVELOPMENT DESCRIPTION</u>	Erection of dormer to rear roof slope and outrigger, 1no rooflight to front slope, revised fenestration to side and rear elevation with associated alterations
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/00170
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD**APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****HANOVER AND ELM GROVE**

APL2022/00023

239 Queens Park Road Brighton BN2 9XJ

Change of use from dwelling house (C3) to four bedroom small house in multiple occupation (C4). (Retrospective)

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2021/02632

APPLICATION DECISION LEVEL

Delegated

WARD**MOULSECOOMB AND BEVENDEAN****APPEAL APPLICATION NUMBER**

APL2022/00002

ADDRESS

40 Heath Hill Avenue Brighton BN2 4FH

DEVELOPMENT DESCRIPTION

Change of use from existing single dwelling (C3) to a 4no bedroom small house in multiple occupation (C4).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2021/01014

APPLICATION DECISION LEVEL

Delegated

WARD**MOULSECOOMB AND BEVENDEAN****APPEAL APPLICATION NUMBER**

APL2022/00044

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 TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2021/04175

APPLICATION DECISION LEVEL

Delegated

WARD**MOULSECOOMB AND BEVENDEAN****APPEAL APPLICATION NUMBER**

APL2022/00053

ADDRESS

18 Colbourne Avenue Brighton BN2 4GE

DEVELOPMENT DESCRIPTION

Use of the property as a nine-bedroom house in multiple occupation (sui generis).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2021/02989

APPLICATION DECISION LEVEL

Delegated

<u>WARD</u>	NORTH PORTSLADE
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00052
<u>ADDRESS</u>	129 Southdown Road Portslade BN41 2HJ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey first floor rear extension.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04442
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PRESTON PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00032
<u>ADDRESS</u>	41 Preston Park Avenue Brighton BN1 6HG
<u>DEVELOPMENT DESCRIPTION</u>	External rendering of left and right flank and front of building up to middle moulding. (Part Retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02693
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PRESTON PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00048
<u>ADDRESS</u>	106 Springfield Road Brighton BN1 6DE
<u>DEVELOPMENT DESCRIPTION</u>	Enlargement of existing 2no rear dormers into 1no large rear dormer with associated alterations
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03990
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00035
<u>ADDRESS</u>	The Outlook 2 Roedean Path Brighton BN2 5RP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey front and side extension, single storey rear extension, rear dormer and roof extensions/alterations with balcony and rooflights and revised fenestration with associated works to enable two flats to become one single dwelling.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/02524

APPLICATION DECISION LEVEL Delegated

WARD

ROTTINGDEAN COASTAL

APPEAL APPLICATION NUMBER

APL2022/00043

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 TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2021/03083

APPLICATION DECISION LEVEL

Delegated

WARD

SOUTH PORTSLADE

APPEAL APPLICATION NUMBER

APL2022/00042

ADDRESS

97 Dean Gardens Portslade BN41 2FX

DEVELOPMENT DESCRIPTION

Erection of front dormer.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/04370

APPLICATION DECISION LEVEL

Delegated

WARD

ST. PETER'S AND NORTH LAINE

APPEAL APPLICATION NUMBER

APL2022/00056

ADDRESS

85 Ditchling Road Brighton BN1 4SD

DEVELOPMENT DESCRIPTION

Change of use of ground floor and lower ground
floor from commercial unit (E) to create a two
bedroom maisonette (C3) incorporating new
basement lightwells, revised fenestration and
associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2021/03411

APPLICATION DECISION LEVEL

Delegated

WARD

ST. PETER'S AND NORTH LAINE

APPEAL APPLICATION NUMBER

APL2022/00060

ADDRESS

Waggon & Horses 109 Church Street Brighton
BN1 1UD

<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing canopies with the erection of an aluminium structure with retractable roof and sides to the side and rear elevations.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04142
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WESTBOURNE
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00038
<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 TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/03594
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WOODINGDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2022/00033
<u>ADDRESS</u>	15 Crescent Drive North Brighton BN2 6SP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear extension at first floor level.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2021/04348
<u>APPLICATION DECISION LEVEL</u>	Delegated
